

## No Summary Trial

Our sense of indebtedness to Dr. Milton whose martyrdom hastened the end of a desperately cliff-clinging autocracy is made doubly poignant because we have failed to punish his killers. The murder case instituted in this behalf drew a blank with justice wailing in the wilderness as the perpetrator could hide his face behind the smokescreen of the applied law and its variegated loopholes.

In the application of the criminal law, the Evidence Act and the considerations ancillary thereto are so demanding to prove an offence beyond any reasonable doubt that there could be and often are technical escapees from the law's net.

From this point of view, we are in full agreement with the Prime Minister when she says that there ought to be a reopening of and retrial on Dr Milton's murder following a scooping reinvestigation into the whole episode. All of this should not only be feasible but also desirable specially because a precedent need to be firmly set in the knowledge that many a perpetrator of murders on the campus and elsewhere has slipped through the figures of law as applied.

But the Prime Minister's talk of a new stringent law for summary trial of killers reflects a point of view that is bound to be judged against a somewhat critical criterion. Promulgation of special laws and having a provision for summary trial connote measures that are taken under extraordinary circumstances. Only the other day, the State Minister for Law and Justice Abdul Matin Khasru made it public and plain that even the trial of Bangabandhu's murderers will be held in the ordinary court under the existing law of the land.

We ask, of what practical value the anti-terrorism law had been during the BNP rule? For justified reasons, the Awami League had criticised it and as most people know that many arrests made under that act could not be defended in court of law. The existing corpus of laws, we believe, is enough to bring the killers to justice. Those who keep out of the reach of law can do so because of some operational weaknesses in the system. Let us, by all means, strengthen the police, the CID and the magistracy but to think of promulgating any special law solely for the purpose of censuring a summary trial sounds like an exercise in superfluity and creation of an avoidable controversy. Rather than inviting the criticism the AL had levelled against the BNP, the ruling party must see to it that the system works better.

## Look Before You Leap

It evoked no ready response of commendation to know from yesterday's issue of The Daily Star that the Dhaka City Corporation is mulling over a truck terminal at the cost of a natural canal at Rayerbazaar.

The canal has been serving as a vital secondary connection between two rivers — the Turag and the Buriganga via Mohammadpur and Rayerbazaar. The ten mile long waterway, apart from its navigational utility for bringing merchandise to the capital, is also considered as a source for irrigation water and pisciculture.

Perhaps, the biggest utilitarian favour it has come to do Dhaka is its positive contribution in the drainage system. Waterlogging has been a chronic problem with Dhaka for quite some time and no quarter has been reported to have contended the fact that disappearance of city's waterways has contributed significantly to the present stifling situation. No doubt, the filling up of the *Kaittor Boro Khaal* (canal) will add to the huge problem the DCC already has on its hands.

The rationale behind the choice of the site for a truck terminal deserves to be debated for another very valid reason. The terminal has been planned to be near the proposed mausoleum for the martyred intellectuals. One does not have to be a visionary to imagine the host of evils a truck terminal will bring along. Needless to say that they will considerably vitiate the atmosphere normally deemed as ideal for a hallowed place.

The fact that the DCC is left with quite a few options for fixing a truck resting place makes the thought all the more despicable.

Although there is still a cloud of uncertainty looming over the whole idea, the DCC would be ill advised to pursue in the feared direction any further.

## Savoury Revelation

Food Ministry's disclosure of self-sufficiency in food for the year comes as a welcome relief in the serene of our poverty and the subsequent dependence on other countries.

The news that Bangladesh would not be required to import rice this year to feed its hungry millions means a very encouraging emergence of an option regarding the use of foreign currency. The huge amount of money saved can be diverted to other developmental activities.

For a party almost eloquent about giving agriculture top priority, the projection about silos being sufficiently filled is indeed a savoury intimation for the Awami League government.

Particularly, it should form a very rewarding and heart-warming commentary on the sincerity and untiring efforts of Motia Chowdhury, the Food Minister herself.

The Food Ministry would do well to strike a balance between procurement and off-take of cereals to keep their prices within the purchasing power of common consumers. Furthermore, we ought to ensure that the farmers get remunerative price for their produce.

# Politics is Manageable, not Ethics

**The BJP's new hobby-horse is corruption. But how can anyone take it seriously when BJP chief L K Advani has been charged with a scam? Integrity of many other BJP leaders is also doubtful. By throwing stones at the Congress and the Janata Dal leaders, it cannot hide the fact that it itself lives in a glass house.**

government. Three, Congress is conscious of the possibility of a mid-term poll if it pushes the Deve Gowda government to the wall. It has felt exasperated at times.

Kesari, who has picked up former finance minister Manmohan Singh as the party's mascot, expects to divert attention from the Congress party's corruption to the Deve Gowda government's failure to improve the economy. But Kesari's difficulty is that Congress no longer has a sense of purpose strong enough to bind it together despite its divisions. The organisation and the parliamentary party are at odds, whatever the denials. That is not a good prognosis to face fresh polls. In fact, some stalwarts in Congress would like to have a coalition with the United Front government if it is possible despite the communists' opposition.

A Janata Dal-Congress coalition is a red rag to the Bharatiya Janata Party because it forecloses options for new

elections. If ever the party thinks of coming to power at the Centre, it is because it believes that new combinations can emerge only after fresh elections. Without a mid-term poll, it sees no chance till 2001.

Even otherwise, the party is downcast. It feels it has hit a plateau. It may still scale a few

top leadership is conscious of it. But what the party lacks, as its ideology, Govindacharya has pointed out in a paper, is a sense of direction. There is not even the familiar scene of discipline and dedication. Gujarat has exposed the party.

On the other hand, the debris of the Babri Masjid has buried

any headway with other communities unless it repairs its anti-secular image. The party's new hobby horse is corruption. But how can anyone take it seriously when BJP chief L K Advani has been charged with a scam? Integrity of many other BJP leaders is also doubtful. By throwing stones at the Congress and the Janata Dal leaders, it cannot hide the fact that it itself lives in a glass house.

Allegations of corruption against the Janata Dal members will not stick because there is not yet even a wild charge hurled at them. The Party's problem is that it is shrinking everywhere, except in Karnataka. The social structure of Muslims and the backward it has built is weakening. Although feeling secure in the secular environment of Janata Dal yet Muslims are economically as deprived as before. They want a change in their lot and get tempted to support even the divisive slogan of reservation in the name of religion.

A debate has also begun

within the community whether they should return to Congress now that Narasimha Rao, their *bete noire*, does not head it. The backward on the side of Janata Dal are also in a contemplative mood. They increasingly feel that the Yadav among them are cornering most of the benefits. Such a thinking has begun in Bihar and UP in a big way.

The communists can stem the tide. But most of their energy is wasted over how to keep the different UF forces in tension. The communists can expand their base in some areas. But they are stumped over by the regional and other parties they have cobbled together in the shape of United Front. Still more formidable is their task in Andhra Pradesh and Bihar where left wing extremists have sullied ideology by violence. The People's War Group (PWG) is on a warpath. What advice do they give Hyderabad or the centre to deal with such incidents? However, the communists cannot run away from the fact that socio-economic situation prevalent in most parts of the country cannot but provoke insurgency.

You can manage politics, not ethics.

## BETWEEN THE LINES

Kuldip Nayar writes from New Delhi

mounds in Orissa, where the height of the Janata Dal has lessened because of Biju Patnaik's indifferent health and image. It may also improve its position at some other places, but it will be at the cost of the upper castes, still its backbone.

An alliance with a section of backward classes or with the Dalits can at least be part of a strategy. It cannot be a policy to spread the party wide. The BJP

its emotive appeal in the name of mandir so deep that the BJP has not dared to resuscitate the shrines of Mathura and Varanasi. Some Hindu intellectuals have felt so horrified over the destruction that they have distanced themselves from the party. Indeed, it faces a dilemma. It cannot give up its slogan of Hindutva, which has endeared it to Hindus and, at the same time, cannot make

# Banishing the Baneful

**Assuming that the Indemnity Act was a bar to putting the perpetrators of the heinous crime in the gaol and for trial, what blocked the people in the legal profession from making the interpretation as they have justifiably done now? — writes Kazi Alauddin Ahmed**

the nineties, to repeal all black laws including the Indemnity Act planted in the fourth schedule of the Constitution at the behest of Ziaur Rahman — consequently the major beneficiary of the situation after Bangabandhu's killing followed by the brutal murders of four national leaders in jail.

Prior to placing the Repeal Bill in Jatiya Sangsad there were a series of discussion seminars, interpretations of the Act by eminent jurists and legal experts who were in total agreement that it was not at all an Act or a law and have had absolutely no eligibility to earn a place in our Constitution. In fact, its stealing in our national document that, among others, protects the fundamental rights of the citizens has desecrated its sanctity. And perpetually overlooking such sacrilege, and unfortunately so, Begum Zia and her predecessors down to Ziaur Rahman had dishonoured all the boogymen on earth in the name of protecting the Constitution!

The hideous Indemnity Ordinance proclaimed by Khondaker Mushtaque on 26th September, 1972 was in itself constitutionally and also legally invalid. The Constitution provides that, in the absence of President, the Vice President, and in his absence, the Speaker of the Jatiya Sangsad would assume the Presidency. At the time of institution, Mushtaque was neither Vice-President nor Speaker of the Jatiya Sangsad. So, his ascendancy to the position of the President was ultravires of the Constitution for all practical purposes. President Zia, coming by Mushtaque's heels closely, later ignored the constitutional provision and eventually, paved its incorporation in the Constitution. Unfortunately, it appears to be a sub-conscious act on the part of the late General and coincidentally, a testimony of involvement in the killing.

Another question that creeps in my mind is also unanswered till date. The Indemnity Act was factually the vicious product of 1975 August killing and its ominous coverage to the killers of the four national leaders in Dhaka Central Jail in early November, 1975 would have testified to the blue print chalked out long before August, 1975. This was indeed a planned chain of events.

Although some of the self-

confessed killers of the Father of the Nation have been taken into custody, many are still at large, reportedly in some western and middle-eastern countries. The government of Bangladesh has sought the help and assistance of Interpol for extradition of those fugitives but the progress in that direction is yet to be assumed.

Now that the possible legal blockade to formalising the proceedings in the court of law has been decisively removed, the culprits will have no alternative to facing the specific charges against them as are in the stage of framing. In such a context, the responsibility of Sheikh Hasina's government shall have been compounded manifold. It shall have to assure itself and all those involved absolute justice and fairplay so that the innocents are not victimised in any manner. Equal opportunities must be given to all eliminating any incidence of discrimination.

They must keep in mind that the eyes of the world will be on the proceedings even though the government does not take into cognisance the intrusive utter-

ances of a British Lord giving his remarks on the hauling up of Mrs Jubaida Rashid, wife of Col Rashid, one of the self-confessed killers, rather a mastermind, now abroad.

Another broad factor will be that at some stage or the other Sheikh Hasina and her sister Rehana could be included as co-representants in the court when the defense counsels will be all up to discover governmental influence on the judiciary. The sensitivity of the case will demand utmost caution and it will be an act of wisdom on the part of the present government to have the bill on the separation of judiciary from administration expeditiously passed. This will add to its credibility and reconfirm its already expressed good intention. The true spirit of the rule of law must be established at any cost.

It must also be kept in mind that there is nothing to be complacent or over enthused with the changed situation. The days ahead could be fraught with far more intriguing episodes than what we have witnessed so far. The utterly provocative state-

ments of Begum Zia and her aides could be some positive pointers. Parallel to her castigations of the present government mostly on tales of repression, she has recently been pampered into making highly outrageous remarks about the father of the nation even though he has been an integral part of our Constitution. Queerly enough such insolent utterances from her and others in the party have coincided with the presentation and passing of the Indemnity Act (Repeal) Bill-1996 on 12th November, 1996 by the Jatiya Sangsad. None can perhaps ignore the timing they have chosen to make such blunt aspersions.

And at such a crucial time when the present Government has been in a desperate bid to obtain a rightful share of the Ganges water and when there are immense signs of goodwill of both the governments so far expressed in unambiguous terms for an immediate settlement, Begum Zia and her partisans have been alluding to some unfounded stories. They have discovered that Govern-

ment is selling out the sovereignty of the country to India by giving her transit facility to carry arms to its north-eastern part for quelling insurrections there. The proposed buying of power, which actually BNP Government had initiated, from India, is also being bitterly criticised by her in an absolutely preemptive manner. In fact, India has not so far evinced any interest in either of the two items above officially. BNP's present stance on the bilateral discussion, hopefully heading to a permanent or acceptable solution, can tantamount to an act of sabotaging the prospect of an eventual settlement. Is this indeed their sense of nationalism and/or patriotism? On such national issues the present government has been seeking a consensus but BNP, till date, has not responded.

Over the past four and a half months there has been massive efforts put in by the government to have larger foreign investments here. Many potential investors have already expressed their willingness to make sizeable investments. The people of the country have already started visualising a vibrant economy in the near future with employment opportunities for millions. Unfortunately, BNP leadership is holding out a very negative attitude to undo the salutary endeavours of the government.

## THE MIDDLE EAST NEWSLETTER

# Dubai Bakes World's Largest Cake

Saifur Rahman writes from Dubai

A 2,500-metre-long huge, mega cake, which will weigh 69,862 kilogrammes is being baked for the celebration of the Silver Jubilee of the independence of the UAE. This cake will be the largest cake in the world and is expected to be featured in new year's Guinness Book of World Records. This cake is expected to be displayed at a public place in Dubai for the residents and visitors to grab a chunk each from the structure. The existing record of the world's largest cake has been the 58.08 tonne cake baked in Payne, Alabama, USA in 1989.

Last week, the world's largest flower bouquet was presented to Sheikh Zayed bin Sultan Al Nahyan, the President of the UAE upon his arrival in Abu Dhabi — another milestone likely to appear in Guinness Book of Records.

The recipe of the cake includes 8,538 kgs of wheat flour, 5,692 kgs of butter, 30,739 kgs of peeled banana, 7,969 kgs of sugar, 341 kilos of baking pow-

der, 67,275 eggs and 5,6925 kilos of dates without seeds. For the logo on the cake marking the UAE's 25th Anniversary, 11,385 kg of icing sugar, 1552 kilos of egg white, 10,350 pieces of lemon and 15,000 sugar flowers will be used. A total of 500 people including chefs, bakers, designers and a lot of workers from 28 hotels in Dubai have already completed 85 per cent of baking. The cake is expected to be displayed along the famous Dubai creek.

All these are targeted to one occasion — the Silver Jubilee of the independence of the UAE on December 2, 1996. Six former Gulf Trucial states, Abu Dhabi, Dubai, Sharjah, Ajman, Fujairah and Umm Al Quwain, had gathered together and formed a federation on this day in 1971. Ras Al Khaimah — another emirate — joined the federation later — increasing the number of emirates to seven.

Also this year, the emirate of

Abu Dhabi, the largest and the wealthiest of the seven states, is celebrating the 30th accession day of Sheikh Zayed bin Sultan Al Nahyan as the ruler of Abu Dhabi. More than 30 years ago, on August 6, 1966, Sheikh Zayed became the Ruler of this emirate. His accession accelerated the pace of development in the emirate and by 1971, it was ready for freedom. Sheikh Zayed then took the initiative to form a broad-based federation with the neighbouring emirates and by December 1971, all the necessary formalities were completed for freedom.

The UAE government has already declared a four-day public holiday to mark the twin occasions from December 2. The private sectors, however, will enjoy two days rest.

**BOCI Depositors to Get Back Their Money**

There is a good news for those who thought had lost

their bank deposits with the collapse of the Bank of Credit and Commerce International (BCCI). The Liquidation Administration of the UAE branches of BCCI Luxembourg has offered to pay back a limited amount to the depositors. According to a notice appeared in local dailies, the administration has offered to pay back money to those account holders, whose deposits were less than 20,000 dirhams. The UAE Central Bank will pay the amounts to the claimants during December 1996.

All depositors or their nominees have been requested to appear before the UAE Central Bank with proper documents to claim the deposits.

**Iraq: End of the Saga?**

The Iraqi dinar is regaining some of its lost value after the news of the oil-for-food deal was made public recently. The local markets responded fast and the currency began to gain value almost immediately. But this has created a huge problem in the business circles in Iraq.

## OPINION

# "Financial Irregularities at DU"

My attention has been drawn to the report published in the front page of *The Daily Star* on 12 November titled "Financial irregularities at DU over last 20 years alleged". As a very recently matured student of Dhaka University, I wish I didn't notice the news item. Already many 'unwanted' remarks have embraced the image of Dhaka University, my alma mater. But it was very saddening to know that the people of highest academic feat in our society are busy in financial irregularities. Since there exists some confusion or lack of information in the statement made by the DU authority I would like to clarify the points concerned as well as to complement the report of *The Daily Star*.

According to the report, Dhaka University authority (is it the VC?) claims that DU is governed by the 'Dhaka University Ordinance, 1973' where the decision-making authority regarding payment of salaries, allowances and financial matters is vested with the Syndicate. True, but that doesn't enable the Syndicate to make or legitimise irregular payments. Furthermore, as long as the government (meaning Public) money is concerned, the disbursing authority must abide by the Financial Regulations laid by the Government. The Comptroller and Auditor General (CAG) of Bangladesh has justly referred to 'The services

(Reorganisation and Conditions) Act' in this regard (that came into effect on 1 July, 1973), which states that 'all powers regarding payment of salaries and allowances of all government organisations, public bodies and other nationalised organisations have been vested in the government'. Even the information of existence of the Act was made available to the Registrars of all the University, the CAG apprised the Education Ministry, the report goes on.

As the Supreme Audit Institution of the Republic, the CAG derives authority for exercising his functions from the Constitution of the Peoples Republic of Bangladesh (Article 128) and the Comptroller and Auditor General (Additional Functions) Act, 1974. In exercising his functions prescribed by the Constitution and the Additional Functions Act, the CAG has full independence. He determines the scope of audit on the basis of generally accepted principles of audit. For the purpose of exercising his functions the CAG has access to all records and documents. CAG submits his findings in the form of audit reports to the President who causes them to be laid down before the Parliament.

The Audit Department (which is headed by the CAG) is organised on functional basis. To ensure audit coverage on all areas where public expenditure

is incurred, there are nine audit directorates under the administrative control of the CAG. Among these directorates, the Local and Revenue Audit directorate is empowered to audit all local and Statutory bodies, Universities, government departments and Revenue receipts.

Accountability is one word which is echoed from all corners of the society once the question of democratic governance comes. We ought not to forget the obligation for being accountable to our society in general and to the taxpayers in specific, because accountability is fundamental to good governance in modern democratic societies. Though accountability as a concept and practice in a democratic environment has a much wider dimension, its contention is to focus on a particular aspect of accountability, i.e. accountability in public expenditure management. Accountability in public expenditure management is supposed to be achieved through statutory audit (by the CAG). It seems to me that the VC is not aware of the duties and responsibilities of the CAG which are stated in the Constitution (Article 128 to Article 132). The remark made by him (that 'University is a place of academic excellence, it is not a government office') is bound to inflict discomfort in the minds of conscious citizenry. The CAG is constitutionally empowered to ensure

accountability where the government fund is utilised. I hope the VC would be more prudent in his utterances next time once the question of accountability through financial regulations come.

Eradicating illiteracy is the most urgent need of our society. In this regard the universities are shelters where our expectations can safely rest on. Even the poorest of the poor do have some expectations to be fulfilled by the place of highest academic accomplishment. Only the other day the President of the Republic Justice Shahabuddin Ahmed has shown his concern in the rise of campus violence, suggesting a temporary moratorium on student politics. Though he is the constitutional head of the Republic the only cause behind such act was his concern for plummeting educational atmosphere in the campuses. But it seems to me that our visionary President shall have to look further in order to ensure education in the universities as the 'Chancellor'. Time dictates us to realise that it is not only the students who are to blame and held responsible for deterioration of educational atmosphere. The sooner we recognise this reality would prove beneficial for us.

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## To the Editor

### Wanted: Think-tanks

Sir, After going through the professional commentary of Mr Nurul Islam on the processes and institutions in Bangladesh on economic policy-making (Star, Nov 25), it appears that the government may encourage the formation and functioning of specialist think-tanks in Bangladesh, to assist in planning and policy-making at the core national level.

Such TTs have long been operating in the developed countries, with the proper distance being maintained from the official influence of the perverting kind, for objectivity, for example, the traditional indifference to unshackle the electronic media from the octopus-like grip of the government!

We do have some high-level local NGOs trying to correct the national perspectives through seminars and other public fora. These days, we have to use specialists and technocrats in the respective fields to advice the policy makers.

Another traditional myopic approach is to have a surplus of economists in bodies such as the Planning Commission. This is no compliment to the professionals in the other sectors. This balancing exercise may be examined dispassionately.

This shortcoming is linked to another weak sector, R&D and research and development. R&D is an on-going exercise throughout the year, regardless of the change of government from time to time due to consti-

tutional processes. Even political proposals should be analysed by the think-tanks, besides its exposure through public discussions.

A Zabar  
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### On Indemnity Bill

Sir, "J.S. unanimously passes Indemnity (Repeal) Bill," a news published *The Daily Star* dated 13.11.96. The state minister for law put forward some strong arguments that the ordinance promulgated by Khondaker Mushtaque had no constitutional basis. Since Mushtaque was neither vice president nor speaker of the erstwhile parliament he had no constitutional authority to promulgate any ordinance after the killing of president Bangabandhu Sheikh Mujibur Rahman.

If so, the so-called ordinance after killing of the president Bangabandhu Sheikh Mujibur Rahman neither requires to be termed as a law nor the same is needed to be repealed in the Parliament. The ordinance can just be treated as a memo from the table of a superior boss. If the paper is thrown into the waste paper box, the matter is over.

Then, what ground makes it necessary to produce the same in the Parliament and to compel one law maker to spend 40 minutes at a stress on this topic which involves a recurring expenditure of Tk. 6,00,000.00 (40 minutes x 15,000.00) within another hour.

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