

Wise Counsel

The Home Ministry's proposals galore for harsher punishments against recurring crimes of socio-economic terrorism and repression against women and children has been shot down by the Law Commission. The LC has apparently raised a technical objection to the home ministry's move for amendments to the criminal laws maintaining that 'these would be inconsistent with other provisions of the Penal Code'. Its ground for rejection appears materially sound to us and, therefore, we deem it as a material rather than a technical objection made to the home ministry's suggestions.

In fact, it is a very wise counsel given by the Law Commission to the government having regard to the fact that both in terms of public belief or impression and the legal indices available, our existing penal laws are far from toothless in coping with serious crimes. Where we are failing abysmally is in the application of those provisions which have but degenerated into mere shreds of paper through disuse or wrongful use. Whenever the incidence of crime goes up we see ministers and high government functionaries cry hoarse for toughening the laws to deal with the rising crime-curve. So predictably has this reactive flair been shown that this cannot but raise a certain suspicion about sweeping under the carpet the systemic flaws in governance.

What could be harsher laws in the statute book anywhere in the world than the now-annulled anti-terrorism act or the still-in-force SPA. In spite of them the rate of serious crimes has only increased and what is even a worse indictment on the efficacy of such stringent laws is that those arrested under them had to be let off on unassailable material grounds.

As things are, the number of crimes reported by the newspapers is usually much less than that of offences actually committed. Then the number of incidents filed with the police drops off to a fraction of cases brought to light by the newspapers. Fewer still are eventually convicted.

So, the emphasis should be squarely on prompt police investigations followed by no-nonsense arrest of the culprits and their equally expeditious *chalan* to the courts. Their prosecution should be fool-proof with impervious evidence in hand. Then, there has to be swift disposal of cases in the courts. By all means, raise the number of judges, enhance the police strength and facilities but to ask for more teeth to the laws without applying the existing penal provisions seems only preposterous but also undemocratic.

Errant Industries

That the country's industries of certain varieties have been causing environmental pollution was a known fact. But how serious the problem has become nobody knew for sure. Of late the Department of Environment (DOE) has not only detected the industries responsible for fouling up the environment but also determined the quantity of wastes — both solid and chemical — discharged in the open, the chemical variety mostly getting into river waters. As many as 1,167 factories have been faulted for releasing the harmful waste or effluent into the environment. The amount of hazardous wastes released into the atmosphere or water should indeed present a nightmarish scene, yet the unconcern reflected in the government policy continues. The daily industrial discharge of the country amounts to 35,000 cubic meter of wastes.

Now, hardly any explanation is required to fathom the gravity of the problem — one that is created and then left unattended for long by none else than ourselves. But waste-management is not an impossible proposition though it maybe somewhat costly. The DOE has already directed the factories and industries concerned to put in place waste treatment plants. Similar instructions were issued earlier to some of the erring factories but little is known about their compliance with these. This time a comprehensive study has been carried out and if remedial measures are taken without any delay, we still have a chance to save our and our posterity's future.

We can possibly leave the atmospheric pollution unattended for some time, but not for a moment the pollution of our water system. Its urgency has to be heeded with the factories or industries made to comply with the latest directive within a specified time-limit. Both the government and the errant industries know what is needed to be done. We say, just do it.

Telling Indictment

Nothing can be a more forceful indictment on the country's entrepreneurial environment than the ill-fated odyssey of a group of farmers from Jhenidah to sell their cattle in the metropolitan market-place. The farmers were forced to pay toll at as many as 18 points en route. The farmers formed a co-operative to rear the cattleheads with an eye on the Eid market. But when they had to undergo such an ordeal, can anyone expect flourishing of entrepreneurship at the village level?

The highway hassles of all descriptions prove to be anti-business and even anti-civilisation. One measure of civilisation is certainly the safety and security on a country's highway. On that count, we all know how miserably we have failed. Vested interests have come up with an increased force to hinder the free movement of people on our roads and highways. And the joining in the fun by the law enforcing agency makes the matter worse.

If our politicians, policy-makers and planners came to realise this, much of our problem of law and order would not have come to such a pass. The approach to individual enterprise will surely go through a sea-change, once the threat from muggers, dacoits etc is removed. Can we take up the challenge to convert the prowling habits of the wayward into a competitively productive entrepreneurship? There indeed lies the solution to many of our socio-economic problems.

Gujral: Working for a Change of 'Mindset'

by Sanjoy Hazarika

It is not just a matter of regional and sub-regionalism but of changing 'mindsets', a phrase that seems to be extremely in vogue among policy makers, planners and the media in South Asia these days. With regard to Dhaka, he has to move quickly to assure Bangladesh that India will meet its commitments.



Inder Kumar Gujral (C) signs an official register moments after taking the oath of office as India's 12th Prime Minister 21 April at Rashtrapati Bhavan (Presidential Palace) in New Delhi.

— Photo: AFP/UNB

of pressure that Sanjay Gandhi sought to exert over the government-controlled media.

Mrs. Gandhi packed Gujral off to Moscow as Ambassador there, with Cabinet status. He was to continue there for a remarkable 12 years, seeing the rise and fall of not less than three Prime Ministers. By that time, he had distinguished himself as a person who could deal deftly and yet with depth with bilateral and international issues. Apart from other things, he had to defend India's position on Afghanistan, which as enunciated by Delhi was seen as a soft defense of Moscow — that it was against all forms of outside interference in that country. Ultimately, that is still what is required in that tragic land: the cessation of all forms of foreign interference and intervention.

On his return to Delhi, Gujral joined the Janata Dal of Vishwanath Pratap Singh, who led a revolt within Congress against Rajiv Gandhi and injected fresh life into a stagnating Opposition. Gujral became External Affairs Minister and laid the ground for fresh cooperation with Islamabad after years of confrontation and nastiness over Punjab and alleged Pakistani interference there.

It was in those few months of the new government that lasted barely 11 months that Gujral laid the foundations of what is popularly being called the Gujral Doctrine: of fairness, cooperation,

friendship and equal partnership with India's neighbours. There were no dramatic breakthroughs but a perceptible diminishing of tensions was clear, especially with

Pakistan. But the government fell, thanks to Singh's advocacy of backward castes that won his enemies in the middle and upper Hindu caste groups as well as the

existing election monitoring organisation.

NGOs in Bangladesh have undergone different phases of growth and development. When the country became independent in 1971 domestic NGOs started to emerge with focus on relief and rehabilitation. Having met the initial demands of the war-ravaged country the focus of the NGOs shifted from relief and rehabilitation to development. The tireless efforts of the NGOs did not bring about the desired level of economic development among their beneficiaries which led the NGOs to ponder and identify that democracy and development were two sides of the same coin. Bangladesh with long periods of non-democratic rule marked by lack of people's participation and political instability indeed had little economic development. The focus of the NGOs shifted during the early 90s to consolidation of democracy and promotion of good governance which would lead to sustainable economic development.

Elections in Bangladesh have been turbulent and marked by allegations of fraud and intimidation. Consequently, Bangladeshis are sceptical about election results. Accordingly, during the '80s opposition parties generally boycotted elections. The process of NGOs getting involved in promoting public confidence in the electoral process began in the early '90s when an interim, non-stakeholder government administered country's one of the few elections that were generally recognised as free and fair. Although only international observers were allowed by the government and the Election Commission several domestic groups conducted election monitoring during the 1991 general election.

By 1995 a broad-based national coalition named Fair Election Monitoring Alliance (FEMA) was formed.

A citizens coalition was in a formative stage. The NGOs in

increasingly realised the need for

having clean elections — such

elections, among other factors, became necessary to the success

of the economic programmes

undertaken by the NGOs at the

grassroots level with the vast

multitude of the economically

and socially disadvantaged

people, particularly women.

FEMA was built on the extensive experience of NGOs like the Study and Research Group (SRG) of Manabik Shahajahani Sangstha (MSS). While the national committee of the FEMA had sizeable representatives from NGOs the presence of the civil society including professional groups of doctors, lawyers, journalists, teachers, businessmen, youths, women were significant from the beginning to the end. The main driving force behind FEMA were the NGOs but FEMA was projected as a citizens coalition rather than an NGO coalition.

One of the significant advantages of the NGOs is their massive grassroots presence which enables them to effectively encourage people's participation in the electoral process.

A recent example of people's participation is provided by the unprecedented turn out of voters (over 76 per cent), particularly female voters, in the June '96 general elections. This was the direct outcome of the massive civic voter education campaign conducted by FEMA and several other NGOs.

disparate groups that make up his coalition can stay together for long enough to make such broader international and regional cooperation possible.

It is not just a matter of regional and sub-regionalism but of changing 'mindsets', a phrase that seems to be extremely in vogue among policy makers, planners and the media in South Asia these days. With regard to Dhaka, he has to move quickly to assure Bangladesh that India will meet its commitments.

Bharatiya Janata Party's decision to withdraw support after its chief was detained for leading a *rath yatra*, and it was not to be for another six years before Gujral returned to centre stage.

I remember travelling with him in Patna and its neighbourhood in the early 1990s when Gujral was contesting the Lok Sabha elections from the state. He remained cool in the blistering summer heat, he rarely raised his voice at public meetings and he hardly ever criticised his opponents directly. That election was postponed several times because of booth-capturing by goons from both sides. That was a reflection of the reality of Bihar but Gujral remained, as I noted at the time, always his own man.

He did not like compromising with the kind of politicians that he had to deal with but he was practical enough to realise that he had little choice on his chosen path. He did not and still does not have a popular base although he has won elections from his home state of the Punjab.

There are several questions before Gujral: it is not merely a matter of continuing his doctrine but now of expanding it to embrace a wider range of issues and more countries, especially strengthening ties with China. His new position gives him that additional opportunity. But inbuilt in this opportunity is a great risk and the risk is not his competence, which is unquestioned, but whether the

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Asian Elections: Developing and Working with NGOs

by Tarikul Ghani

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and memberships and for new groups to emerge. Given the importance of elections held in Asia during the last decade, it is not surprising that a number of NGOs would seek to play an important role in electoral process during those elections.

The advent of election monitoring organisations (EMOs), created by NGOs in Asia, is a reflection of three closely related trends in much of Asia: 1) the growth in the number and sophistication of non-governmental organisations and other civil society groups; 2) the partial or total political liberalisation that has occurred in the region; and 3) the increased availability of moral, technical and financial support from foreign NGOs, foundations and governments.

Asian elections typically have been either the catalyst for or a crucial part of a rapid political transition. Elections also provide the mechanism through which incremental democratisation occurs. In all cases competitive elections have provided opportunities for existing political and civic groups to expand their missions

together in either formal coalitions or informal networks for election monitoring. When a coalition is formed, the members of the coalition may establish a formal umbrella organisation (like NAMFREL, FEMA), or they may retain their own identity.

In the Philippines, NAMFREL began as an umbrella organisation that comprised more than 100 member groups. In South Korea in 1991, the Citizens' Coalition for Clean and Fair Elections (CCCFE) brought together some 60 national NGOs led by the Citizens' Coalition for Economic Justice and the YMCA. In Bangladesh, also in 1991, two coalitions and a couple of other NGOs monitored the general elections. More recently, in Bangladesh the Fair Election Monitoring Alliance (FEMA) constituted an umbrella organisation comprising 180 development and human rights NGOs monitored the general elections in 1996. Similarly in Sri Lanka, an alliance of 21 human rights groups formed the Movement for Free and Fair Elections (MFTE) which coordinated its election monitoring efforts with the Peoples Action for Free and Fair Elections (PAFFREL), an

existing election monitoring organisation.

NGOs in Bangladesh have undergone different phases of growth and development. When the country became independent in 1971 domestic NGOs started to emerge with focus on relief and rehabilitation. Having met the initial demands of the war-ravaged country the focus of the NGOs shifted from relief and rehabilitation to development. The tireless efforts of the NGOs did not bring about the desired level of economic development among their beneficiaries which led the NGOs to ponder and identify that democracy and development were two sides of the same coin.

Bangladesh with long periods of non-democratic rule marked by lack of people's participation and political instability indeed had little economic development.

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