

Congratulations and Cautions

The Energy Minister, with an unsuppressed sense of elation, informed the Jatiya Sangsad last week of the fall over the year in what has been called 'systems loss' of power.

Having said our part of congratulations let us also search in our minds if this is not too early to gloat over something that is besieged all around by bleak and treacherous forces of a reality hand-tooled by ineptitude and corruption.

The minister has identified pursuit of a policy of 'rewards and punishments' as a secret to the success of the cut in systems loss.

The original sin in the matter was a failure to call the spade a spade. In the transmission of generated energy there is some physical loss of around 10 per cent, which in case of Bangladesh's badly maintained transmission situation could go up to as high as 15 per cent or a notch or two more.

Most people agree with peace. Many would argue that one of the best ways of guaranteeing it for everyone and stopping the atrocities is to bring to trial those who have committed crimes against humanity.

The well-oiled and well-proliferated machine of corruption has taken firm and deep roots in PDB not without involving those who profess the good of the employees of the board.

Bush Goes Spying

For several weeks, campaign mongers of President George Bush's re-election bid have been focusing on Democrat candidate Bill Clinton's anti-war record during the Vietnam era.

It now appears that the Bush administration, perhaps out of desperation, instructed the State Department, supposedly a permanent, non-party state organ, to dig further into Clinton's past.

JUDGES have their own notion of morality. It does not have to tally with others. The criterion is that it should stand the scrutiny of cold law.

Some 20 per cent of judges in the 25 odd high courts in India have either their son, son-in-law, daughter or nephew practising in the same court.

One proposal was to transfer such judges. But the opposition was so strong the matter had to be deferred.

Moved from high courts, the relations may play havoc with lower courts, which are supervised by high court judges.

When the chief justices contemplated that the transfer would affect the reputation of the judges concerned.

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Justice PN Bhagwati made things worse when his bench upheld the executive prerogative to transfer judges from one high court to another.

On that Milan Panic seemed out of step. Even the wily Serbian President Slobodan Milosevic, the man widely regarded as having provoked the bloody end to Yugoslavia.

Who is this Milan Panic? A man of principles? A man of peace? "Anyone who gets in the way of peace in Yugoslavia will have to answer to me," he told journalists at the London conference.

He would demand Milosevic's resignation if the President did not back his peace proposals. And anyone else. Even as the conference was sitting he dismissed Mihalj Kartes, his deputy interior minister and a top man in Milosevic's secret police.

On Panic's return to Belgrade a power struggle with

Morality or Judicial Compromise: A Question of Credibility

The downward process began when Mrs Indira Gandhi, then prime minister, talked about a committed judiciary. She superseded in 1973 the three Supreme Court judges, JM Shelat, KS Hegde and AN Grover, to appoint their junior, Ajit Nath Ray, the Chief Justice of India.

against high court judges alone? Strange as it may sound, nobody bothered whether a lawyer was related to a judge or not some years ago.

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consult the Chief Justice of India on appointments and transfers of judges, not to have his concurrence.

The Law Commission tried to retrieve the situation when it said in its 14th report that such a power with the government "would affect the independence" of the judiciary.

These conferences have, however, become a yearly ritual. They do not discuss what is relevant to the society. Take the arrear of cases. Nearly two lakh of them are pending in the Supreme Court.

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understandable why they did not take a stand against the law ministry's suggestion for a code of ethics. This is a challenge to the judges' integrity.

The adherers to any norms; nor MPs or assembly members have any code. Why pressurise the judges? The very sugges-

judgments in criminal cases remain pending for years.

Instead of attending to such problems, which tell upon the country's democratic structure, the judiciary seems to be spoiling for a fight with parliament.

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BETWEEN THE LINES

Kuldip Nayar writes from New Delhi

the other criticisms have not made any difference to the government, which continues to use the power to transfer judges to have the uncomfortable ones out of the way.

Perhaps the chief justices felt powerless to do anything because of the Bhagwati bench judgment. But, mercifully, they decided to do away with a panel of names which the Chief Justice submitted to the government for the appointment of judges.

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Premier Panic-Clown, Bit Player or Peacemaker?

by Petar Hadji-Ristic

The most intriguing figure in the Yugoslav imbroglio is the Premier of the rump country, millionaire Milan Panic. Is he a clown on a monstrous ego trip, a bit player or a harbinger of peace? His cabinet is stormy and he had just re-made it. But he stays in power and seems to be trying to erode the position of his friend, President Slobodan Milosevic. Gemini News Service investigates an enigma.



MILAN PANIC Relations with the US a mystery

Milosevic was reported. Some deputies from Milosevic's Socialist Party were backing a no-confidence motion against Panic in the rump Yugoslav parliament.

At the last moment Yugoslav President Dobrica Covic, revered man of letters and spiritual father of Milosevic,

told the Socialists to draw back. The ebullient Premier lived to fight another day.

Was all this play-acting for the world? The answer is difficult. Panic is an enigma.

No one seems to know what to make of him. One of the most experienced Balkan commentators says: "I do not think he is genuine." A journalist from Borba, the only independent daily newspaper in Serbia, believes most of what Panic says is too good to be true.

The Milosevic camp may have been warning Panic not to overstep the mark, but a no-confidence motion in the rump parliament might also have just been designed to increase Panic's credibility. He was, after all, brought in to get the UN sanctions lifted.

If Milosevic was really peeved by the public threats to sack him and really wanted him out of the way, says a minister in Belgrade, Panic's lifetime in politics would have lasted a maximum of three days. Such is Milosevic's

power. Others disagree: a genuine showdown had begun and was put off until another day.

Even now Panic's career in Balkan politics is less than three months old. He asked for 100 days to bring peace to the region.

Before coming to power he was virtually unknown. He fled Yugoslavia in the 1950s and made a fortune in pharmaceuticals in the United States. Belgrade newspapers put his personal wealth at \$200 million, making him probably the richest Serbian in the world.

Before becoming Premier he took a controlling interest in Galenika, the Belgrade drugs company, and he appointed a former US ambassador as his head.

His relations with the US administration are a mystery. Acting Secretary of State Laurence Eagleburger must have been flattered to hear Panic lift a phrase or two from his speeches for his own.

Panic is a master of flattery, repeatedly recalling his American links. Even the press

statements with which he bombards news organisations around the world come complete with American spellings.

Just why a fabulously wealthy 63-year-old should want to forsake California and step foot in Balkan politics is an mysterious as everything else about him. It is said Milosevic, his friend asked him to become premier, but how close the two are now is not clear.

It is baffling that they could ever have been friends. They are as different as chalk and cheese — Milosevic the taciturn, ruthless communist, rabid nationalist, master of Balkan intrigue, and Panic, the boisterous, boastful, passionate anti-communist and believer in the free market system.

Panic obviously enjoys hugely the press attention and jettisoning around the world meeting politicians. Perhaps recognition and patriotism were his motives in talking the job. It could hardly be power.

He is a newcomer to Belgrade after living half a life-

was restricted — and justifiably. For instance, take the preamble to the constitution, that declares India a "sovereign democratic republic" which seeks to secure to all citizens justice, liberty, equality and fraternity.

Much water has, however, flowed down the Ganga since the Keshavanand Bharti case. It is quite possible that if the present Supreme Court had been consulted under article 143 (power of the President to consult the Supreme Court on matters of public importance) on the implication of the judgment in the Keshavanand Bharti case, it might have given the opinion that parliament has the power to amend any part of the constitution.

The principle that Nehru followed was that "the executive and the judiciary have to pull together, even though they function separately and independently." He said: "While our courts have the right to interpret the constitution and we must respect and honour their decision, the fact remains that the wider social policy of the country must be determined by parliament or the state assembly."

That policy should hold good. It will be a bad day for the judiciary if it created an atmosphere of confrontation with parliament. It is comical that judges should be bending backward to placate the executive for personal gains and at the same time join issue with the elected representatives. Probably, it is a dilemma of touching morality and judicial compromise at the same time.

time abroad. He has no power base. It is Milosevic who controls the police and the power to sack almost an entire generation of army generals in a day as he did some months ago.

But Panic, also Defence Minister, is said to be firm friends with his namesake and Chief of the General Staff of the Yugoslav Army, Lieutenant-General Zivota Panic. This would provide protection, and with Covic apparently now backing him, the general and the writer could be positioning themselves with Panic to pull away from the extreme Milosevic and save the regime.

"I think he is a clown, an invention," is the judgment of Gordana Knezevic, a journalist on the Sarajevo newspaper Oslobođenje. "We still have to wait for his first acts."

And Dragan Moskovic, of the Bosnia News Agency, also based in Sarajevo, is no less critical: "He is merely one of the players of the same political game."

Panic is the liberal. Dobrica Covic is in the centre. Milosevic is the hard man. And Radovan Karadzic, the Bosnian Serb leader, the executor.

This may all be true. The Milan Panic career in the Balkans has yet to come to an end. PETAR HADJI-RISTIC, a freelance journalist based in London, has written extensively on Balkan affairs.

To the Editor...

Letters for publication in these columns should be addressed to the Editor and legibly written or typed with double space. For reasons of space, short letters are preferred, and all are subject to editing and cuts. Pseudonyms are accepted. However, all communications must bear the writer's real name, signature and address.

Policy of isolation

Sir, It is a norm in inter-actor relations that external relations benefit the prospective actors. Bangladesh has not yet been a prospective actor in international scene, so not the maintenance of pernicious external relations but the policy of isolation and aggressive domestic efforts to become prospective are called for.

In the present international system, the nation-states are the major actors. Every state has some objectives and to achieve that, a state formulates some policies which can be broadly divided into two categories: the policy of isolation and the policy of association.

The first implies such policy which impels a nation to be dissociated from the external world to the minimum possible extent. This is to facilitate the people to make domestic efforts for development. Therefore, a nation has to prioritize the needs.

The other strand of the overall policy has been the policy of association which implies maintenance of involvement with all external actors to the maximum possible degree. This aims at attaining certain national interests, for

mission abroad at a huge cost has been a big jump to utopia from reality. People in the helm of state affairs are earnestly requested to follow a policy of isolation with regard to the relations of Bangladesh with external world. Tremendous domestic efforts are called for to become prospective leading to the resumption of external relations accruing benefit to the nation.

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Age of advocate

Sir, It is learnt that the Bangladesh Bar Council has taken a resolution to the effect that law graduates above forty years of age will be barred for enrollment as advocates. This resolution flagrantly contravenes a number of fundamental rights. Article 40 (forty) of our Constitution states "Subject to any restrictions imposed by law every citizen possessing such qualifications, if any, as may be prescribed by in relation to profession, occupation, trade or business shall have the right to enter upon any lawful profession or occupation, and to conduct any lawful trade or business."

The authorities, as we mark in this constitutional provision, may impose restrictions on the pursuit of profession or occupation but that must be reasonable in entirety and in total conformity with fundamental rights such as, Equality of Opportunity (Article 19), Work as a Right and Duty (Article

20), Equality before Law (Article 27) and Right to Protection of Law (Article 31).

The state must ensure equality of opportunity to all citizens. It must remove social and economic inequality between man and men. It must ensure equitable distribution of wealth among citizens. It must create opportunities in order to attain a uniform level of economic development. The Profession of law is a means of livelihood. Can persons above certain age limit be shut out of legal profession to deprive them of their lawful livelihood?

The Bangladesh Legal Petitioners and Bar Council Order and Rules, 1972 does not provide for any situation for which this kind of age restriction can be imposed. The problem of unemployment is acute in our country, there are many people who, doing different odd jobs and studying at night, might find themselves ready for an independent legal profession at an age after forty. But in case the restriction comes, this will further multiply the member of the unemployed in the country.

There is no country in the world where this kind of age restriction is imposed in the profession of law. This step will narrow down the canvas of law and legality and will darken the glory of the noble profession.

Work in Bangladesh is a right, a duty and a matter of honour for every citizen who is capable of working, and every one shall be paid for his work on principle. There is no age restriction on one's right to

work. A person may obtain LLB degree at the age of say, 25, but he may like to join the profession at the age of say, 57; if he is physically and mentally fit to work, there is no earthly reason as to why he should not be allowed to join the profession.

A lawyer is to enlighten the court and assist the judge in his search for truth and justice. Maturity starts after forty. For a judge the age of a lawyer is not at all relevant. What is wanted is what the lawyer, irrespective of his personal age, lays down in the court, and how he explains the provisions of law in arriving at the truth and justice. If, due to burden of age, a lawyer fails to rise to the needs of the court and legality, he will automatically be banished from the profession. In the US, UK and Australia the judges do not retire as long as they are not incapacitated. In the Supreme Court Bar Mr M H Khandaker, for example, is 85 plus and yet he is found fit as lawyer and has been contributing to the arena of legal interpretation most effectively. Mr SR Pal, a senior advocate is another case is point.

The law graduates above forty, at the moment otherwise engaged, seek protection of law from those who are about to cause disservice to this noble profession by planning to impose age restriction on enrollment as an advocate. Experience has no substitute except experience itself. It is gathered, the move is ostensibly to prevent the retired government officers to enter the profession. Many bright students of the university entered

government service in this country for honour and security; the retire at the age of 57 and thus come out with a rich fund of experience simply because of the fact that government functions through a series of laws and rules in every sphere. The officers of the magistracy, the judiciary, taxation and customs services render judicial or quasi-judicial services and therefore, they are likely to become very knowledgeable lawyers in their respective fields of activity. If the function of an advocate is to interact law and assist the court, retired government officers are bound to do the job well, should they want to do it.

We cannot let this noble and learned profession slide down to a pool of a few privileged persons, simply because they are young in age. This is no way to control quality. If an ex-service personnel turned advocate does not behave properly, he should be proceeded against as per rule 32, 33, 34, 35 of the Bangladesh Legal Practitioners and Bar Council Order 1972.

The Bar Council Tribunal should be alert and agile to take care of any misconduct on the part of a lawyer, who by virtue of his learning and behaviour alone shall command respect of all in the society.

The conscious people of this country believe the Ministry of Law and Justice would be the last person to agree to the view of age restriction on enrollment as advocate.

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