

## A Courageous Move

Nobody believed that the government would have the guts to move against the stock market manipulators, especially as some of the biggest culprits appeared to enjoy political clout in the new scheme of things. Proving most observers wrong, the government opted for accountability, long term stability and healthy growth of our nascent stock market at the risk of short term negative impact, with possible political consequences. Political governments usually shy away from tough decisions. Ours didn't. We heartily commend the government, especially Prime Minister Sheikh Hasina for it, and for proving that nobody is above the law, however rich and powerful. We congratulate the Finance Minister for carrying through the probe and making its findings public in spite of tremendous pressure for the contrary, and the probe committee for a job well done.

Findings clearly prove that some people thought that the stock market was their private hunting ground where no law, no ethics, no norms mattered but only their greed. That common investors were toys to be played with as the 'gods' wished. As we have understood the probe findings, there were two distinct categories of manipulators — ones who conceived, planned and executed it; and others who rode on it. The nexus of listed companies and a few brokers fall in the first category. It is they who wrought havoc on our growing stock market; reduced millions of small investors to destitution; and swooped hundreds of crores for themselves. No effort should be spared to punish this group and make them pay for the suffering they have inflicted on the common people. The group that rode on the manipulation should also be punished but only to the extent of their crimes. It would be a fatal mistake to mix up the two groups as it would create shelter for those who have caused the real havoc.

Securities and Exchange Commission's (SEC) role must also be focused here. As the probe report rightly points out that if the SEC had taken punitive actions against the delinquent brokers and listed companies in due time then our infant stock market would not have suffered as it did. What prevented the SEC to act more professionally at that time? This should form a part of the probe now.

Free market economy is not freedom to do all sorts of wheezing and dealing with peoples' fortune is the first lesson that we need to learn from this experience. A thorough reform of the stock market, change of the rules of the game of DSE and CSE which will limit the role of brokers to what it is elsewhere, and computerisation of the stock market are among the priority actions that the government needs to take now. We must do everything to restore the confidence of the investors in our market. House cleaning is the first step. Reforms will be the next. The follow-up actions by the government must now be very quick so that normalcy returns to the market at the earliest. We hope that the private sector in general will welcome the government action to restore discipline and that confidence in our economy will be renewed.

## Endangered Business

The gunning down of two young men by a gang of assailants in the office of an engineer of the Public Works Department (PWD) at Sher-e-Bangla Nagar comes within weeks of a similar ghastly incident that took place in the office of a manpower recruiting agency. The dead, according to the police, were themselves *mastans* against whom several cases of terrorism had earlier been filed with Mirpur Thana. The killers are thought to be the dead ones rivals in the tender business. If the police are right, can we have an explanation as to how these known terrorists could be enjoying free life and doing tender business all the while? Why cannot the police catch the arms-wielding *mastans* who failed to accept the opportunity to surrender their weapons under the government declared amnesty?

We are weary of the customary police version after each such gruesome murder. The police came up with the same statement when an IPGMR doctor was killed and also when two young men were shot dead in a manpower recruiting agent's office. It appears that where there is money, the *mastans* go grab it, and to extend the inference, the police too are not far behind. Otherwise, why would the police be failing to take a preemptive action. The home minister has to intervene personally to make the police act.

In a situation of abject insecurity economic activities are bound to suffer immeasurably. The promise shown by the home minister earlier is fast fading out. We have made the point clear that law and order is the test of governance. On that count this government is losing its grip. We reckon criminalisation of politics has been responsible for the pervasive spread of terrorism through the fabric of the society. Can the government make a choice between conventional politics relying heavily on armed cadres and neutral and fair dispensation of justice? Party politics in that case may suffer a little but the future of the people will definitely be secure.

## Tightening Leash

The government has taken a move for legal action against medical colleges, dental colleges and other medical institutions which have come up without the approval of relevant authorities. Educational institutions of higher learning have been operating successfully in the private sector and anyone competent to run such an institution could always make use of the provision for it by duly registering with the government.

The plain truth is that a section of people found it convenient to open educational 'shops' cashing in on the mad rush of students for higher education. But they are clearly violating the Bangladesh Medical and Dental Council Ordinance, 1980. This is a punishable offence but not quite adequately so. It should be more stringent than a two-year jail term with fine. However, it is good to know that the authority is processing legal cases against the organisers of spurious educational outfits.

Application of the relevant ordinance can be only a limited deterrent against the freewheeling commercialisation of technical education which is in high demand. In this particular context, the parents must be prepared to use their judgment for being discriminatory and quality conscious in the choice of their wards' educational institutions.

# An Interview with Chief Justice

He recalls how he joined the service when his father told him that "it was a call of duty." He wonders how many leading lawyers look beyond money and would become judges to give the country a clean, credible judiciary.

AM Ahmadi, after a stint of 33-year judgeship, has no regrets as he lays down the office of India's Chief Justice. But he is worried because he feels that the system has become an "expediency" and the rule of law a wishful thinking. Things have been allowed to drift. "And what could have been sorted out with a little imagination now demands Herculean efforts," he says. The faith that the founding fathers had placed in the Westminster form of parliamentary democracy has been shaken by the manner it has functioned in the post-Nehru era.

I interviewed Ahmadi two days before his retirement. He was forthright in his observations and commented on subjects ranging from the appointment of judges, judicial activism and public interest litigation, to the press and the judgement on *Hinduvta*. He is neither looking forward to any assignment nor wanting to go back to his home town, Ahmedabad, where he began as a city judge. He will live in Delhi or around the city, even though a pension of Rs 5,000 a month

President nor the Lord Chancellor in Great Britain, who have an exclusive right to appoint judge. "The important point is not how you select, but whom you select."

Asked why the appointment of three judges to the Supreme Court took so long, he says that he had to consult his two senior-most colleagues, as is the procedure. There were differences. It took time to sort them out. "This is bound to happen. All have their own views," he says.

Ahmadi does not raise his voice, nor does he make any uncharitable remark. The interview, for about an hour, was without any incentive. We sat in the sitting room, simple, with no loud colour or odd furniture piece. There are a few decorative things but cased in almirahs. One painting hardly hides bare walls.

He does not minimise the role of judicial activism. In fact, it is a writ of *mandamus*, asking government officers to perform. He is, however, happy that some people have chosen to achieve their objective through the judiciary. Public interest cases, he feels, "would have been

says that there has to be a system. The chief justice cannot do so on his own. I reminded him of the letter I had written requesting him to constitute a larger bench to consider the judgement which I thought affected the basic structure of the constitution, secularism. He says he did not act "for obvious reasons." But in a recent judgement the demand for a larger bench has been made," he says.

"It is indeed true that, of late, many issues which can be described as socio-political or religio-political or eco-political, are brought to court," says Ahmadi. "Some of them do have far-reaching consequences and affect the social fabric of the nation. Courts have, while trying to steer clear of areas falling within political thickets, not hesitated to exercise jurisdiction in appropriate cases."

He is unhappy over the arrears (30 lakh cases) in the court. But he blames the state for it. The criminal procedure code has been amended to lay down that the government can appoint honorary magistrates, who need not be even lawyers to hear cases. "I have written per-

## BETWEEN THE LINES

Kuldip Nayar writes from New Delhi

will not take him far in the capital or its environs.

Such are the prospects which deter good lawyers from going to the bench," says Ahmadi. "Those who should be judges do not accept the position because it is lowly paid," he says. "And those who do not deserve it are in the queue." He believes that the salary of a judge has to be in proportion to his average earnings at the bar. "How much should he sacrifice?" But then he recalls how he joined the service when his father told him that "it was a call of duty." He wonders how many leading lawyers look beyond money and would become judges to give the country a clean, credible judiciary.

Ahmadi does not believe that the judicial commission is an answer. It can be expanded. Suppose the executive does so at its own choosing, what is the remedy? On the other hand, he feels that consultations with the executive are necessary to know fully about the person under consideration. "There is the Intelligence Bureau reports and other things," he says.

"The primacy of chief justice has to be maintained," he says. "But that does not mean confrontation with the executive." He believes that the primacy of the executive should also be respected. Both should hold consultations so that there is an agreement on the person selected. If the executive is opposed to a particular name, that person should not be appointed. None suspects the American

wholly unnecessary if the issues were fully discussed in parliament and people were kept informed of developments." He concedes, however, that the phenomena of judicial activism "in its aggressive role" will be temporary one. "There has been some over-stepping," he admits. "Judges themselves are aware of the fact that the non-elected judiciary is neither meant nor equipped to act as a policy-making body."

Great care must be taken to ensure that while the judges play a participatory role, they do not appear to be entering the arena to give the impression of bias to the opposite party," says Ahmadi. He cites an example of the Kerala High Court where fund was created to kill mosquitoes and where he intervened to have the whole thing wound up. "How can a judge get into a situation where we have to keep an account and what note?"

The chief justice is very harsh on the press. He says that it does not check facts and prints lies which, even when contradicted, are not corrected because the press does not seem to be interested in facts. There is too much comment in the news itself. There is no overall supervision. Every page has an editor. "There was once pyramid now it is a barrel."

Ahmadi does not want to comment on the judgement to define *Hinduvta*. He has reservations but is reluctant to spell them out. Asked why he did not refer it to the larger bench, he

sonal letters to chief ministers to point out the provision," says Ahmadi. "But there is very little progress. They are not interested."

Dilating on the role of the Supreme Court, the chief justice said that it was established primarily "for the purpose of being interpreter and the guardian of the many salutary principles that they had enshrined within the constitution." Initially, its role was formulated as a constitutional court. It was only later that the farmers turned their attention to the appellate jurisdiction of the Supreme Court.

"In recent years, the court has been so heavily burdened with its appellate functions that its role as a constitutional court has suffered greatly," he says. "The pendency of appeals had increased to such an extent that the fixing of constitutional benches had to be postponed as it was found that when benches of larger strength were in session, the pendency of appeals rose alarmingly."

Ahmadi came up to verandah to say goodbye. He spoke in Urdu as he did many times during the interview. I could now see his face more closely, a face at once sensitive and hard-bitten, penetrating and gentle. I inferred during the interview that he was no split personality, no enigma, no contradiction, anomaly or torn allegiance. He has made a great judge but he would have made a greater editor.

## To the Editor...

### "Pollution of a different kind"

Sir, I thank Mr S A Mansoor of Gulshan, Dhaka for his letter under the heading "Pollution of a different kind" published in *The Daily Star* dated 23rd March, 1997. The problem he has focussed on deserves serious consideration by the government as well as by all conscious citizens.

Manpower recruiting agencies have become lucrative business and centres have been set up in various residential areas by resourceful persons defying all existing laws.

In many such places 'medical check-up centres' have also been set up to facilitate recruiting business. Almost everyday, hundreds of people visit such centres. Rickshaws, baby taxis, tea stalls, food vendors and many others are found crowding the area. Since the potential clients carry good amount of cash, hijackers find a good hunting ground.

Road No. 11 at Banani had earned notoriety in this regard. A huge C.I Sheet structure has been raised to accommodate a manpower recruiting centre in one of the houses at Road 11, Banani.

I urge all conscious citizens, particularly Bangladesh Environmental Lawyers Association (BELA) to take up the matter with appropriate authorities.

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### "Penal Code"

Sir, Nowadays, the code for penalising the criminal offenders is a much talked-about one. Actually, in the official gazette, it is termed as "Penal Code". But in most national dailies, dramas, literature etc., the same is often wrongly termed as "Bangladesh Penal Code" (BPC). Up to 1947, the code was named as "Indian Penal Code" and during Pakistan regime, it was "Pakistan Penal Code". Now the code is barely "Penal Code". This should be informed for kind knowledge of all.

Md Al-Mamun  
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### Hooliganism in the field

Sir, We are ashamed to see hooliganism that had been overwhelming in the last two consecutive hockey semifinals held between our top level hockey clubs on 15 and 17 March 1997 at the Hockey Stadium in the Karnaphuli Garden City Club tournament. Has hooliganism nowadays become the very common phenomenon in our sports arena? Where should we hide our shame?

The other countries like Malaysia, Indonesia and Thailand are developing their rank in each field of sport from once the same position as ours, whereas our players and club officials are still very often being engaged in common practices like disobeying the rules and discipline of games, assaulting the umpires or referees and fighting among themselves in the playground. This is very shocking and disappointing. How can the players develop their match temperament, quality and skill when they neither respect the judgement nor obey the rules of the games?

Could we urge to the players to be decent in the match so that we can march forward with our country's 'fairplay movement'? We do expect and hope that the tournament committee and Bangladesh Hockey Federation will take exemplary legal action against the players who engaged themselves in beating and assaulting the umpires in those two hockey semifinals.

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### Leader of the Opposition

Sir, In a civilised and democratic country, the Leader of the Opposition is considered to be the second most important person next only to the Prime Minister, for today's Leader of the Opposition could well be the Prime Minister of tomorrow. All public utterances of the Leader of the Opposition must, therefore, be fully restrained and, in particular, on sensitive international issues and, under no circumstances, such utter-

ances should exceed the boundaries of what is generally recognised as international decency.

As published in February 3 issue of your esteemed paper, Begum Khaleida Zia has reportedly said: "Bangladesh which earned independence through a bloody struggle can never support the suppression of people seeking independence" in the seven north-eastern states of India. Such irresponsible and provocative utterances can only harm instead of fostering friendly relationship with a neighbouring country. What is happening in India is no concern of ours and, similarly, what is happening in our country is no concern of India except, of course, with regard to any actions which affect our respective national interests.

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### FMDA for world peace

Sir, Our attention has been drawn to a letter in this regard by Mrs Kaberi Barua, General Secretary of Human Welfare Society of Chittagong, published in *The Daily Star* on 6/1/97. It is heartening to know that the "Foundation for Moral Development Approach (FMDA)" has initiated a proposal to the United Nations on "Universal Moral Development Programme". The objective of the FMDA is to create moral awareness and conscience among the world population through the universal moral development programme. There is no doubt that this approach, as a package-deal programme will definitely help in curbing and combating all the disastrous calamities of the world today like, corruption, AIDS, poverty, violation of human rights, environment pollution, terrorism, drug abuses, smoking, etc.

In fact, these are the genuine by-products of immoral human activities of multifarious types. The unique programme of the FMDA will certainly pave the way to ensure sustainable peace and justice for human beings for all time to come. We believe

that the FMDA will be a proper "common platform" for the world people irrespective of colour, religion and nationality to work for global peace through universal moral development programme.

So, we appeal to all the foreign missions in Bangladesh to convey the message of this universal benevolent programme of FMDA of Bangladesh to their respective governments and peoples for their information and valued consideration.

We really feel proud that such a universally moral issue has emerged from our Bangladesh. Now it is becoming crystal clear that today or tomorrow, the whole world population, for the sake of their peace and meaningful existence, will have to follow the guidelines of the global moral development programme of FMDA.

We whole heartedly congratulate the Founder of FMDA for propagating such a noble idea in the greater welfare of mankind at all levels of all times.

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### Long live Nelson Mandela

Sir, On the august occasion of Silver Jubilee of our Independence, we in Bangladesh were honoured to have Nelson Mandela amidst us for he is, today, a unique figure in history, an apostle of peace, the like of whom grace humanity very rarely. Mandela's fight has a universal theme: it is a fight for freedom, freedom to be himself, a fight for justice. Even a small grain of knowledge of the practice of apartheid in South Africa could invoke a sense of outrage and injustice in anyone, regardless of colour or creed, who calls himself a human being. It was a unique situation there and cannot be judged by any other standard as other freedom struggles elsewhere. Chamberlain's behaviour towards Hitler proved that to some rogues of history one just cannot afford to turn the other cheek.

## ENERGY SECTOR

# Whither Decisions and Actions?

THE government has just held two international seminars on the prospects of hydrocarbon exploration in Bangladesh. The first seminar was held in London from March 24 to March 26 and the second, in Houston from March 31 to April 2. An eight-member delegation of the government has been holding these seminars with finance from the World Bank to make international gas and oil companies "aware" of the prospects of hydrocarbon reserves in 15 explorative blocks in Bangladesh. A large number of companies have attended these "promotional" seminars and soon they would submit their proposals for exploration in these blocks.

by Sharier Khan

kickback never saw the light of the day. Remember the Schmitter scam? Did anybody put the then Energy Minister on the dock for that? No. Why? Because subsequent governments did not take these matters seriously.

Consider the case of the power sector. In 1971, Bangladesh had an installed power generation capacity of 550 MW while the demand was for 183 MW in peak hours, thus leaving a surplus of 367 MW. In 1980 our installed capacity was 822 MW against a peak demand of 462 MW. In 1985, the installed capacity was 1141 MW against a peak demand of 887 MW. Even in 1990, the installed capacity was 2352 against a demand of 1509 MW. And now we have 2658 MW installed capacity against a peak demand of 2100 MW. Yet we can actually generate around 1600 MW leaving an astonishing shortfall of 400 to 500 MW. Why? Because of the AB Pipeline. The construction of AB Pipeline was disturbed because of corruption. But nobody was punished for the corruption. Worse of all, nobody took prompt action to build the AB Pipeline before the crisis began. Did the experts of the ministry not forecast early last year that there would be a crisis of 450 MW this season? What did the government do about it then? We are not aware of any action taken at that point of time.

We appreciate the government for giving considerable attention to the energy sector now. Still we should say there is a lack of understanding at the highest level of the government in dealing with problems of this sector. There had been much of "promotional talks" and "promises". We know, for decisions regarding hydrocarbon sector it requires some technical knowledge and understanding which again takes some time. But we didn't know such "some time" could be so much time that the country on turn is now heavily affected and going to be affected more by the delay in decisions. Here is a list of delayed decisions/indecisions of the government:

A. The post of Petrobangla chairman remains vacant for the last three months.

B. It took three months extra time for the PDB to conclude the bidding for three barge mounted plants.

C. The bidding procedures for Meghna/Janipur/Baghabin power plants are delayed by at least three months.

D. The Power Cell was created in mid-1995 to frame various important documents including a model Production Sharing Contract (PSC). The model PSC was okayed only a few weeks ago.

E. It took more than nine months to think and re-think and finally okay the PSCs of Rexwood Oakland and UMIC when the government already had the experience of signing five PSCs before.

F. Why did it take so long to decide that load management should be enforced to minimise

load shedding when the government knew long ago that there would be a shortfall of 450 MW this year?

G. The rural power company project has already been delayed by two years!

H. While the government is seeing no way for increasing power supply, it never appears to have thought about considering a proposal of Midland Electric Company, UK to build a 110 MW power plant within "six months" of signing final agreement.

Besides there are some serious issues which should be addressed immediately:

A. There exists a serious tussle between the expert group and the bureaucrats within Petrobangla and the PDB which is affecting progress of work.

B. There goes on a constant 'unhealthy' battle between the PDB and DESA for the last five years.

C. There is a lack of motivation among the employees of PDB (with exceptions however) to carry out tasks promptly.

D. The trade union bodies in PDB and DESA are obnoxiously protecting thugs who believably devour up to Tk 400 crore a year!

We know that the bureaucrats have answers for all these questions. But we are tired of their wise answers. We want to see some actions. And it's now or never. Bangladesh is standing on the edge. While bureaucrats continue to deliver defensive speeches (via the authority), towers are collapsing, cities are plunging into darkness and "fatmen" are getting away with public money.

So, the bottomline is:

A. Bangladesh does have tremendous hydrocarbon reserve potentials which can, if seriously explored, change the face of the country almost overnight.

B. There is already a tremendous enthusiasm among large oil and gas companies investing in Bangladesh. Instead of "promotional trips" it's high time the experts of Energy Ministry, Petrobangla and PDB be equipped to cater for the need of these companies.

C. The government should also keep an eye on the experts and officials concerned to avoid any chance of corruption. A corruption like that of Schmitter would lead us to a greater trouble. Recognition of talents and efficiency of experts and officials is a must to boost their morale and keep them to their commitments and thus avoid possible corruption. Allow officials and experts to talk to press freely so that the corrupted people can be cornered easily or the corruption (if there is any) can be exposed.

D. Maintain absolute transparency. Currently we need foreign investment and we criticise government's failures to draw investors' attention. But in the future the table might turn. Remember how the press reacted to the "child labour" issue of the garments sector? Ultimately Bangladeshis will stand beside Bangladeshis and the government will be benefited from maintaining transparency if it is on the right track.

E. Now we want to see actions! Only productive actions without further wastage of time in any unproductive parley.

When democracy was spreading fast across the world, white South Africans allowed to carry on with its primitive, barbaric apartheid policy. Local Africans numbering about 25 million were enslaved in their own homeland by about four million of white South Africans.

Mandela after coming out from jail, where he was imprisoned for long 28 years, did not start hate campaign — he preached love instead of hate. He did not want any repression on those who tortured him and black the South Africans.

We have to rise above our petty political moorings to get a perspective of a complex world which, however, is not easy. There should be freedom for ourselves, our families, our communities; and ultimately freedom for all mankind. We should try to know where we are in the ladder of moral evolution. Is freedom for one necessarily at the expense of another? Mandela's greatness is that he is committed to real freedom that all of us aspire to deep down within our selves.

Long Live Mandela

A M F Quadir  
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Patgram of Lalmonirhat district has huge quantity of stones.

Dinajpur has been identified as one of the most valuable districts as far as mineral resources are concerned. The district is also very important as a surplus producer of food grains.

There was a Mining Engineering college in Lahore, Pakistan. Our boys used to obtain degrees from this college in the past. At present, the BUET is imparting some education on the subject.

But we need to establish one full-fledged Mining Engineering college/university to use our boys/girls in our mine fields. The Education Minister recently indicated that 12 technical colleges or universities will be set up in different districts. Northern Bangladesh has already undergone a considerable amount of mining work. There should be one Mining Engineering college/university nearer to the fields. The authority concerned should look into the matter.

Mahbubul Haque Chowdhury  
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Dhaka

### Why politicians should run broadcasting?

Sir, Referring to a Star report, it is understood why a JS Committee should run broadcasting, as speculated. How and why it is the job of politicians? Why the JS should come in the operation?

The implications may be far-reaching. Why such a unique system should be adopted, not seen anywhere in the world?

The present "Commission" or "Committee" is supposed to be independent, and its recommendations should be in public interest — not forgetting minimum controls in the democratic spirit, including freedom from over-control by the politicians!

A Zabr  
Dhaka