

Legal Reform

We have been hearing for long that the number of pending cases at different courts has created a back-log of a seemingly intractable nature. Now the mounting problem has been reported at the highest level. As many as 73,542 cases are pending with the Supreme Court's two divisions: the High Court (HC) Division and the Appellate Division. The Supreme Court runs short of 14 judges at present. That perhaps explains part of the problem but not all of the protraction. Certainly, such a huge number of cases could not have piled up overnight, they have taken years to come to this mess.

Now the situation is such that despite their best of intentions, the learned judges cannot dispose of such a pile of cases and get the working up-to-date. Rather the converse will be true; by the time a number of cases are cleared a far greater number will crop up. The population is increasing, crime rates have gone up and so has the number of cases. So even in a natural process new cases are bound to add up to the already stockpiled burden.

Coping with court cases has indeed posed a serious challenge to the country's judicial system. The rate at which pending cases are outnumbering those that are heard is indicative of a frightening scenario just around the corner. If the situation really gets out of hand at the courts, law and order cannot be expected to remain immune from the deleterious effect. People will get disillusioned with our justice system as a result of more and more cases not being heard and disposed of.

So the delaying process points to the fact that the judiciary needs some reform or restructuring. At its present state some kind of an inbuilt mechanism could be causing a hold-up to the court's functioning. A committee or a task force constituted for a thorough study on the whole issue might be able to detect the flaws and come up with specific suggestions for expediting the process of court working.

As an insider of the system Chief Adviser Mohammad Habibur Rahman is better placed than most others to initiate the process. He cannot complete it during the short time he has at his disposal, but he can give a go-ahead to a committee or a task force in this behalf.

Matter of Political Will

We welcome the new SAARC Secretary General Naem U Hasan on his introductory visit to Dhaka. He has the onerous responsibility of coordinating things to fruition at the regional forum which has reached a substantive phase after a long spell of the rhetoric since its inception in 1985. We, therefore, share his anxieties for a reorganisation of the SAARC secretariat in keeping with the new challenges before it.

The SAARC ought to be a driving force, a power house, as it were, for implementing decisions adopted at the summit and the ministerial levels and not one that rests its oars on paperwork. It has to be entrusted, in the first place, with a certain amount of monitoring responsibility and power across the inter-governmental spectrum. The SAARC desks in the respective foreign offices, in their turn, should also be able to get a priority hearing and response from the relevant ministries at the intra-governmental level.

There cannot be anything woolly or esoteric about regional cooperation especially after SAPTA has come into being with the objective of establishing a South Asian free trade zone within a decade at the latest. We have a long way to go there because evidently the ten per cent tariff cut across some 225 commodities represents only a modest beginning. The cut should be much wider and deeper along with the removal of non-tariff barriers before we can be ushered into a free trading era. We suggest market complementarity be identified to avoid production duplications in the region. The basic benefit expected from liberalised trading is the removal of trade imbalances between the member countries of SAARC.

The very operationalisation of SAPTA is yet to gather momentum, so that this should be the first order of business for the SAARC secretariat. Then there are the questions of setting up a common development fund, raising buffer-stock of food, concerting poverty eradication strategies and having a shared approach to disaster-forecasting, stemming environmental degradation and utilisation of common water resources. Combating the trafficking in drugs and human beings and fighting terrorism have been on the agenda alright.

Technocratic expertise cannot be the ultimate clincher in matters such as these, it has to have the oxygen of a collectively mustered political will to yield the desired results.

Hit-list Mentality

Now it is Hasan Imam who has fallen victim to a vengeful attack for his political beliefs. Given a chase by some JCD processionists with brickbats hurled at his car near the Press Club on Friday evening, he ducked for safety at the Chittagong Samity Office he was headed for any way to attend a meeting of the Surya Sen Smriti Parishad. Even the Samity office was not spared come as it did under an escalated assault.

This does not come as a surprise in the wake of a JCD announcement at a public meeting of the names of certain intellectuals 'blacklisted' by it for their support to the movement for a caretaker government. When political leaders glare out vows to teach their opponents a lesson they only add fuel to the fire of impetuosity among their followers.

Let's make it abundantly clear that we are not holding any brief for anybody; in fact if it had happened in the reverse from the other political camp we would have been equally loathe to it. Our sole emphasis is on the freedom of an individual or a group not only to hold views on politics or culture but to express these without the slightest feeling of insecurity stalking them.

We, therefore, suggest that those who had announced a hit-list against certain intellectuals through a public meeting a fortnight ago should now withdraw the same in a public statement of retraction to come out clean on this score. Otherwise the incitement to violence against political or cultural adversaries remains dangerously intact.

No More 'Power Game', No More Politics of Corpses

by A M M Shahabuddin

At last the bewildered nation has found light at the end of the tunnel. The real light, not the headlight of the rushing railway engine, as apprehended by some. It is the real light in search of which the nation was groping in darkness. As the saying goes: "The darkest hour is just before the dawn." That much-dreaded darkest hour is over. Dawn has appeared with new life and expectations. We seem to have reached our journey's end, the end of miseries and untold sufferings. Still we are to cross some more mileage to reach our final destination. The road is still hazardous and strewn with land-mines. A slight mistake or miscalculation here and there will still play havoc. Hence, cautious steps are essential.

Where Credit is Due It is said that credit must be given where credit is due. At the end of her five-year term as the Prime Minister of an elected government enjoying overall majority all through in Parliament, Begum Khaleda Zia has resigned and gone out gracefully. She kept her promise; held election to the Sixth Jatiya Sangsad (parliament), boycotted by the mainstream opposition parties.

Aik Lash Ki Kahani (story of a dead body), is ironically the title of a popular drama, now being staged in the city of Karachi where ethnic killings have taken a toll of more than 2,000 people. This drama focuses on how political parties use dead bodies of political killings to further their own cause but they don't really care about the victims

led by Awami League (AL), adopted the 13th Amendment in the Constitution, providing for a neutral caretaker government for conducting all future elections, advised the President to dissolve the Parliament, then handed over power to the unanimously accepted Chief Adviser Justice Habibur Rahman. Then came her exit, as if on the dotted line, fulfilling all constitutional formalities. She admirably came down a lot to find a sensible meeting point.

On the other hand, the mainstream opposition, led by AL, showed a great political acumen and foresight by accepting the package presented by Begum Zia, by her resignation, advice to the President to dissolve the Sixth Parliament and handing over power to the Chief Adviser. Thus the opposition also exhibited a wonderful flexibility and adjustment, because although during their anti-government agitation, they had demanded cancellation of 15 February election, challenged the legality of the Sixth Parliament, and wanted resignation of the PM. Now to accept the non-party caretaker government formed under the 'illegal' 13th amendment, adopted by the 'illegal' parliament and presented by an 'illegal' PM, may apparently appear as sheer anachronism and opportunism. But here lies the success of bold statesmanship which showed the guts to seize a situation and mould it to give it a popular acceptance. The opposition leaders deserve applause for this bold step.

No 'Last Word' in Politics In fact, in politics there is no such thing as 'last word'. The spirit of flexibility and adjustability are the summum bonum of democracy and sound democratic process. Once even the veteran Indian Congress leaders, like Gandhi, Nehru and Patel, who were unequivocal votaries and

To the Editor...

So far, so similar Sir, The present situation in Bangladesh is redolent of Turkey in the late '70s and early '80s. Ineffective government had led to terrorist killings on the streets, averaging 20 and 30 a day. Many poor urban areas became kurtallim-bolge 'saved areas'; gun-toting youngsters saved them for themselves. They gained for the allegiance of young boys, to the left or to the right. The papers gorged their readers on violence, routinely splashing colour pictures on the front-page showing recently mown-down bodies. People hid themselves, the opulent behind bullet-proof cars, the poor in their homes.

So far, so similar. The sequel may be of more interest, not least because it may not be repeated here. At dawn, on September 12, 1980, the army took over. The killing stopped overnight. A strict constitution, which received the thunderous acclamation of 91 per cent of Turkey, forbade parties which had participated in the last election from competing for the next seven years, while the army's National Security Council vetted individual participants and parties. In 1983 the Council handed over power to an elected parliament, with an army general as president for a referendum-approved seven-year term.

Some bureaucrats may resign Sir, In democratic countries around the world like Switzerland, Japan, USA, Germany, Singapore, India etc, the government servants like the common citizens of the country have the right to cast their votes freely and independently

to any candidate of any political party of their own choice. But they are forbidden from taking in the party politics of the country. In our country also Bangladesh Service Rules and Regulations clearly disallow the government servants to indulge in political activities.

We wonder how and why some of our top government officials in defiance of the state laws involved themselves in politics and why no disciplinary action was taken against them as per Government Servants Discipline and Conduct Rules?

champions of Akhand Bazar had to show political wisdom and sagacity to accept Partition plan which divided India into two different parts — India and Pakistan. Had they not shown this historic political sense of flexibility and adjustment, history might have taken a more repressive turn for the worse. So they opted to be guided by, what is called, 'ground realities', rather than emotion and sentiment, in order to serve a greater cause — peace and stability. Our opposition leaders have followed the same golden means. As a great historian had said that in the history of warfare 'peace could be secured by ignoring the disagreeable facts.'

The above quotation might help our political leaders to further smoothen the political process in our much beleaguered country. Those leaders who had accepted and agreed to work with the non-party caretaker government should now refrain from making such statements that the future parliament would cancel the 15 February election, do away with the Sixth Parliament and declare 13th Amendment as null and void. This would be too dangerous a course to

happy end. All well that ends well. So far we have used only one hand for slapping. But it needs two hands for clapping. Government Officials and Politics

The government officials, who form the hardcore bureaucracy, actually run the engine of the administration. They owe allegiance to the government they are working under. They shouldn't be guided or misguided, by any outside influence, nor they should identify themselves with any political entity. Unfortunately, some of our high officials, including secretaries, hastened to take a wrong path to show their emotions for reasons best known to them. It is not only against government service rules and ethics but a blow to the entire government machinery and its much-valued discipline. Although some 35 Secretaries went to the President's House to submit a memorandum with political programmes, some of them appeared even on the Mancha of a political party to express their solidarity! If they were politically so much ambitious, they should have resigned from government service before mounting a political platform. But that they didn't do. They wanted to chew tobacco and drink milk at the same time!

The Chief Adviser, while addressing the Secretaries on 2 April, obliquely referred to this episode when he said in unequivocal terms that 'the government officials have no business to express solidarity with any individual or group outside the purview of the Constitution, law and the elected government'. The message is clear and loud. BNP chairperson has asked for their removal from service to hold a free and fair election. It's still premature to say what action the caretaker government would take against these 'rebel' government servants who went out of their way to

remove of some secretaries for directly identifying with a political party. removal of CEC, as he is an appointee by the outgoing government, so on and so forth. There are also threats of launching new agitation and counter-agitation on these issues. But won't all these ominous signals further complicate the situation? Will it not create another devastating corruption? So let us give up the agitational path. Let us come to terms and shake hands and decide what to do and what not to do to achieve our ultimate goal of holding free and fair election by May this year. There shouldn't be any more 'power game' as said by AL chief. Let us bury our hatchet.

We had the bitterest experience of indulging in politics of destruction, politics of jalaopora and politics of counting dead bodies and carrying them in mourning processions as 'shaheds'. Let us take a vow not to allow to have more 'shaheds' and 'shahed minars'. We have already enough of them. We shouldn't be crazy any further. In our madness, let us not throw the baby out with bath water.

An Anecdote

Aik Lash Ki Kahani (story of a dead body), is ironically the title of a popular drama, now being staged in the city of Karachi where ethnic killings have taken a toll of more than 2,000 people. This drama focuses on how political parties use dead bodies of political killings to further their own cause but they don't really care about the victims. Do we find any reflection in it of our image? Is it not identical when there is a claim and counter-claim of unidentified victims of street killings and a competition to bring out so-called 'mourning processions'? Let our intellectuals, writers and playwrights come up with such dramas with a satire on our political maladies.

democratic garb and become autocratic soon after, politicise the administration, treat the servants of the Republic as servants of BNP, hold farcical election, distribute arms to its cadres and its minister would enter the secretariat with his armed goons. I am certain, resignation as the brave AL-JP MPs resigned en masse from the Parliament demanding caretaker government.

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'Secretaries' rebellion against an elected and lawful government'

Sir, I have read the piece written by Mr Oli Ahad under the above caption which appeared in the editorial page of The Daily Star on 07.04.96. I fail to understand how a 'veteran politician', Mr Oli Ahad, regards the toppled BNP government 'an elected and lawful government'. Which election is he talking about? 15 February '96 election? If that was an election, what is a farce then? Does a farce bestow moral and legal authority to the perpetrators of such a farce, which the 'veteran politician' prefers to call 'government'? He has mentioned that the political orientation of the bureaucracy has been in the tradition of that in England sounds very good; but can the 'veteran politician' cite one single instance when a government in England came to power through a farcical election?

He has also quoted the Government Servants Conduct Rules 1979. Had the framers of the Rules 1979 known that someday in Bangladesh Begum Khaleda Zia and her BNP would come to power in the

disturbance of the country. The truth is that this rebel group of officials has created a very bad precedent for others to emulate in future, if they go scot-free.

Disturbing Signals Still Coming The enthusiasm and exuberance with which I opened this article seems to have come down towards the end as some disturbing signals are coming out from different political camps, centring round some controversial issues, like

From the Cradle of Darkness

by Shamsad Mortuza

TODAY, we sing for ourselves, we celebrate ourselves. After all, Baishakh, the first day of Baishakh in particular, is essentially ours.

Scholarly researches, however, trace back to Emperor Akbar to determine the genesis of the Bangla calendar. Under the Mughals, the Bangla calendar was in the matrix. Akbar wanted his Ilahi-year to be perfect and more practical than the Arabic lunar year. Hifree Shaal. His astrologers worked hard to sort out the fractional complications involving the rotation period of the moon. The Ilahi-year eventually turned out to be more season-oriented in view with the needs of the local peasants and their crops.

Ilahi-year has lost its name. It is usual in this part of the world, after the Mughal regime. But the calendar consisting twelve months and six seasons continues to be effective especially because dates in it are not alien import, rather they grow out of this soil.

In a country where we have three different calendars and celebrate three new-year's days, Pahela Baishakh sets us apart from other cultures. In fact, Bangla year becomes a passport of our national self.

Only 104 days back, we celebrated the New Year's Day. Along with the whole world, we anxiously waited in the middle of the night looking at our timepieces. And as the clock stroke 12, a ripple of rejoices creased through from the eastern gallery to the globe like a huge Mexican wave. There were fireworks and champagne, somewhere, and music and dances, everywhere. A wild fun melted into the atmosphere: a break from the mechanical routine life. And the moment was announced by a simple man-made device — a clock.

But the celebration of the Bangla Nabo Barsho will not be in the dark; we do not celebrate darkness. We look to the horizon for the radiant sun. We greet the sun that will mount the sky in its imaginary seven-

horsed chariot. In songs and dances, the Bangla New Year will be greeted.

Unlike in many of the Western countries, Baishakh, the beginning of the year, is associated with destructive forces. Zephyr's breathing is felt in the form of nor'westers. The terrible storm destroys only for the sake of creation. The Baishakh-storm wipes away the old to make room for the new.

And the vitality to the creative storm is felt in our celebration of the Nabo Barsho. In the traditional fair, arang, one feels the sound of life, in the new-year's parade, one feels the motion of life. With a sudden jerk, Baishakh sets off another year, with the promise of a new dawn.

The colours of Baishakh, in recent years, have been represented by the members of the Fine Arts Institute. They bring out spectacular rally in the city to involve people from all walks of life in the celebration of life.

It's a pity to learn, this year they have got only 25,000 taka allocated for preparing all the banners, festoons and statues. In a country where I crore taka is spent for SAF Games Fireworks, the budget for such a celebration is far from satisfactory.

However, the decision of the Faculty of Fine Arts to sell the prepared masks and handicrafts in an auction is laudable. One hopes, the amount raised after the festivity will be an incentive for the young artists who work so hard to make the New Year's day a meaningful one. But one word of caution: these artists should not misrepresent our culture. Nobody would expect to see paper dragons or lions roaming in the city for mere colourfulness.

A new day will dawn winding up an old year. The day will come out of the darkness that prevails everywhere. After all, we are a nation with zest for living. We will celebrate light, not darkness. And on the new morn we will say to one another: Shuvo Nabo Barsho.

OPINION

A Time to Think....

Wasif Islam

Unlike other times, I was actually feeling happy and contented at being stuck-up in a jam at Bangla Motor. It was really unbelievable to get back to business as usual after the recent nightmare we all have been through. Quite often, I resist the urge to pinch myself, am I dreaming? Rickshawpullers were sweating it out in the hot summer sun, dominating all available space in the road. Baby-taxis were belching out their black poison with gay abandon, coasters hounded as pedestrians scurry across, even the shrill bus horns (at earbursting decibels) can be tolerated. Children are once again going to school, the shops are open and prices are climbing down. The lokals are scouring the streets, the beggars are out with their shiny bowls, and everybody is smiling once again.

What has happened? Khaleda Zia has resigned, and the Combined Opposition has retreated for planning their next move to gain the coveted Chair. The caretaker government has taken over. We, the silent majority, thank only the Almighty for His mercy and blessings.

Now that we have in place the much sought and fought for 'caretaker government', the mandate of this government is to pave the way and carry out a free and fair election within 3 months as spelt out in the amendment. Just by the records, we did have a caretaker government after the fall of Ershad in 1990, we did have a free and fair election in 1991. But thanks to the political parties and their petty squabbling, the nation has been put to the racks, tortured, (hundreds of lives were lost, millions of properties were destroyed), dishonoured and set back many years in terms of trade and commerce.

What guarantees do we have that the political parties who will form the future opposition will not start the same hartals, 'oshojogs', etc. on any flimsy ground within a year of formation of the 7th Parliament? Can we afford to go through the agonies of another such 'movement'? The answer is a clear NO.

I propose (with bated breath) the continuity of the caretaker government, which has been brought about by popular demand. If you say their term is only for 3 months, I say let us amend the amendment. Let us entrust these 11 'persons of achievements' with the task of nation-building and charting a course for the future. Let us allow

them the next 2 years at least. And let us allow them the right to policy decisions as well. Let us ban hartals for two years by mature consent. Imagine, no wasteful expenditure on election, campaigning, no unpaid telephone bills (in millions of taka) by MPs. No 'oshojogs', no meetings in the middle of the streets. This is beginning to sound like the other side of Paradise.

If you say: what about popular representation of the people? I say let us have a referendum. Do we want the caretaker government for 2 years or not?

Besides, the caretaker government persons appear to be of impeccable records as far as character and integrity is concerned. Compared to the kind we get as 'representatives of the people', (do we close our eyes to the actual parleys, coaxing, persuasions, intimidation, force, torture, threats, kidnappings, bribe and mayhem that goes on for gaining each and every seat of the parliament?). The personalities chosen look like saints to me.

So what will the political parties do during these two years? This will be the opportunity to prove their worth. This will be a testing ground for them. Let each party provide the nation an action plan and put into action all they have been talking about for so long. Let their thinkers and planners think and plan, and produce before the people their plans for the development of the nation, let their economists expound theories for a viable economy, let their engineers design beneficial systems related to agriculture, energy, science and technology, let their riches to bring alive these plans in small scales, finally let their part cadres (who were recently seen in the streets with so much energy and fervour) be seen shoulder to shoulder with the masses carrying out their programmes of development, helping the urban poor, building bridges, teaching children, planting trees and sowing seeds, teaching morality, rehabilitating prostitutes, demonstrating piety, justice, fellow feelings, etc.

This will give the nation a time to think, to see and evaluate who they will vote for at the end of the two-year period. This will also give the people the time to provide all-out and unstinted support to the caretaker government to help develop and initiate a plan for national development and to recover from the recent ravages.