

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 may be 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 Inditement

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 musclemen, 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.

Under 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 was enunciated by Delhi 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,



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

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

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. 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

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

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, whether it is with regard to trade or the Ganges water, which is facing trouble because of unprecedented low water flows.

For Gujral, more than any other leader in India, knows that in matters of change and cooperation, one has to move slowly and with a great deal of sensitivity to the concerns of the other side. As he does so, he will be building up a constituency for himself that will go beyond simple numbers in the Parliament.

He can develop, as he has certainly the benefit of competence, sophistry, even-handedness and age (77) which is respected still in South Asia, into a statesman who can reduce the tensions of the region. With vision and cooperation in specific, time-bound projects as the strategy, the new leaders of India, Bangladesh, Pakistan and Nepal in particular can help release the energies of the peoples of the area for economic growth, through better trade, joint ventures, improved markets and the basis of natural advantage.

The writer is a freelance journalist and an author. He was formerly with the New York Times, based in New Delhi. He is currently producing a film on the Brahmaputra.

Asian Elections: Developing and Working with NGOs

by Tarikul Ghani

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.

NON-GOVERNMENTAL organisations or NGOs in the broadest possible sense are any organisation, coalition or group of individuals that is private or not controlled by the government. The NGOs discussed here represent within any given Asian country, rather than multi-national or international non-governmental organisations.

The increasing pluralism and political openness of almost all the Asian societies has fostered the creation and growth of NGOs working in, among other areas, human rights, women's issues, consumer rights and economic development. The number, size, sophistication and influence vary considerably from country to country, as does the relationship between governments and NGOs. The NGO sector in Bangladesh, India and the Philippines are among the largest and the most vital in the world. There has been rapid growth of NGOs in Nepal, South Korea, Thailand and Cambodia.

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

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.

A variety of Asian NGOs have become involved in working for the electoral process, particularly by monitoring elections, encouraging voters registration, conducting voter education, training election officials and in identifying loopholes in the existing electoral laws. In few instances, NGOs have been created exclusively to monitor elections, but in many other instances, pre-existing NGOs have joined to-

gether 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, FEMAL) 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 (CCCCFE) 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 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 (MFFEE) 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. 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 press of NGOs got involved in promoting public confidence in the electoral process began in the early 90s when an interim, non-stake holder 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. FEMA is a citizens coalition was in a formative stage. The NGOs 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 Mahabubul Haque Sangstha (MSH). 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 mass presence which enables them to effectively encourage peoples participation in the electoral process. A recent example of peoples participation is provided by the unprecedented turnout 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.

On the contrary, our DCC seems to be enthusiastic not in works, but in words, and is exposing its apathy day after day in this connection. Our Mayor declared many times to evict the unlicensed rickshaws which are approximately 2 lakhs in number. But the fact is that he could never be able to turn his words into actions.

Consequently, these troublesome vehicles are creeping on the city roads in large numbers causing horrifying traffic jam.

Md Moshur Rahman
MV Hall, JU

Money order lost

Sir, I have posted a money order No 2784 to my father Janab Abul Hashem Mollah of village and P.O. Fazelpur via Vangha, Dist : Faridpur-7830 of Tk 300 (three hundred) on 18-12-96 from Pathantooly N Post Office, Chittagong-4100. My father regretfully informed me that the money order has not yet reached him.

My appeal to the authority of the Bangladesh Postal Department to take necessary and immediate actions for quick payment the amount sent by me.

Mizanur Rahman
C/O A K M Bahauul Islam
Hossain Spring Mfg Co. Ltd
Deuwanhat, Chittagong-4100

To the Editor...

Special Powers Act

Sir, Part of a news item on 1.4.97 quoted the Prime Minister as saying that "the Special Powers Act is not so black after all as it had been sustained by all successive five past governments".

As a bewildered but patriotic citizen, I wonder whether these arguments would be applicable for other issues as well which are now dividing, plaguing and polarising the nation with potentials of dire consequences.

Sadia Rahman
Dhaka

Wake-up call for teachers

Sir, This refers to the item "To evaluate performance of primary school teachers" dated Sunday April 13, 1997, in *The Daily Star*.

Thanks to the Education Minister for finally deciding to take up plans to introduce a programme to evaluate the performance of the primary school teachers.

I would like to add my opinion in this context. *The Daily Star* can arrange an open dialogue regarding this matter with representative from public, NGOs and government which would enhance the quality of teaching. In other words, it will be a wake-up call for the teachers.

Shamim Mansur
Ex-teacher
American International School
Dhaka

VIPs on the road

Sir, On the morning of March 27, I boarded the inter-city train Teesta from Dhaka at 8:00 am. After a 15-minute delayed start, the train suddenly came to a halt before the Banani-Cantonment level-crossing at about 8:45. We came to learn that the delay was due VIP movement from city centre towards airport or in the that direction.

On April 1 on the same train returning to Dhaka and at about 7:15 pm the train stopped and was stopped at the same point (on the other side of the crossing this time). We could informally come to know (without any train/Bangladesh

Railway attendant/guard or conductor coming to us or any announcement on the paging/public address system available with intercity trains) the cause of this unwarranted detention (I was a so-called bonafide 1st class passenger on both the occasions) to be VIP movement, this time for sure the PM was going to BNS (Navy) headquarters, probably via car. About 500 or more passengers, including women and children were stranded who may have important things to do, or someone in need of immediate medical attention.

We were appalled at the profound ineptness on part of the VIP traffic management group. The train hardly takes a minute or two to pass and the accumulated vehicles/traffic another 5 at the max to clear the road. Does this justify 1 hour and 15 minutes delay of 500 passengers against 5-7 of VIPs should not it come to this stations?

N Hasan
Tongi, Dhaka

Bird's Haven

Sir, This is a praiseworthy decision to create an open waterbody for birds. We have law to protect birds from hunters and poachers. Application of law in this regard is totally absent as so-called educated men are involved in this misdeeds. They feel excited to observe birds after gunshots. We cannot ignore the possibility of making the land of deceit for innocent creature instead of haven if proper application of law is not implemented.

Bose Asoke Kumar
House # 413, Road # 10
Block-B, Chandgaon R/A
Chittagong-4212

Mandela's wise words

Sir, "Wise words from Mandela" was the headline of a news item published recently in one of our national English language dailies. The wise words were expressed by the South African President Nelson Mandela, one of the distinguished guests who came to Bangladesh to grace the Silver Jubilee celebrations of our Independence. The wise words include:

a) from our work, and from our struggle people must win and not one political party.
b) That there are good people in all communities — black, white, Afrikans, coloured, Indians etc. Not only that, we went one step further and said that there are good people in all political parties and not only in the ANC.

c) That smaller parties joining our government will be heard and their views will be given due importance . . . it is our responsibility to convince the smaller parties that their views will get due importance . .

I think that the above-mentioned wise words indeed have universal implications. Our esteemed political leaders may apply these while working to accomplish national objectives.

M Zahidul Haque
BAI, Sher-e-Bangla, Dhaka-1207

State, party and the government

Sir, With reference to your recent editorial on Awamization of BT, many I ask, as a citizen, why the government cannot differentiate between the state and the party? Also between the state and the government?

BT, ch. 1 can be run by the state, but other free and independent channels must be allowed.

Where is the independent regulatory body? Why the Commission is composed only of civil servants?

There is communication gap when a political party changes the floor of the Parliament.

Dhaka city cannot be controlled, but broadcasting is over-controlled. Where is the balance?

Our society is developing to propensity for extremist stands on issues.

A Zabr
Dhaka

Nelson Mandela

Sir, I suggest one prominent public place or road in Dhaka be named after Nelson Mandela, a model leader for the emerging countries.

A Hussain
Dhaka

OPINION

Not all 'Fundamentalists' are the 'Same'

An Elderly Citizen

As a Muslim (8 out of 10 of us are Muslims in Bangladesh), and as a 'democratic' citizen not interested in active participation in politics, I feel concerned about the mindset of a section of our politicians who exert their influence to issue threats discouraging the open discussion of new and novel rituals away from the accepted Islamic way of life, as anti-state and unpatriotic activity of the so-called fundamentalist group or groups, which has been self-defined by the politicians to suit their own political goals.

A section of the politicians have set into motion a distorted propaganda on the public criticism on the use of flame as a symbol or ritual as being against the freedom fighters. This is not true. All citizens respect and honour the valiant contribution of the FFs, but one of the methods is being questioned in some quarters. In this case the use of flame. One has to be careful in discriminating between a political or religious issue. All religious fundamentalists' or orthodox Muslims are not anti-state!

There is another point. It appears that a differentiation is being erected between political religious fundamentalists who are active politicians, and religious fundamentalists (scholars) not interested in politics. Language was given to man to conceal his thoughts, not to express it! What has happened to intellectual tolerance? Surely, we are not living in a police state! Let the political leaders clarify their stands.