

### Making of a Democratic President

With the holding of the election for the President we have completed the last step—save the oath taking by the President elect—in instituting parliamentary democracy. It is really the end of a long and struggle-ridden journey in which the people of our country have over and over again made tremendous sacrifice to uphold and bring into being freedom and democracy. We congratulate Mr Abdur Rahman Biswas for winning the most exalted office in the country and express the hope that he will set the highest of standards and give exemplary performance by upholding the principles and the spirit of our Constitution. We rejoice at this historic moment in the life of our strife—torn and hazard—prone nation. We also congratulate all the political parties, especially the BNP and AL, and the members of parliament for their role in putting into place the parliamentary system of government.

However, we feel compelled to raise a few questions which we think are in the minds of our people. Couldn't the ruling party and the opposition spared us the divisiveness that this election brought out? We know that in democracy existence of opposing forces is not only natural but also necessary and healthy. Yet there are moments in the life of democracies, when a nation prefers some sort of a consensus move rather than the usual party approach to things. We think the presidential election is one such occasion. This is especially true in the background of the achievements of consensus politics still fresh in our minds. It was the joining of forces and the 'Agreement' of the Three Alliances that enthused the people to mount the massive mass movement that toppled the well entrenched autocratic regime of Ershad. It was again that same spirit that brought about the historic transition to parliamentary democracy through the unanimous adoption of the 12th Amendment. The departure from that spirit cannot but be a matter of regret for us all who wish that the nascent democracy should grow from strength to strength.

We feel that no serious attempt was made by either parties to achieve a unified position on this issue. If BNP followed that well laid down tradition in parliamentary democracies of consultation with the opposition in selecting presidential candidate then today the BNP's victory may well have been much more broad based. The AL on its part also made absolutely no attempt to take other opposition parties into confidence in selecting their own candidate. The result is what it is. Today we have a President who enjoys the support of no other party save his own. This obviously reduces somewhat the moral authority that he would have enjoyed had he been elected unanimously.

The message for the two leading parties are clear. Because they have neglected to include their smaller allies they stood abandoned by them. If they followed the norms of democracy and especially those of the parliamentary system and involved others through a process of discussion, then either the BNP or the AL needn't have stood alone behind their respective candidates.

A word needs to be said about those who abstained and boycotted. We accept that refraining from voting is also a democratic expression. But it is essentially a negative one. They, perhaps, would have strengthened the institution of the parliament and of democracy by voting in this election.

All we can wish that we emerge wiser from our experiences. We are new at practising democracy. So it is neither unusual or unexpected that we will commit mistakes. It will, however, be tragic and even dangerous, if we do not learn from them.

### Unresponsive Opulence

A correspondent writing to The Daily Star of Tuesday about 'patients and hospitals' started on a note of despair but ended wondering about philanthropy playing no role whatsoever in our impossible medical situation. It is a double-edged scimitar working on her soul — and how can we console her?

Hospitals were for long synonymous with antiseptic smelling places in spick-and-span white where people went to get cured on gratis and by the way partake of the milk of human kindness that flowed there from some endlessly divine source. True, this sounds more like a fairy tale now. A strange all-pervasive public amnesia has masked all our memories of all our best achievements in the field of humanitarian service. For about a hundred years there was no place in Dhaka more sacred than the Mitford Hospital — built with the life's savings of a British civil servant — Rs 19 lakh—midway past the Nineteenth century. The charity had to be supplemented in order to have the hospital as a self-supporting complex and Maharani of Santosh and the Kundus of Bhagyakul came forward with pouches of Tk 10 lakh each to be followed by many others.

Traditions set by the Mitford and other old medical institutions gave the word 'hospital' a connotation that touched our souls. It is first with disbelief and then with painful realisation that we came to see the word raped by a hundred per cent profit-oriented commercial ventures having no dependable connection with the concept of service at least as understood by Hippocrates.

Shaheed Ranada Prasad Saha tried to follow in the illustrious footsteps of Mitford and set up the Kumudini Hospital in Mirzapur which in many respects set an ideal as to how and what a hospital should be. Dr T Ahmed and the Ispahani joined hands to make the Islamia Eye Hospital possible — the only institution of the kind in the country. Both of these set-ups, catering to a huge clientele, are still maintaining standards far above that of the government run hospitals — except of course the Diabetic Hospital. And the general run of the proliferating 'clinics' and 'nursing homes' are a story so different from the above in the matter of both spirit and service that they deserve more an extensive expose rather than a comparison.

It is said that the 22 multimillionaire houses of the Pakistani times have been replaced by 200 billionaire families in Bangladesh. Not a single Taka has come to medical philanthropy from that huge mount of cash. If even a niggardly percentage of that would be spent on founding and running high standard hospitals, the government hospitals could then be expected to improve their service and rise from the present mixture of a fish market and a death hole.

## SUSPENSION of United States military aid to Pakistan has had exactly the opposite of the desired effect. It has fostered a pro-bomb lobby to campaign for development of a nuclear weapon and conduct experimental explosions as soon as possible.

The argument made by the lobby of retired and serving military top brass, bureaucrats and ruling party (BJP) politicians is that, without US help, Pakistan could not defend itself against Indian aggression in a conventional war. Pakistan, therefore, must have a nuclear device as a deterrent, they say.

It is a simple argument that many Pakistanis, including some leading intellectuals, find convincing. Pakistan and India have fought two wars since independence from Britain in 1947 and have had border clashes of varying intensity. Following the growth of the independence movement in Indian-administered Kashmir, many fear another war.

India charges Pakistan with providing material support to the movement and training anti-India militants in its Punjab and Kashmir provinces. Pakistan's public posture is that it provides only moral and political support.

The government of Pakistan has not yet shown any inclination to oblige the pro-bomb lobby and insists that the country simply plans to harness nuclear energy for peaceful purposes. The country is facing acute power shortage which is also hindering the industrialisation programme of the present government led by Prime Minister Nawaz Sharif, who is himself an industrialist.

However, it is not possible to ignore the demands of the

# Cut in Military Aid to Pakistan Prompts Bomb Lobby

Javed Malik writes from Islamabad

At the peak of the Cold War, the United States was busy arming Pakistan, while India received most of its weaponry from the Soviet Union. But times changed and the US not only lost strategic interest in Pakistan but also tried to discourage its nuclear programme by cutting military aid altogether last year. The cut seems to have had the opposite effect, nurturing a strong pro-bomb lobby arguing that, without US help, Pakistan needs nuclear weapons more than ever as a deterrent India.

bomb lobby since the current government came to power on the election promise that it would not at any cost compromise on Pakistan's nuclear programme. The previous prime minister, Benazir Bhutto, was accused of selling out to the US on the nuclear issue — one reason for her

election defeat. Pakistan was the third largest recipient of US aid before the assistance was suspended on October 1 last year.

President George Bush refused to issue a certificate which, under US law, would have stated that Pakistan did not possess a nuclear device and that the continuation of US aid would reduce the risk of Pakistan developing one.

The common perception in Pakistan is that the real motive behind cutting US aid was not the nuclear non-proliferation concern, but because the US did not find Pakistan useful any more in its global strategy. The Afghanistan issue is over as far as the US is concerned and the USSR (former Soviet Union) is no longer a major threat to US interests.

Combined with the pro-Saddam Sentiment in Pakistan after the Gulf War, this has given a new boost to the bomb lobby — almost in defiance of the US. There are indications that the government has begun quietly to support the bomb lobby. The chairman of the Pakistan Atomic Energy Commission has been retired against his wishes. He was

known to be a staunch opponent of one of the most prominent supporters of the bomb lobby, Dr Abdul Qadir Khan, who is believed to be behind the programme to make a nuclear bomb in A. Q. Khan Research Laboratories.

The new chairman of the commission is Dr Ishaq Ahmed, a little known man who keeps a low profile. The Government has given clear instructions to increase co-operation between the Pakistan Atomic Energy Commission and the A. Q. Khan laboratories.

The Atomic Energy Commission is supposed to work towards the use of nuclear energy to generate power, while A. Q. Khan conducts research and develops weapons systems. It has already developed missiles with Chinese help, as well as other equipment for military use, like the laser range finder.

Until the former chairman's early retirement, the commission and the research lab had been at cross purposes. Now their increased co-operation is a strong indication that the government sees little distinction between the use of nuclear power for energy needs and for defence systems.

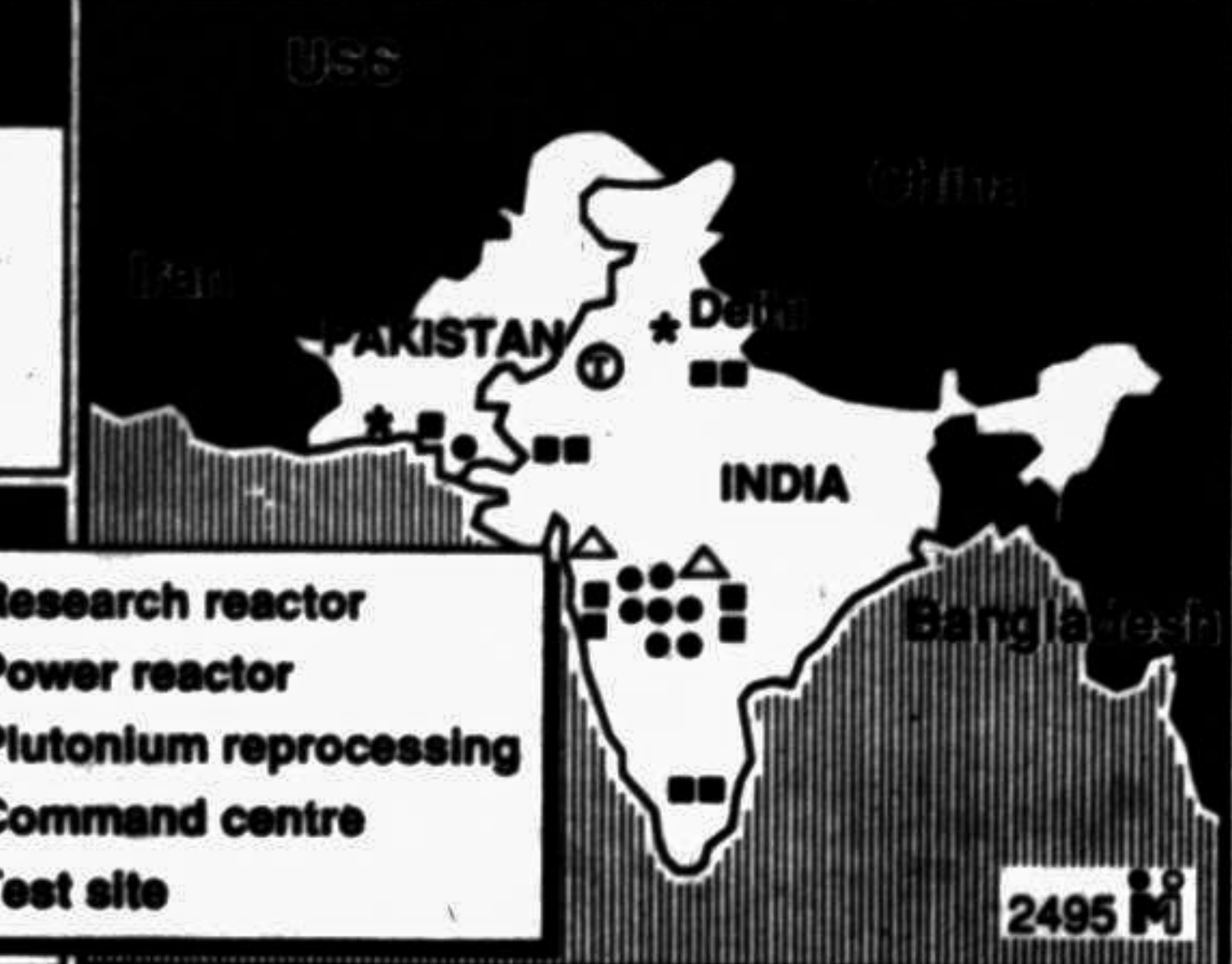
The Sharif government is not in a position to declare that it is going ahead with a nuclear bomb programme. It cannot risk the loss of \$2 billion in aid. But as the country moves toward greater economic and political stability, it may not be as dependent on foreign aid. That is when pressure from the bomb lobby will carry the most weight.

— GEMINI NEWS  
JAVED MALIK is a staff reporter with the Daily News in Islamabad, specialising in defence and nuclear issues.

## Nuclear race in South Asia

The nuclear club	
Date of first test	
US	1945
USSR	1949
Britain	1952
France	1960
China	1964

States with nuclear capability	
India (test 1974)	● Research reactor
Pakistan	■ Power reactor
Israel	▲ Plutonium reprocessing
South Africa	★ Command centre
	⊙ Test site



## FINANCE Act (1991) has brought revolutionary changes in the manner of assessment and appeal as prescribed under Finance Ordinance, 1984.

But the cardinal error of our time is to regard amendment for improvement and change for progress. These amendments make the entire Fiscal Law more complex instead of having a stable law, so that an assessee can have his own tax-planning. The amendments prescribe that a certificate given by the auditor in respect of the correctness of total income of a public limited company, or a body corporate established or constituted by or under any law for the time being in force, or any nationalised banking or other financial institution, insurance body or industrial or business enterprise shall be deemed to be correct and complete if the return is accompanied by a certified copy of accounts of the assessee audited by a chartered accountant and a certificate as to the correctness of the total income of the assessee signed and issued by the chartered accountant himself in the prescribed form along with the return.

It seems that the commercial or industrial enterprise may be owned by an individual, association of persons, firm and unregistered firm and also by a private limited company. Therefore, we can rightly assume that the auditor can

grant the aforesaid certificate irrespective of the ownership. As the certificate of the chartered accountant is to be accepted by the Deputy Commissioner of Taxes without question, it is not understood who will find out avoidance of particulars of income and when. However, if it is found that the auditor has knowingly and wilfully withheld any information regarding the particulars of income, then such auditor is liable to a penalty to the extent of two and half times of tax evaded subject to the approval of National Board of Revenue.

In the immediate preceding year the Finance Act has also amended that similar certificate if given in respect of a company where 50% of shareholders are non-resident, then the assessing officer is left with no option but to accept the return as complete and final.

It clearly shows that place of assessment has been shifted from the office of the Deputy Commissioner of Taxes to the offices of the chartered accountants completely disregarding the provisions of Section 16 which prescribes that income tax shall be

charged for any assessment year at any rate or rates subject to the provisions of this Act, in respect of total income of the income year as the case may be of every person. The tax is charged on the total income of a person that is to say, aggregate of all income under the heads (1) salary, (2) income from securities, (3) income from property, (4) income from business, profession or vocation, (5) income from capital gains and (6) income from other sources, which also included deemed income as mentioned in Section 19 of the Ordinance. "One of the peculiarities of Income Tax Act is that the word 'assessment' is used as meaning sometimes the computation of income, sometimes the determination of the amount of tax payable and sometime, the whole procedure laid down in the Act for imposing liability upon the taxpayer." The computation of income always leads to two questions — one is of fact, which is reflected by the accounts, and the other is the question of law. This is why Section 174 (2) has included a legal practitioner who is entitled to practice in civil courts in Bangladesh to be an authorised person to appear on behalf of the assessee. An authorised representative is not only supposed to know the accounts but also intricate problems of the law.

Barristers and advocates argue cases contradicting each other's views. Judges deliver judgements different from one another. For example, the decision regarding dividend income from an agricultural company by the Indian Supreme Court in Banoo Gazar's case is different from the decision of the Pakistan Supreme Court in Mitchell's case on the same matter. So confusions arise. But there are reasons, so an income tax representative is supposed to know not only the income tax, gift tax, sales and estate duty but he has to study the following Acts which are directly and indirectly connected with the Income Tax laws.

Lawyers play an important part in formulating and administering the Fiscal Law in the modern world. The chartered accountant with a limited knowledge of law cannot de-

liver the goods, when the evasion of tax is rampant in our country. It is to be admitted that accountant, auditor and the assessee are involved at the primary stage of preparation of accounts. The assessing officers are rejecting the trading results, although the accounts are duly audited in compliance with the provisions of Section 35 of the Income Tax Ordinance, 1984. That an item of expenditure is debited to the trader's book to revenue account is by no means conclusive as to the nature — whether it is admissible under the Income Tax Law for determining the total and taxable income. Therefore, to treat the account audited and certified, as accounts to be complete and final will be anything but a judicious act.

It is further to be mentioned that the commercial profit and the profit as computed under the Income Tax Ordinance are always different. This is why we observe that the assessing officer does not accept the trading result, although the accounts are duly audited by a chartered accountant in compliance with the provisions of Section 35 of the

Income Tax Ordinance, 1984, because audit sometime does not show the real picture of the business.

As the department has to accept this new procedure of assessment, it is difficult to understand how they will justify the rejection of the audited accounts of the earlier years whether assessments were completed or pending.

The functions of various Income Tax authorities, like the Taxes Appellate Tribunal, Commissioner of Taxes, Appellate Joint Commissioner of Taxes, Inspecting Joint Commissioner of Taxes will become infructuous. Many Inspectors of Income Tax department in view of the latest amendments and self-assessment scheme will have little to function with. The entire procedure for filing reference application and appeal to the Income Tax authorities has to be abandoned. It seems that this amendment has got impact on the Income Tax Ordinance, 1984 which requires to be revised.

It may be concluded that the government shall consider the grievances so raised by removing bad laws and thereby deleting the amended provisions of Sections 82, 128 and 131 of the Income Tax Ordinance, 1984 for administering justice, so that rules of law prevail in our country.

The writer is an Advocate, dealing with tax laws.

## Income Tax Assessment : Is New Procedure Appropriate?

by Altaf Hossain

## RAPID changes in world politics seem to have left the Non-aligned Movement (NAM) at sea.

Now embracing 103-member countries, following the admission of Mongolia during the recent 10th ministerial conference in Accra, Ghana, NAM is seeking a new direction.

"We should move away from slogans and get to specifics," said Egyptian Minister Amr Moussa.

The NAM is composed of developing countries of Africa, Asia, Latin America, the Caribbean, the Pacific and the Mediterranean region. It is the only large grouping of countries outside the United Nations.

A general consensus, following a suggestion by Egypt, was that the NAM and the Group of 77 should merge to form a bloc, which would lead the Third World to genuine democracy, development and equity in international relations.

Delegates said the G-77, which brings developing

## Desperately Seeking NAM

nations together in tackling developmental issues vis-a-vis the North, has been deliberately weakened through manoeuvres by developed nations which want to dictate terms to poor countries.

The world has witnessed lately the dismemberment of the Warsaw Pact and the collapse of communist ideology, which was backed by a nuclear arsenal in the Soviet Union. These developments have a marked impact on the NAM.

Meanwhile, other NAM members see detente in international relations just beginning, and therefore urge the movement to revitalise itself to counter further marginalisation in global issues.

The movement, according to Colombia's Rodrigo Pardo, cannot lag behind anymore. "It has played its role in fighting colonialism and it acts as a majority bloc in the United

The Non-aligned Movement needs to revitalise itself before it becomes marginalised further by the swift changes in the international scene. Anacleto Rwegayura of IPS reports, from Accra

Nations," he said.

To moderate the trends of the North, "we (in NAM) should be the great forum of the South," Pardo emphasised.

Adapting to the new international situation is a clear challenge facing the movement. There are proposals that the NAM should review its internal structures before the 1992 summit to be held in Jakarta, Indonesia.

Delegates to the ministerial meeting said NAM has a raison d'etre, but what is required is a definition of its tasks and functions, based on its legacy of contribution to world peace

and security. NAM must influence events in a new world order to be relevant, they add.

Cuba's foreign minister, Isidoro Malmerca, said the so-called "new world order" was being imposed on developing nations by industrialised countries.

Due to such manipulation by the North, he said the NAM has lost politically and economically the principles upon which it was founded 36 years ago.

"Although the danger of a nuclear war has been eliminated, neo-colonialism and

imperialism exist and our struggle to eradicate them cannot be stopped," said Malmerca.

Changes that have occurred have not improved prospects for balanced development.

"We have to bear the brunt of structural adjustment, foreign debt burden, widening gap in technology, environmental pollution, among others, which increase poverty and widen the abyss separating us from rich countries," the Cuban foreign minister continued.

According to Chilean foreign ministry official Cristian Maquieira, the international community is going through a process of positive change, whereby polarity and confrontation are being replaced by a new order.

But he added that eradication of poverty, hunger and malnutrition, as well as environmental protection, will

continue to be concerns of developing nations for many years.

Noting that Chile had risen again to democracy and was taking part in the NAM activities after 17 years of absence, the foreign minister said respect for human rights should be fundamental in all endeavours undertaken by developing and developed nations.

NAM members agree that the call for democracy is valid, but maintain that democratic reforms should not be imposed on them by development partners of the industrialised nations.

The Ghanaian head of state, Jerry Rawlings, told the meeting in his opening address: "The acid test of democracy must rest with our people and not be imposed by countries with circumstances different from ours."

"We envisage a world based on dialogue and harmony so that advanced countries should not be allowed to map out the future of developing countries," said Moussa.

## To the Editor...

### Student fronts of political parties

Sir, On September 24, BTV news reported that the Education Minister, had, in a public statement, advised the university teachers to resist campus terrorism. However, he did not explain how we are supposed to do this; perhaps he wants us to fight against guns with our pens which would be a dangerously futile exercise!

He appears to be unaware that it is the sole responsibility of the law-enforcing agencies to arrest armed criminals, such as campus terrorists — a duty that the former consistently fail to fulfil.

It is an open secret that the student fronts of both the BNP

and the Awami League contain an armed cadre each, what is directly responsible for the current closure, due to violence, of approximately one hundred colleges and universities throughout the country.

Peace on the campus will not be restored unless and until all the student fronts of the national political parties are banned by parliamentary legislation because of their anti-social, anti-national, and anti-democratic conduct.

M A Zafar Shah, Assistant Professor, Dhaka University.

### Foreign investment

Sir, One of the commendable policies of the present government is to promote for-

ign investments in Bangladesh. This will no doubt boost the national economy which is shrouded in darkness — an aftermath of nationalisation of all major industries and trade bodies. Nationalisation has already caused far-fledged reversals on the overall economic situation of the country. The per capita income has come to an appalling USD 150/-, probably the lowest in the world.

It is encouraging to read the press statements made by the Minister for Industries after his recent return from abroad that the government received lot of responses from the overseas investors to invest in Bangladesh. It is learnt that the government has formed a high powered body namely,

the Board of Investment, under the Ministry of Industries to promote foreign investments. The government should vest the Board with sole power and authority to dispose off all proposals of foreign investment without going into arduous task of referring the matters to other Ministries thus delaying the investment speed, leaving the proposals in limbo.

M Ghaziul Haque, 24 Shantinagar, Dhaka.

### Jigatala roads in bad shape

Sir, It is no denying that most of the city roads are in dilapidated condition. To alleviate the sufferings of the

people, the Prime Minister instructed the Mayor of the Dhaka City Corporation to make a list of damaged roads within two months. The period is almost over. We do not know the progress achieved so far or whether the works of the PM will be translated into action soon. Carpeting of most of the city roads has been damaged due to stagnation of rain water causing immense problems for pedestrians as well as vehicular traffic.

Jigatala is one such place. With the start of a little rain, the road beside Jigatala Bazar area gets flooded with knee-deep water. When rain continues for sometime, the entire Jigatala Bazar area takes an overly inundated look enabling boats to ply at ease. As a result,

automobiles prefer to stay off the area for fear of damage to engines. Even rickshaws do not dare to carry passengers to and from. Once I was late to reach my place of work by half an hour on account of the water logging problem, but my boss didn't take it easy for he lives in a better place. I think there are many who are facing such problems.

I, therefore, request the DCC authorities to take immediate steps to repair Jigatala Bazar road on a priority basis.  
Md Atiqul Karim, 41/15, Jigatala, Dhaka.