

Mumbai carnage

We condemn the heinous act

THE serial bomb blasts that left at least 190 people dead in the Indian city of Mumbai is the latest example of mind-boggling violence that terrorists are resorting to as a means of settling scores with their imaginary foes. We are greatly shocked by the utter disregard for human life that the perpetrators of this ghastly crime have shown. We express our deep sympathy for the bereaved and condemn the heinous act of mindless brutality.

By all indications, the attack on the Mumbai railway network during the evening rush hour had the sole objective of killing as many people as possible. That alone is proof enough of the extent of brutality that goes into the planning and execution of terrorist operations. The victims are innocent people returning home after the day's work and they were by no means connected with politics of any kind. Yet, the attackers relished the idea of massacring these people. Insanity and de-humanisation appear to have no limits.

The international community has condemned the attack in the strongest possible terms. Obviously, such attacks portend a gloomy future for humanity at large, as the attackers are causing profuse haemorrhage at a time and place of their own choosing. However, condemnation alone won't carry us far. Terrorists look determined and desperate enough to strike from time to time and take a heavy toll of human lives. This is more or less a global phenomenon, which needs to be contained to make the world a safer place to live in.

Cooperation among the countries is needed to wipe out the well-organised killers. Without question, they will be on the run if countries decide not to give them shelter or support in any form. Unfortunately, in the tricky game of international politics, there are players blinded by the prospects of short-term gains. They must see reason and refrain from supporting the blood-thirsty elements.

Another point is that the affected countries and people must exercise utmost restraint even in the face of such heinous activities. Terrorists do not belong to any community. So they have to be treated as the enemies of humanity and defeated through collective efforts.

We express our solidarity and sympathy with the government and people of India at their hour of tragic loss. We too have been victim of bombing incidents, so that we can instantly empathise with the Indian people at this moment.

Tragedy at Joypurhat

It was avoidable

WE are shocked at the deaths caused by a collision between a train and a passenger bus at a railway level crossing near Joypurhat. The tragedy is greater for the fact that it was just waiting to happen, and to that extent, avoidable. The dilapidated bus had an engine failure on the crossing point, the train could be warned of it with a little bit of imagination and ready wit. What's basically tragic was that it was an unapproved crossing point with no gateman placed on duty.

The explanation offered by the railway authorities for not having a guard on duty at the particular level crossing is untenable because the level crossing has been in use for all the time, so that a precaution for manning it should have been taken in some form or the other. This goes to prove that there is hardly any coordination between the railway authorities and the department of roads and highways. What was the local authorities doing all the time?

It is alleged by a few survivors that the driver of the bus right from the beginning appeared shaky and non-professional in his conduct. Not only that, his family sources as reported in the media, have confirmed that he has been a drug addict. One wonders, as to who provided a driving licence to such an individual.

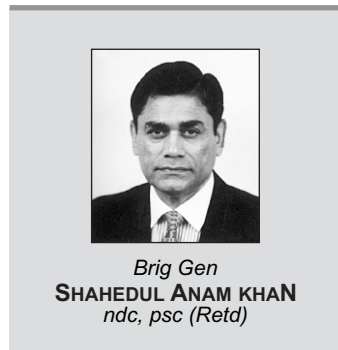
The more we dig into it, the more we find that there is considerable negligence on the part of relevant authorities of the administration but for which an accident of this nature could well be avoided and valuable lives saved. We, therefore, strongly urge that the causes of all such accidents that have taken place in the past including this one be thoroughly investigated and those found guilty brought to justice. In the meantime, succor should be duly provided expeditiously to families of those who lost their lives and arrangements be made for proper treatment of the injured with the expenses provided by the government.

We express our sincerest condolences to the families of those who were killed in the accident. Our sympathies are also with those who have suffered injuries.

Unsolved bombings and unanswered questions

STRATEGICALLY SPEAKING

The most worrisome news is about the outcome of the trial of the 1999 Jessore Udichi bombing. The failure of the state to punish the culprits is a great affront to the memory of those killed and the many that were injured in the blast, some maimed permanently. All these because of the petty political considerations prevailing over the obligation on the part of the investigating authority to maintain objectivity for the sake of truth and justice.



THOSE who feel inclined to adduce the current state of our security to the poor capability of the investigative and intelligence agencies, and political pressure on them, in the wake of the spate of bombings in the last two years in particular, will find plenty of substance to corroborate their stand from several news items that have been in the media over the last couple of weeks. These reports are apparently not linked but the symbiosis cannot be overlooked.

The most worrisome news is about the outcome of the trial of the 1999 Jessore Udichi bombing. All the 23 accused have gone scot-free owing to lack of evidence against them, and the honourable judge very rightly pointed to the villain of the piece, the investigating officer, whose shoddy work has either allowed the accused to be let off the hook or has prevented the real perpetrators from being identified and brought to justice.

In both the cases not only has justice been not served, a great deal of disservice has been done to the

security of the state. The failure of the state to punish the culprits is a great affront to the memory of those killed and the many that were injured in the blast, some maimed permanently. All these because of the petty political considerations prevailing over the obligation on the part of the investigating authority to maintain objectivity for the sake of truth and justice.

How very appropriately has a commentator termed the judgment on the Udichi trial as a second tragedy for Udichi. Indeed, it would not be an exaggeration to say that it is also a tragedy for the entire nation. Why so will be clear as we go along.

Let us refresh the memory of the readers regarding comments made in these very columns many times since the religious fanatics broke surface through their bombings, on the way investigations of these cases were conducted and are still being carried out. There were reasons to be wary of the manner in which investigations were conducted, dictated by political consideration and directed in a way to get the political opponents only and not

the real perpetrators.

Predetermining who the culprits are, putting the blame on political opponents and influencing the investigating officers directly or indirectly and the soft pedaling by the investigating officers that would ruin the merit of a case, and who are only too happy to please their political masters and not interested in their primary job of serving the cause of truth and justice, were things that we had cautioned against.

As the Udichi case straddled two regimes, the police acted with great promptness to rope in the members of the opposition during one regime while with equally single-minded fidelity ensured that everything was done to spoil the merit of the case when the regime changed after 2001 elections. That is the impression one gets from the media reports.

Even more worrisome is the fact that no cognizance of the statements of the members of JMB and JMBB, arrested in connection with the 2005 bombings, accepting culpability of the 1999 bombings at the Udichi

function, were deemed necessary for a just adjudication of the case. One is therefore not surprised that not only has the judge delivered a stricture on the police for their sloppy work, he has also directed that legal action be taken against the investigating officer and called for reinvestigation of the case.

And this brings us to another news that attracts ones attention, that of the several US lawmakers expressing their concern about the Kibria case going particularly nowhere. It is the international standing of Mr. Kibria that has elicited the concerns through the statement of the US legislators.

While it would have been more fitting to express concern, if express they must, on the fate of all the cases of bombings, particularly those that have been perpetrated in the last several years, one cannot but share their concerns at the way our intelligence and investigative agencies have successfully failed to uncover the real perpetrators of the bombings so far.

It is disturbing to find that none of the cases has made much head-

way, not even that which involved the British High Commissioner and Mr. Kibria. And notwithstanding what the state minister for home had to say to his counterparts during his recent visit to the US, only can the arrest of the real culprits and their punishment assuage the public mind.

Our concerns arise out of the fact that the actual perpetrators and their national and international collaborators have remained out of the grasp of the law. Regrettably, what we find only too evident in the Udichi case may be replicated in the other similar cases. How likely is it that the other bombing cases under investigation might meet the same fate? Very likely.

There is no doubt that a very dedicated group of people have been working in Bangladesh for some time with a political agenda whose success was thought to be possible only through the use of violence. It is quite another thing that they went wrong in their basic premise that the people would fall for their strategy of exploiting the name of Islam.

These people have international links that provide both motivations and monetary support, something that we had been suggesting since these radicals came to the fore, the only question is how deep is the link. There is every reason to believe that the netting of the top notches of the radical outfit in March this year may not be the end of the drama but end of an act only.

The network may decide to lie low only to reappear at an opportune

moment. Thus, inability to unearth the real culprits and their links keeps us vulnerable to these elements.

And this brings us to the third news item which relates to the arrest of some foreigners in Jhalakati recently, of whom one has been living in the country for the last 18 years, cannot be dismissed out of hand. Many countries, even our neighbours, have also suffered what we in Bangladesh have suffered, some even more. The very recent blasts in Mumbai are a case in point. The only difference is that the perpetrators have been identified and brought to justice in all these countries, whereas we are still floundering with our enquiries and investigations.

Therefore, unless we can get to the bottom of all the terrorist acts and identify the perpetrators of the bombings, we can neither feel permanently safe from these elements nor can we disprove those that are only too eager to link us with international terrorist networks, nor can we prevent it having a negative impact on the country's standing internationally, as the distinguished US legislators have suggested it might.

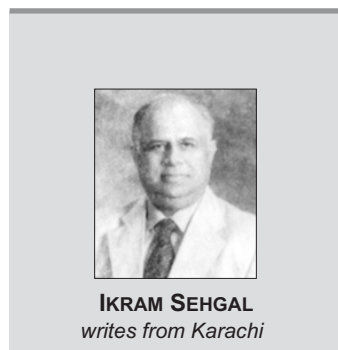
Thus, we have reasons to be worried about the unsolved bombings and the unanswered questions.

The author is Editor, Defence & Strategic Affairs, The Daily Star.

Pakistan's Magna Carta?

AS I SEE IT

The "Charter of Democracy" is certainly an excellent initiative to bring the polarised parties into a "Minimum Common Program." Only when the political parties practice genuine self-cleansing will the document become credible and it will only be complete with the backing of the army. If the politicians do not want their "Pakistani Magna Carta" to be a theoretical exercise in futility then they should do the pragmatic thing in involving those who matter.



NEARLY 800 years to the day, and only a few miles from the exact spot, on an island called Runnymede in the River Thames near London, two of Pakistan's more potent political leaders signed a "Charter of Democracy" in London on May 14, 2006 which is somewhat similar to the much amended Magna Carta, to seek restoration of genuine democracy and the 1973 Constitution in Pakistan.

The Magna Carta was an agreement between King John and his rebellious barons. In our case the "rebellious barons" have signed it but "King John" in the person of President Pervez Musharraf has shown no inclination to give his consent to it.

According to Ms Benazir Bhutto, they would leave no stone unturned for ensuring better and brighter future of the country, and for ensuring stability and regional peace. Nawaz Sharif called the signing of the document "historic," maintaining it to be a milestone for the people and the country.

An amended version of the original Charter signed on June 15, 1215 was circulated in 1225 and was far more pragmatic. Pakistan's politicians are far more ambitious steering clear of self-accountability but far less pragmatic seeking an

"instant Magna Carta."

Much water has flowed down Thames since the Magna Carta signing, while the "Charter of Democracy" is an excellent document encapsulating the spirit, if not the substance, of democracy. We, the people of Pakistan, have reason to hope as well as reason to despair at the same time. The very fact that the signing took place should be of utmost satisfaction to the people of Pakistan.

Benazir Bhutto and Mian Nawaz Sharif are (or were?) intractable foes whose virulent enmity was debilitating for Pakistan, there being no objectivity in their quarrel, only opposition to each other for opposition's sake. President Pervez Musharraf deserves credit for bringing these two leaders together, symbolically, "for the good of the people of Pakistan," a miracle of sorts that could well be good for the country if it lasts.

Pervez Musharraf can have no quarrel against most of the clauses mentioned in the "Charter of Democracy." Barring the rhetoric about the military, which is to be expected in the circumstances of the past seven years of Ms Benazir and Nawaz Sharif being out in the political cold, mostly of their own choosing, and having no access to the "goodies" that power in Pakistan

brought for themselves and their favoured supporters. Whatever their reservations about the military, one can never agree with their concept of a "constitutional monarchy" in having a figurehead President.

If anything, Pakistan's chequered political history points towards having a president as a sort of monitor over the shenanigans that the two major political parties were up to when they were in absolute power. Mian Nawaz Sharif's respected father was hardly a democrat, or for that matter, elected as such, yet it was he who nominated Rafiq Tarar as president, a puppet on strings to be controlled. Tarar failed his moment of truth on October 12, 1999.

The president has to be clearly a non-political person of stature, as supreme commander with control over the appointments of the chairman JCSC and service chiefs. The president must also appoint the judges to the Supreme Court of Pakistan, even though he should follow, broadly, the procedure laid down in the "Charter of Democracy." These appointments must never be politicised.

Given Pakistan's history, particularly in the "democratic" era from 1988 to 1999, when both PPP and PML(N) were in power twice and

misused their mandate at will across the board, there is a need to have a balance of power between a political president and an elected prime minister. The only caveat one could attach to Article 52 would be that if the president dismisses the PM and his Cabinet, he should not have the power to dissolve parliament at the same time. And if his action does not stand up to review by the Supreme Court, he must resign.

Anyone rooting for Pakistan's future should not have any dissent with the "Code of Conduct." The "Civil-Military relations" is another matter. At the risk of being accused of sailing in two boats (the "you are either with us or against us" syndrome) civilian supremacy must be kept sacrosanct. However the clause could have been better worded keeping in mind internal circumstances and geo-political realities, and the major role the military will continue to play in Pakistan's existence, like it or not.

For a third world country like Pakistan, and even super powers like Russia and China on the other end of the scale, a limited military role is a reality that cannot be swept under the carpet, unless qualms about national security issues are settled by structuring an inherent military role and balancing of powers.

Pervez Musharraf may be a dictator but he has allowed a fair amount of democracy to function in the process, including participation by both the major political parties. We should consider ourselves fortunate that we have Musharraf rather than the likes of those who chose the other day to beat up one of Pakistan's genuine war heroes, Brig Muhammad Taj. Can you imagine such people in absolute power? It could happen!

Pakistan's major problem when Musharraf took power in October 1999 was corruption across the board; the National Accountability Bureau (NAB) has certainly done a commendable job in bringing quite a number of the corrupt to task. NAB's credibility since then has been undercut by selective accountability while keeping the judiciary and the military out of its jurisdiction. Articles 28 to 32 of the original Magna Carta, signed 791 years ago, also spoke about "anti-corruption" measures.

One was very disappointed at the passing mention of corruption in the "Charter of Democracy." The two political parties should have put in a complete section about bringing the corrupt to book, whoever they may be. To give credibility to the document that was signed, they could have spelled out that they would present themselves for accountability for all the accusations brought against them, particularly by each other, and not holding office of power and responsibility till they were cleared of those allegations by a truly independent investigation. The same standards should apply to the present regime. Pakistan's biggest problem remains corruption -- and nepotism, and the culpable should be prosecuted and punished, whoever they may be and to whichever regime they may belong.

Some people do not make money for themselves but by slotting people in crucial financial posts, they make money for others to create pockets of political influence. The dishing out of loans, contracts, jobs, etc is all part of this corrupt process that normally escapes attention. Who manipulates the stock markets? The former chairman SECP, Tariq Hassan, is a man of great honesty and integrity, and the government's reaction to his accusation means that they have something to hide.

Has anyone ever been punished for fomenting corruption while remaining "clean as a whistle" himself? How far can one get making an investigation in the print or electronic media against someone who has control over media budgets? The ability to exclude the media from its prime function of being accountable, whether by the use of power and/or money, and/or withholding advertisements, is one of Pakistan's major problems.

The "Charter of Democracy" is certainly an excellent initiative to bring the polarised parties into a "Minimum Common Program." Only when the political parties practice genuine self-cleansing will the document become credible and it will only be complete with the backing of the army. If the politicians do not want their "Pakistani Magna Carta" to be a theoretical exercise in futility then they should do the pragmatic thing in involving those who matter.

Ikram Sehgal, a former Major of Pakistan Army, is a political analyst and columnist.

Portrait of a clumsy man

Awami League led 14 party alliance and others in the civil society have already rejected the proposition to hold election under the present incumbents. The opposition insists that they resign immediately to allow a total reform of the EC and of the caretaker government. We continue till then in absolute uncertainty, back to square one. The architect of such a mockery and pitiable situation is the same person we have been talking about.

KAZI ALAUDDIN AHMED

WHEN he talks to his visitors he looks like the wisest man on earth. The beholders look like innocent children with their eyes beaming at the outrageously egotistic and wordy dispensation of their learned host. He affirms fullest allegiance to rule of law and thus expresses his determination to follow the directives of the appellate division of the Supreme Court on voter list compilation.

He doesn't recall that the honourable High Court had earlier asked him to refrain from making an altogether new voter list instead of updating the existing one. On his preferring an appeal against the directive of the High Court he offers no convincing explanation. Nor does he lament that his appeal was

rejected. The whole episode has eventually turned out to be very costly, nay, a colossal wastage of public money. The liability devolves upon him alone, both morally and legally. Outwardly, however, he doesn't appear to be worried in the least about such an unproductive investment, which came not from his own pocket but from the public exchequer.

His innovative adventure with an altogether new voter list, despite the High Court's ruling to the contrary, was ultimately aborted due to his miscalculation on the prospects of his appeal. He was almost half way through when he learnt about the rejection of his appeal by the appellate division of the Supreme Court. One might wonder why in the first place he went for a new voter list and in the second, why he had to

make an appeal to the highest seat of the judiciary.

It is just possible and perhaps reasonably justifiable that the people watching such a veritable circus make their guess. Actually, he himself had initiated an intriguing gamble right from the day he assumed the constitutional position. We remember that he had invited the political parties, including the so-called brief case parties, for an absolutely unsolicited dialogue.

The overt purpose was to apprise himself of the public thinking, inter alia, about the existing voter list. Apart from the BNP and Ershad's Jatiya Party no other big party, including Awami League, participated because they smelled something fishy in the process. Eventually, the feedback, if there was really any, was in itself absolutely

incoherent and unproductive. On the other hand it was the maiden instance of wastage of time and money on the part of the initiator.

Yet he thought that the result of his first venture was substantially rewarding. And, thus, he decided to go for an altogether new voter list, which he felt would ensure fair election (!). He was stopped from moving ahead at the early stage of such an endeavour by the High Court. But he was undaunted because he too was a Judge of the High Court concurrently with his position in the Election Commission. It was just possible that he made a ready estimation of his colleagues in the High Court bench that gave the ruling. Perhaps there was an element of under-estimation, from his egotistic point of view, that granted him a none too desirable psychological booster to be heedless. Here, a sort of self-infatuation could have played a sort of catalytic role that prompted him to ignore the ruling.

So, he went ahead filing an appeal in the appellate bench of the Supreme Court. Meantime, he kept on dodging the press on grounds of physical indisposition. A veritable drama was enacted with the pretext

of illness. He closeted himself in a VIP cabin in the Bangabandhu Sheikh Mujib Medical University at Shahbag. He kept the pressmen away for quite sometime and even a representative body of the European Union was not entertained. He shuffled between his residence and the hospital for a couple of days making the press, and the people at large, all the more speculative.

When finally rejected by the Supreme Court he had to swallow the bitter pile. His anticipation for a favourable rule turned out to be totally anfractuose. He took some time to collect himself for a breather. About a fortnight was again lost in the process of collecting the certified copy of the Supreme Court ruling. This was followed by yet a few more days spent on the examination of the ruling. When he thought that he was clear about the directives given by the appellate division he sat down for implementation. Coincidentally, he was again questioned for misinterpretation. As usual with him so far, he defended his standpoint on updating the voter list in the offices of the election commission across the country. The response was pitifully insignificant.

Opposition political parties apart, even the senior ministers of the present government, including BNP Secretary General and LGRD Minister Abdul Mannan Bhuiyan, publicly expressed doubts about such a queer and absurd proposition. Yet the gentleman kept harping on the old tune. He claimed that his own interpretation of the Supreme Court directives was absolutely correct. He even invited his critics to initiate a public dialogue over the issue where he would argue his points 4/5 hours at a stretch. He wanted his audience to be members of the lawyer community who only could understand his lecture. He reminded us that he was himself a "barrister" and was prepared to prove the veracity and bona fides of his own conviction.

For quite sometime he continued with his funny and unwholesome game despite tremendous pressure from all sides, including senior members of the 4-party alliance. Besides, all the political parties in the opposition, the distinguished members of the civil society, former EC Justice Naimuddin Ahmed, ECs Mohammad Ali and Munsef Aii, eminent educationists, teachers and other professionals, called for

his immediate resignation along with his two "yes-men" colleagues.

The pressure of ever compounding public opinion vis-à-vis the dubious role of the present election commission, the jocular smile, with a tinge of sarcasm, of the outgoing acting secretary of the institution, the "hush-hush" all around kept on aggravating the situation. It soon transpired that he was no longer able to hold on to his citadel. The tremor appears to have rocked its very weak foundation born of a stubborn mind. It was made known that there has been a realisation in the man at long last that he was mistaken.

It has indeed been a very costly mistake on the part of the present CEC. Upon assuming his responsibility the new secretary of the Election Commission talked to the electronic media in tune with the majority public opinion. He, too, doubted that the updating of the voter list was possible sitting in offices. He spoke in favour of house-to-house enumeration after he had his first meeting with the CEC.

A formal notification in this regard was issued on July 7, 2006. In spite of such notification there persists a controversy as to the amendment made by the Election Commission to

the rules of 1982. Accordingly, rule 20(1) of 1982 has been relaxed and a new rule has been included. In this regard the former Election Commissioner Justice Naimuddin Ahmed opined that such amendment was not at all necessary. According to him, the updating of the voter list is to be done in terms of Supreme Court directives and guidelines. Besides, the provisions from clause 6 to 18 of the rules are to be meticulously followed he says. Application of clause 20 will be necessary after the voter list is finally updated, opined Justice Naimuddin Ahmed. Though they are back on the desired track the CEC and the two ECs shall have no reason to feel salvaged.

Awami League led 14 party alliance and others in the civil society have already rejected the proposition to hold election under the present incumbents. The opposition insists that they resign immediately to allow a total reform of the EC and of the caretaker government. We continue till then in absolute uncertainty, back to square one. The architect of such a mockery and pitiable situation is the same person we have been talking about.

Kazi Alauddin Ahmed is a management consultant.