

A True Milestone

The Bangladesh High Court on Tuesday in a truly historic judgment declared the Indemnity Ordinance of 1975 'void since it is repugnant to the Constitution' and upheld the present government's passing a bill into law repealing the same. The judgment sets a milestone in the annals of our progress towards a just society and wipes out a mean stigma on our politico-legal performance of two decades.

We recall with pride that as soon as this newspaper was born we took an unambiguous position on the assassination of the President and founder of this state together with his family saying it could never be condoned under any plea — legal or circumstantial. And we clearly called for the repeal of the Indemnity Ordinance No 50 of 1975, namely the Indemnity Bill. We feel proud for the vindication of our stand. Indeed it is a vindication of sanity and justice. The judgment sets us back on rails — derailed we had only moved away from the true course of fulfilment, for two decades at a stretch and more.

With that maligned proviso, guaranteeing impunity to self-proclaiming murderers sitting snug in the Constitution, the Constitution was being undermined all the time with its moral authority ebbing out constantly. One cannot find another constitution in the wide world protecting crime and militating against itself and setting up an awful precedent that this too can be done, we have indeed been living in shame for two decades and how would we afford not to care about it. The judgment salvages us from that national and collective debasement.

A nation grows and marches ahead through abundance by some virtues in the face of dire challenges. The evil Indemnity Bill compromised those virtues and values in a manner unprecedented in the history of modern times. The bad law's existence was not only undermining constitution and law and governance — it was having a most degenerating influence on the political culture of the land.

The Constitution was bent very obviously to protect a crime against civilisation. This was violative of every thing that moves a society and a state, of all things that make life worth living for.

Power Crisis

According to Energy and Mineral Resources Minister Lt Gen (Retd) Mohammad Nooruddin Khan, the government is contemplating to import 200-300 megawatt of power provided that certain conditions are fulfilled. These are: a) availability of power during the peak hours; b) an acceptable tariff; and c) supply within a short period of time. Of these the question of availability during peak hours is what looks like a rallying point. The other two points are so obvious in any deal that they hardly deserve any comment. Any way all this makes the government's position on import quite clear.

Now that the situation is so hopelessly bleak, the authorities concerned should at least come up with the right information. Consumers have the right to know how long they will have to adjust to this on-and-off power supply. There is no point throwing the consumers in a position where they find themselves all the time guessing when the precious thing called power will be restored. Looking from another point of view, it can well be concluded that the consumers are receiving a raw deal from the power generating and supplying agencies. According to the energy minister's own admission of the 30 per cent systems loss, 18 per cent are attributed to the technical category. The rest you can call either non-technical or simply theft. Even the 18 per cent technical loss is very high by any standard. Then there are cases of illegal power connection. The minister knows of as many as 22,500 such connections in 60 slums alone. The number is sure to go up if similar connections in non-slum areas are taken into consideration.

Now the moot question is whether we are willing to set our house in order. If the minister in charge of the energy portfolio knows about irregularities and theft, why actions aimed to correct the situation were not taken. Pilferage of power is a crime and so are the irregularities and corrupt practices resorted to by a section of the employees of the Power Development Board. The home truth is that we need investment in the power sectors and unless and until we prove our bonafide as an honest and efficient manager of the whole system of power generation and distribution, foreign investment in the area will not be forthcoming. That we do not have enough money to invest in the sector is known. So the choice is clear.

Show of Sympathy

Begum Sufia Kamal has sent to national daily a pained reaction to the report of a Pakistani lehanga dress being touted for a price of 1.40 lakh Taka in the current Eid market. She has two points. One, she wants the eventual buyer not to wear it in this country. Two, the buyer should try to balance the prodigality by purchasing handsomely woollens and sending those in the north being frozen into near-death by the cold wave. Another newspaper reports that all officers and employees working for the Rajshahi district administration have donated one day's salary for sending the sufferers clothes and succour.

Begum Sufia Kamal's hurt mind or the donation by the Rajshahi service people would not make the cold anymore bearable for the sufferers. But these have tremendous symbolic value calling upon the nation to respond to the distress taking tolls of human life and inflicting suffering impossible to describe. As there seems to be a lack of general response to the daily reports of the cold wave toll, these gestures gain in importance.

Why are those people unable to face a fall in temperature to seven or eight degree Celsius. Because many of them do not have shelters. Many, almost all of them do not have clothes to protect them and these are still that have no access to enough food to keep them warm. The government cannot in a jiffy fix these all. The only thing they could have done effectively is distributing clothes. But it is a tradition with governments that the needed things would arrive only after the distress has cleared. This should have improved with the new government's taking over. Granted that the cold wave struck all of a sudden — but even after a full week it cannot be said that enough clothes have reached the people in distress.

ONE of the hotly debated regional issues in this part of the sub-continent at present is the proposed sub-regional grouping of three countries and part of a country. These are composed of Nepal, Bhutan, Bangladesh and the eastern section of India. The principal purpose is to foster all-round co-operation among the peoples of the region. The areas of co-operation have been identified in the core economic sectors of water, energy, environment, transportation, transit, communications, tourism, trade and investment. The private sector is to play a significant role in this arrangement, specially in the matter of accelerating transition from the regime of SAPTA to SAPTA. The sub-regional co-operation is expected to promote economic growth and also equitable distribution of benefits.

In the post-Cold War era when the deadliest of enemies have closed ranks and which witnessed prolific growth of organisations designed to promote regional co-operation, people expect and do share and enjoy multi-faced benefits out of such co-operative arrangements. There could not, therefore, be much dispute of the desirability of seizing such opportunities. The founder of the BNP, Shaheed Ziaur Rahman, had a similar vision and through his initiative the present institutional framework of SAARC was created with its concomitant benefits and advantages. During the decade-long existence of SAARC considerable progress has been achieved in designated fields and promises for a lot more are in store. It is, therefore, a natural policy for the BNP to endeavour consistently to promote collective well-being of the people in the region. Its credentials for realising this objective, in principle, by all possible useful and fair means thus remain beyond reproach.

Principles

The question has been posed whether the proposed grouping or sub-grouping is in conformity with the Charter of the SAARC or whether it undermines objectives and functions of the SAARC. There exist two

almost diagonally opposed viewpoints on this moot issue. Claims and counter-claims have been preferred by both sides to the effect that Article VII of the SAARC Charter makes enabling provision or otherwise for this venture. The Article is entitled 'Action Committees' and reads, 'The Standing Committee may set up Action Committees comprising Member States concerned with implementation of projects involving more than two but not all Member States'. That is all it states.

The above provision of the SAARC Charter clearly stipulates that its Standing Committee, which is a permanent body composed of Foreign Secretaries of member — states, may set up 'Action Committees', which evidently become subordinate bodies receiving terms of reference and general directions from its appointing authority of Foreign Secretaries. Functions of these Action Committees are confined merely to 'implementation of projects' and relate to more than two but not all member-states. If it concerned all, it would come within the purview of the SAARC functions in general.

What is noteworthy in this respect is that it does not authorise the Action Committees to explore, plan and prepare projects for member-states and limits its activities only to implementation of such projects. The provision also does in no way provide for the creation of a high-powered or supra-national body or even one at a level higher than Secretary. So, SAARC does not envisage creation of a separate body first and then to explore for projects; rather it envisages implementation of projects that three or more member-states may have already planned or drawn up. The anomaly resembles the situation of putting the cart before the horse and not horse before

the cart.

One may, however, legitimately argue that Charter of the SAARC may be amended, if needed. One may also contend flexibility is imperative in many situations of this nature. If it can cause greater well-being of the people. But all decisions of the SAARC, not to speak of an amendment to its Charter, require unanimous consent of all members. This provision was incorporated at the behest of India. The wise founding fathers incorporated this provision with foresight as a result of which SAARC is alive and thriving today. One may not therefore fully count upon get-

expected and must be accepted as such. But before setting out in a new area, one should do a bit of reconnaissance. Past experiences of related matter, if available, would be of some help.

Our experiences with India are rich, varied and cyclical. We received unparalleled help from her during the War of Liberation for which the national is grateful. The help and sympathy continued during the post-Liberation government of the Awami League. Then it dried up. The government of Ziaur Rahman, however, succeeded in concluding a water treaty with India in 1977. Though it was an

man was positive in securing Nepal's partnership in this project. But he did not press the issue in the face of an embarrased Jagat Mehta, leader of the Indian delegation. Even an earlier approach to India for securing transit facilities for Nepal through the narrow Indian territory to Bangladesh still remains unheeded.

Prognosis

It is, therefore, difficult to blame someone who wonders as to the rationale of an absolute transformation of Indian policy towards its neighbours — especially Bangladesh and Nepal. Is it because there is genuine realisation on India's part of the mistakes of her past policies and her desire to rectify them? Or is it merely due to the assumption of power by friendly governments in these countries who would be easily amenable to accepting India's revised policies? Or, does it have something to do with the unprecedented rise in the level of insurgency in the seven sister states in eastern India and the Federal government's need for easy and prompt access, transiting through Bangladesh, to this region and to the Chinese borders? Or, does it reflect the thinking of some people who would like to see India should spread economic hegemony over her eastern flank, to start with? In reality, the surge of Indian goods have already flooded Bangladesh and Bangladeshi entrepreneurs are hard put to compete. Or, does it manifest a pent up desire to gradually isolate India's arch-enemy, Pakistan, by way of evolving a similar regional group also in the southern flank of India? Not one of these reasons may be the prime mover for this concept, but a combination of all these are more likely to contribute to it.

An objective analysis of the situation, therefore, calls for a comprehensive and in-depth



Currents and Crosscurrents

by M M Rezaul Karim

ting consent of those member-states who might feel left out under the proposed arrangement.

Practice

Technically apart, let us come to brass tacks or practicality of the issue. To secure the expressed will of both the governments and peoples concerned in forming a regional or international group, institution or organisation is of paramount importance. Britain stayed away for long from the European Union (EU) and finally had to resort to referendum for a decision. She still vacillates about joining the Monetary Union and this may be one of the contested points in the coming election there. India waited in the wings for some time before formally consenting to join the SAARC. Every country is guided by its enlightened self-interest. It is natural,

interim treaty, it was an outcome of hard negotiations and painstaking efforts. I speak with first-hand knowledge, as I was then posted in Delhi as our Deputy High Commissioner.

The Bangladesh side moved heaven and earth to associate Nepal in a bid for long-term augmentation of waters in the Ganges so that a permanent solution to this major problem could be arrived at. But India did not budge an inch from her stand. To her, it was a bilateral issue and could not be internationalised. It was sacrosanct, despite its potentials for causing immense good for the people of the three countries. At that time, India did not even term it to be a regional issue. Even the first reaction of the then Indian Prime Minister Morarji Desai during his meeting with Bangladeshi Presidential Adviser B M Abbas and High Commissioner Shamsur Rah-

Fresh Investigations on Bofors and Likely Fall-out on Indian Scene

Certainly, the new developments will have repercussions in the political alignment, particularly in the present United Front-Congress relationship. The "green signal" given to the CBI may not be kindly taken by the Congress, writes **Zaglul Ahmed Chowdhury**.

more and more about the deal came to the fore creating serious embarrassment for the government of Rajiv Gandhi. In a democratic country like India where transparency and accountability are largely maintained in dealing with the public money, the issue sparked off an unprecedented storm with the politicians and the press going all out to look deeper into the alleged scam.

Both houses of the parliament — the Lok Sabha and the Rajya Sabha — were the sites of uproar between the ruling and the opposition sides for months on the issue while the opposition took the agitation to the streets. Premier dailies sent their investigative journalists to Sweden and Switzerland to secure information about the scandal. The matter came as a bolt from the blue for prime minister Rajiv Gandhi, whose "Mr Clean" image that he so assiduously built up was dealt a severe blow. The opposition took full advantage of the government's predicament and raised a hue and cry in the country over the alleged corruption in the higher echelons of the administration. Suddenly, the image of the prime minister was severely mauled and he could deliver little to his Congress party with a tainted image. The issue brought down his government in the 1989 general elections.

The politicians at the national level of India who enjoy relatively clean public image

like Atal Bihari Vajpayee, Vishwanath Pratap Singh, Jyoti Basu, Inderjit Gupta and others, cutting across their party lines, mounted an orchestrated demand that the scandal be probed.

However, the government that took over following the defeat of Rajiv's Congress in the elections could not perform much on this issue and a clear picture of the deal remained an enigma for the Indian people, most of whom believe that the scam is true but want to know more like who how are involved in it. The delay in the investigations from time to time was also due to the fact that the two countries, Sweden and Switzerland — wherefrom the arms were purchased and alleged money from the pay-offs were deposited respectively — have their own laws in giving information sought by the Indian authorities. Besides, Bofors firm also contested many developments from time to time and went to their country's administration and courts. Much of these decks have now been cleared and the investigations are now likely to bring many facts to the fore.

What impact will it have on the current government or political scene in India? Certainly, this new development will have repercussions in the political alignment, particularly in the present United Front-Congress relationship. The "green signal" given to the CBI may not be kindly taken by the Congress, which supports the government. The federal

government of H D Deve Gowda is walking a tight political rope over the factor of Congress support to the 13-party coalition, whose survival rests on the support. This will anger a section of the Congress which is perceived considerably powerful in the organisation. The faction or supporters of former prime Minister P V Narasimha Rao may take some pleasure out of this situation since they have been elbowed out by the anti-Rao groups from both the leadership, in the party and in the parliament, in recent months. Mr Sitaram Kesri has occupied both the positions of head of the organisation and the parliamentary party. Rao and his

supporters had always sought to distance themselves from the Bofors, indicating that more closer person to late prime minister Rajiv Gandhi like Arjun Singh and others might be closely linked with the scandal when the party was in government. Arjun and others who are known to be close to Rajiv's widow, Italian-born Sonia, were cornered by Rao and some of them, including Singh himself, had to leave the party.

However, Singh and N D Tiwari have come back to the Congress after, in a reversal turn, Rao group has been marginalised. The dominant groups in the Congress now is not favourably disposed to continue the support to the government. The Bofors issue will further alienate them from the Gowda government. But the government possibly cannot afford to turn a "Nelson eye" to such an issue for political exigencies. Bofors investigations will ultimately embarrass many a heavyweight in Indian politics.

OPINION

Time for Political Pilgrimage

A Zabr

The media and the political pundits could not resist the temptation to note the entry of former president Ershad into the political arena (after the latest court ruling), but generally his presence is being initially treated with enlightened and/or patronising indifference. This political player with nine years' experience at the top will make his presence felt, sooner than later, regardless of all efforts to discourage or thwart him.

It is too early for the political analysts to get hold of enough material to build up the scenario, but the JS suddenly became lively with a dummy game of untouchability. The sensitivity of the players cannot be ignored. The JP, for the first time, sat upright, chest out, chin in (in military parody), and blundered in a patronising tone of over-confidence. Kite flyers keenly recall the pleasure of this timeless pastime, indoor or outdoor.

King or queen maker (or non-maker), or master chef, six years of hibernation will need some time to bring balance to the game. Meanwhile, the political kitchen has to be refurbished, the pantry laid out, and the dining rooms reconditioned with new coats of paint, to bring about a greater variety in colours and tones. Speaking in cricket terms, it would be more of 5-day test matches than one-day parties. Outside observers may relish the variety of fare to be served during the months ahead.

Bangladesh is facing a critical period of change-over in the style of governance during the three years left of this century. There is no more time for experiments and internece wafares; the politicians having wasted it too much too late. The question is how much control the local political leadership will have of the coming blueprint of the nation in the making, without surrendering

meekly to the powerful international forces and lobbies, and to the regional traps and trimmings. For withstanding the global pressure, the core of the nation has to be tough to stand the onslaught, and resilient enough to bounce back. Can we affirm unitedly that we are ready?

Ershad's political experience and analysis could be used as tools by the other players for the improvement of the current political culture, to enable the politicians, the leaders, and the parties to go through a filtration process of self-cleansing for better services to the nation, to weed out the weaknesses and to strengthen the democratic practices suited to the society's level of absorption.

Ershad has learnt his lessons; and is therefore wiser to the extent that he will not repeat his mistakes, at least the visible ones. The political consciousness of the masses has also sharpened tremendously in the '90s, thanks to the rigorous or vigorous dress rehearsals and exercises inflicted during the street movements of the past two years. Therefore, it would be naive of any ambitious leadership to take the people on a ride once again. Ershad can contribute the good points for enhancing the standard of the game the politicians play, remembering that grand failure does not last for nine years. This opinion is not a panegyric on the humbled ex-president, but a plea to analyse the lessons he has learnt, and to use the good points, as applicable, for the good of this over-exploited nation.

The leaders have to accept the reality that the scope of success with the traditional methods of doing politics has its limitations in today's high-speed communicative environment. The public sensitivity to overtures cannot be treated lightly, as in the past. *United we stand, divided we fall.*

To the Editor...

"Clamping the joints"

Sir, In your above-captioned editorial (21 Jan. '97) praise has been unduly showered when the opposite would have been more appropriate.

For quite some time, RAJUK has been barking up the wrong tree. Practicing architects, engineers, and consulting firms are duly registered with their own professional bodies — Institute of Architects, Bangladesh (IAB), Institute of Engineers, Bangladesh (IEB), Bangladesh Association of Consulting Engineers (BACE). In addition, many are registered with other international organisations — ADB, WB, etc.

For long it had been required that registered architects/engineers sign/seal and certify drawings for approval by RAJUK. For authentication, RAJUK could have a copy of all registered practicing professionals/firms, from their respective Institutes/Associations, and it would have been considered that RAJUK's actions are well intended. I am not sure if RAJUK has the authority or competence to make such an entitlement for public/private buildings other than its own. All professionals and firms/organisations should condemn such action by RAJUK.

Before pointing in the wrong direction, I wish RAJUK had taken up a drive against constructions that are not according to their approved plan — that is something that can be seen! Why grope with the unseen? Has any building designed by registered architects/engineers and constructed accordingly, collapsed? If not, then RAJUK's move is nothing but a red herring.

It would perhaps be more fruitful if instead of looking down the pointed finger we look closely at the three fingers pointing inwardly — and then also the thumb sticking up at our nose, meaning the owners of illegally-constructed structures.

Munir
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Asian Highway

Sir, About three to four decades ago we came to know about Asian Highway project linking Europe with Asia from Turkey to Singapore through Iran, Afghanistan, Pakistan, India, Bangladesh, Burma, Thailand and Malaysia. The implementation of the project, however, remained dead-locked as the Burmese government did not like it.

For the first time during the

last six months since partition of India in 1947 and independence of our country in 1971, we have continuously been hearing that New Delhi has been constantly seeking from Dhaka road transit and Chittagong sea port facilities for carrying goods and commodities to its seven north-eastern states.

We feel that Asian Highway and transit facilities to India are two different and separate issues. We cannot juxtapose Asian Highway with transit facilities. Moreover, Asian Highway is not a bilateral issue only between India and Bangladesh. It is a matter of great socio-economic and political importance and significance for the entire South and South-east Asia. Further, due to unwanted political situation and insurgent activities in north-eastern Indian states, it is not advisable for Bangladesh to poke its nose in the internal affairs of India.

To our surprise, all on a sudden some interested quarters have changed and revised the original part of Asian Highway route from Pakistan-India-Bangladesh-Burma to Pakistan-India-Bangladesh-India-Burma with a view to facilitating India carrying goods and commodities to its north-eastern states of India through Bangladesh territory. They

have started camouflaging and making us believe that the revised and changed route of Pakistan-India-Bangladesh-India-Burma in place of original route of Pakistan-India-Bangladesh-Burma of Asian Highway is best-suited to the interest of the region.

We strongly believe that obstruction on original route of the Asian Highway is very much against the objectives of the Highway. We also feel that revised route is detrimental to the economic interest, national security and sovereignty of our country.

We vehemently oppose the revised route but strongly support the original one, and demand its early implementation.

If the countries of the region have any second thought on the original Asian Highway we would request the leaders and experts of the region to kindly hold a meeting and workshop in Dhaka and to find out a permanent and common route acceptable and suitable for all concerned without any discrimination and grievance.

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