

What is the Point?

Home Minister Rafiqul Islam could not have conceivably carried any conviction when stating at the JS on Sunday that of the 3,324 persons detained under the SPA in the first ten months of the present government 2130 were released and that none was held on political grounds. What can furnish a more incontrovertible proof of an indiscriminate use of the Special Powers Act than resorting to it at the average rate of 11 detentions per day?

The unflinching zeal with which this Act of the last-resort had been sweepingly employed gives rise to some pertinent questions. First of all, has our normal set of laws proved too inadequate to cope with crimes such as had attracted application of the SPA? If so, the government must elaborate how and why such laws have become obsolete, and more importantly, prove it to the hilt by being unimpeachably correct in the use of the SPA which it has obviously failed to do in view of the adverse court verdicts invalidating most of its detentions under the Act. It does not put the home ministry in a better light nor is it a counter-vailing factor of any great merit for the government that most of those detained have, after all, been released from confinement what if by court rulings. Why should people be arrested at all and then set free following court intervention with an avoidable embarrassment and a loss of face to it? It is the faith in the rule of law that gets shaken from what amount to, if the court judgments are any guide, misuse of an instrument of law contrived to be utilised only under exceptional circumstances.

Only in the previous month the High Court in the case of five BNP Bagerhat district leaders ruled their detention under the SPA illegal and ultra-vires and asked for their immediate release. This was the second time in a row that the government received adverse court judgment over detention under the SPA, the earlier example being that of the arrest of four front-ranking leaders of BNP in Dhaka who had to be released following Court Orders. In this case the court even ordered payment of compensation to those who were subjected to "political victimisation." The government has, however, preferred an appeal in regard to the compensation order; even so the underlying message of the verdict cannot be overlooked.

Where is the applied efficacy of the SPA in the light of so many court verdicts? It had better be struck out from our statutes book.

Farewell to Shanty-fires

Two children were burnt alive in Saturday night's fire at the Magh Bazar slums. Three to five hundred persons have been rendered homeless as the fire lapped up hundreds of shanties.

Throughout the country Chaitra is the month when, traditionally, *kutcha* houses of the villages and slums in the towns fall a prey to fire. This is unusual that a number of fire incidents have occurred in the city well past Chaitra, or March-April. A city is an organised thing in that it is managed closely by so many agencies and authorities. It is so uncared for village. A fire, any and every fire, adds to the discredit of all those that are at command of the town. But slums are also a disgrace. And if there be slums who can prevent a fire?

Shanty-fire is a special phenomenon in which all the shanties of a slum perish hardly leaving a survivor. And these are sometime cases of arson, deliberate and well-planned. And as such these call for thorough investigations and harsh punishment of culprits responsible. But this is hardly ever done. No arsonist has ever been punished in connection with any of the shanty-fires — a familiar feature of Dhaka's city life. The first reports of such fires come out, invariably, with the bit of non-information — the cause of the fire could not be ascertained. And the thing rests at that, with no cause ever seriously sought after and no cause either surfacing of itself.

Genuine shanty-fires are a problem involving a snowballing city — part of the accretion coming from slumming for which the slum-dwellers can hardly be blamed. Why should they suffer unbearably and ignominiously? Nobody except who has been through that hell would ever understand the slum-dwellers' anguish and despair the morning after all his or her means to cling to life and family has vanished in the burnt-out charcoals spreading around.

It is not difficult to make even slums fire-free. The problem lies elsewhere. These slums are all situated on *khas* or disputed land or problem-free chunks owned by people having problems. So the slums must be in a shape eminently consumable by fire — a shape that does not call for any but scanty investment. All this creates a condition in which some, mostly children, have to die in almost a routine manner and in a horrid fashion.

This is unacceptable. Like a good city Dhaka must become, our dear habitat must first ensure that there be no fire incidents and also that there be no shanty-slumming. Housing here must conform to a civilised norm spelt out by the city corporation and the environment groups.

Indo-Pak Dialogue

The Male spirit remains largely undimmed in spite of the controversial news of Prithvi deployment by India along her borders with Pakistan which had appeared in The Washington Post setting off predictable reactions in Pakistan. What bears testimony to this is the fact that foreign secretaries of India and Pakistan have just ended their three-day talks in Islamabad in continuation of the consultation they had begun in New Delhi three months ago. The talks in the Indian capital between Pakistan Foreign Secretary Shamshad Ahmed and his Indian counterpart Salman Haider held in March were a milestone in the two countries' relations because they marked a resumption of dialogue between Delhi and Islamabad after a lapse of three years. By hindsight, the *bon homie* exuded by the Indian and Pakistani Prime Ministers I K Gujral and Nawaz Sharif in Male had proved to be an ice-breaking turn of events.

They decided that separate working groups will be formed to take up the whole range of bilateral issues for discussion and that there won't be any taboo subject whatsoever on that format. This is a very pragmatic decision they took for an open-minded confabulation on all matters affecting their interests. In furtherance of this approach, could we suggest that the two countries implement the decisions of the working committee in the order that they are produced without being tied down by a holistic or conditional framework of expectations.

Both countries need coming to terms not only for their own sakes but also for the good of South Asia as a whole.

One Year of Awami League in Office

by Brig (Retd) M Abdul Hafiz

Any government in Bangladesh will need to put in extraordinary efforts to raise production, augment national growth and modernise infrastructure, to develop human resource and, in fact, to achieve all other ingredients for reaching the developmental benefit to the grassroots level of our population. But there is hardly any visible initiative or innovation in that direction

THE wheel of fortune turned a full circle when still hesitant Bangladeshis, bitter with long years of 'nationalists' politics and particularly the ruling BNP's callous insensitivity to their increasing woes decided, in a last minute swing, to give their electoral verdict to Awami League a year ago. It was a great relief for the party which was virtually in political wilderness since 1975 although the popular verdict fell far short of a landslide victory which had always been the hallmark of AL victory or for that matter a triumphant comeback the party enthusiasts dreamt of. However, with a wafer-thin majority the AL was duly sworn in after a brief spell of suspense affording the party a taste of power after long twenty-one years.

Earlier in a toughly contested poll, as a badly vilified AL desperately sought to capture power, the public mood was favourable and a majority of the electorate seemed bent upon giving the party another chance to prove its mettle. After all, it was the party of the nation's founding father with almost half a century's history behind it. Finally when the table was turned for the incumbent BNP the sceptics lost no time in predicting the country's return to an 'Awami loot', and its 'sale out' to India while the admirers nourished cautious hope that it would certainly deliver this time notwithstanding its dismal record of the past. We have to wait for a few more years to find whether the AL is indeed capable of deliverance. Nevertheless, an interim survey of its prospect may perfectly be in order as the AL completes its one year in the office.

Many of us have the vision of an Awami League which virtually no more exists. The AL has since been shorn of its ideological trappings. In spite of its socialist hangover and a secular inhibition till recently it has grasped well the ground realities of the country's changing political landscape and by all indications would not allow them to be liability in its power politics. The virulence of its exclusive brand of nationalism also has sobered down and its top leaders prefer to keep it at a low key. It has also jettisoned along the way its lofty ideas,

traditions and a folk touch that once made the party an inevitable point of return for Bengali middle class and widened its political base among the masses. The changes incorporated in its policies and postures over the years have made it now almost indistinguishable from other centrist political parties. In changed political culture and prevailing mood the party had few alternative. It is not thus surprising that the AL also has now in its rank the turncoats, opportunists as well as nouveau riche seeking political safeguard of their acquired wealth. The party that was once endowed with a superiority of norms and values is apparently dislodged from its moral high ground. Any assessment of the achievement of a party of this hue can be based only on its performance on the issues facing the nation.

A government's credibility is best judged from the internal order it maintains. What kind of internal order has the AL provided to the nation? It may be recalled that none other than the AL itself had been more critical of the BNP's chronic failure in providing minimum public safety during its rule. Yet when the AL took over the administration the impact of the transition was hardly felt at least in the law and order sector. On the contrary, soon after the AL takeover several flash points erupted across the country bringing back the spectre of lawlessness the people wanted to get rid of. Worse still, the AL response to it had been little more than reactive and routine.

As a result an ever increasing volume of lawlessness gradually became routinised and further entrenched. The resultant erosion of public trust in government ability to tackle the situation is reflected through occasional backlashes with the people taking law in their own hand. In sharp contrast to the government apathy to this vital issue of law and order almost simultaneously it devoted much more efforts in

rehabilitating the tarnished legacy of the party and reviving the heritage of Bangabandhu, the nation's founding father. Both had been the victim of organised vilification and few would dispute that the distorted history of our glorious struggle for independence should be placed in right perspective.

But we live in the present-immersed in its problem and they merit priority to be addressed first. They cry of the hour was for a stable internal order. The sacrifices of 1975 and after could be best vindicated through coping up with the people's genuine expectations. Instead the AL chose to indulge in a futile exercise of reminding people of its role in the history. It found one of the medium of its projection in an extended celebration of the nation's silver jubilee.

It did little to repair the dented image of the AL; on the other hand it reinforced apprehension about some of the AL's preferences and proclivities. In the meantime, the law and order has recorded a new low with widespread campus unrest, political killings, and a fresh wave of toll collection, terrorism and repression of women. Earlier, a government call for the deposit of illegal arms in return of amnesty was virtually cold shouldered.

The AL has been fortunate in not having to face much of the street agitation from the opposition or largescale political violence. Yet the economic life has not quite picked up; neither has there been incentive for investment. The seats of higher education are in doldrums and the administration in quandary. The corruption is still rampant and it permeates the whole society. A lack of the government's sense of urgency on these issues of public concern tends to suggest as if nothing much can be done about them and they are accepted facts of life. Although the AL kicked off a lot of dust on the question of corruption in the higher echelons of the adminis-

tration while in the opposition it went silent over it once in power. With an alleged Ershad connection the AL seems to have few incentive to pursue the corruption cases against BNP bigwigs even if there is any.

Although the creation and bursting of the share market bubble has been identified as the biggest scandal of the regime the AL has taken some of the most controversial steps on the foreign policy front. It has signed a thirty years treaty for sharing the Ganges water and it could justifiably be proud of it if it had worked. Ironically, Bangladesh got the lowest ever recorded flow in the Ganges on a single day this very dry season. This is in the very first year of a thirty years treaty. When many more metamorphoses take place both in the physical geography of the Ganges basin and public psyche on either side can this treaty work? Ominously the government is known to be pushing for more treaties with India, one on transit and another on so called subregional cooperation. There are also talks about reviving 10 miles border trade which the AL government itself abandoned in 1973 following pervasive smuggling across the border. The proposed treaties are known to be craftily designed and India as to be their main beneficiary.

The way the Ganges water treaty has been framed without a guarantee clause incorporated in it many doubt our skill and expertise in keeping Bangladesh's interests on an even keel with India. The government seems to be living in a clever-clever land by shifting blames on its predecessors for the inevitability of the transit and transnational highways without explaining its own position on these issues. Can an outfit of AL's standing be without its own clear perception of the subjects?

By any reckoning Bangladesh has been a problematic country. Problems mainly lie in its demographic dispensation, background of

colonial exploitation, poor resource endowments and frequent natural disasters. The governance of a country of this background has been and is still far from easy. But the governance alone will not be able to retrieve this country from the labyrinthine abyss it has been thrown into through a combination of historical circumstances. The opportunity to govern the country is however an essential step. Beyond this, the nation is to be led with the vision, sagacity and spirit of a messiah, to a desired objective. Sheikh Mujib was that messiah who crafted a country for us but bungled in its subsequent architecture. Yet he initiated the process of building up a policy with a mass orientation and for the wellbeing of the masses. The process remained inconsequential with its interruption when the state power was usurped in 1975. It was hoped that the AL would pick up the thread of Mujib's unfinished mission and carry it forward. It was also hoped that people would be its principal focus.

come what may. There are few signs of AL treading that path.

Any government in Bangladesh will need to put in extraordinary efforts to raise production, augment national growth and modernise infrastructure, to develop human resource and, in fact, to achieve all other ingredients for reaching the developmental benefit to the grassroots level of our population. But there is hardly any visible initiative or innovation in that direction. There is no meaningful attempt as yet to achieve a national consensus — a prerequisite for the nation's march to greatness. Instead, the government is still fiddling with a ridiculous notion of consensus by doing out scraps to a few in a hope for their crucial support during a possible crisis.

And on wider national front its governance is confined to ritualistic functions that go with different ministries, departments and offices — let alone the question of leading the nation to a goal. If the trend continues, the findings will be nothing different even at the end of the tenure of this government. It will still be found running just another government more in the footprint of its immediate predecessors to promote the interest and sustain the wellbeing of selected segments of the society.

CORRECTIONS

In my article "Subsidies and Grants in the Budget" published on Monday, June 23, 1997, there were some errors due to faxing the unedited version of the article. I apologize to the readers for such mistakes. The corrections are the following:

1. In the second paragraph, after the second sentence, please read "There are also the effects of fiscal policy on the currently prevailing tight monetary situation in the economy."

the financial sector."

3. In the table, the data relating to 1995-96, 1996-97 and 1997-98 are actual, revised and estimates respectively.

4. In paragraph six, the second sentence should read "In the first place, subsidies are not only in agriculture these days, but are also very much prevalent in other sectors. In 1997-98, these account for 4.6 per cent of the total revenue budget. If one adds the grants, which are close cousins of the subsidies, the total amount (Tk 903 crores) comes to 6.2 per cent of the total revenue budget and about the same amount (Tk 946 crore) allocated to the entire agriculture sector for revenue and development purposes. ... In the third place, the disaster relief seems to have been treated as an insurance cost by the society borne by the government which is reasonable."

Kabir U Ahmad

Election Commission and its Problems

by Burhanuddin Ahammad

The credibility of the election largely depends on the degree of confidence enjoyed by the Chief Election Commissioner. Hence, the office of the Chief Election Commissioner should be filled in by such person who has general acceptability in the political circle.

THE Election Commission as per provision of clause (4) of article 118 of the constitution is independent in the exercise of its functions and subject only to the constitution and any other law.

The appointment of the Chief Election Commissioner and other Election Commissioners is made by the President for a term of five years commencing from the date they enter upon their office. Once they are appointed, they cannot, as per provisions of the constitution, be removed from their offices except in like manner and on the like grounds as a Judge of the Supreme Court.

Now let us see what is the procedure that is required to be followed for the removal of a Judge of the Supreme Court from his office. The constitution lays down in this behalf that if the President receives any information either from the Supreme Judicial Council consisting of the Chief Justice of Bangladesh and the two next senior Judges or from any other source and he has reason to apprehend that a Judge may have ceased to be capable of properly performing the functions of his

office by reason of physical or mental incapacity or may have been guilty of gross misconduct, the President may direct the council to enquire into the matter and report its finding to him. If after making the enquiry, the Supreme Judicial Council reports to the President that the Judge has ceased to be capable of properly performing the functions of his office or has been guilty of gross misconduct, the President shall, by order, remove the Judge from his office.

Since the procedure prescribed by the constitution for the removal of a Judge of the Supreme Court has also been made applicable in the case of removal of the Chief Election Commissioner and the Election Commissioner, it is not understood as to how the Chief Election Commissioner or the Election Commissioner is made to vacate his office much before the expiry of his term without undergoing the procedure pre-

scribed for this purpose by the constitution. We have up till now witnessed unceremonious and untimely departure of as many as five Chief Election Commissioners from their office following the persistent demand from certain political quarters for the reconstitution of the Election Commission. This process of vacation of office by the Chief Election Commissioner or the Election Commissioner is not in conformity with the express provision of the constitution which is the supreme law of the land. If any Chief Election Commissioner or the Election Commissioner is guilty of playing a partisan role to further the cause of election of a particular political party or the candidate, well, he has no legal or moral right to perpetuate in the office. But what I want to emphasize is that he should be made to vacate the office through due process of law and not through any other means that undermine

the position of the Commissioner.

Now, a few words about the importance of the credibility of the election. The credibility of the election largely depends on the degree of confidence enjoyed by the Chief Election Commissioner. Hence, the office of the Chief Election Commissioner should be filled in by such person who has general acceptability in the political circle. This objective can be achieved under a party government if the appointment of the Chief Election Commissioner is made by the President in consultation with the leader of the opposition and while the country is under the caretaker government in consultation with the leaders of the major political parties.

At the moment, the appointment of the Chief Election Commissioner is regulated by clause (1) of article 118 of the Constitution. This clause, so far the appointment of the chief

Election Commissioner relates, does not make any provision for consultation by the President with the leader of the opposition or any other political party. So, provision for this purpose has to be made by an amendment of the said clause.

Recently, a demand has been voiced by a leader of the opposition party for appointing a Judge of the Supreme Court as Chief Election Commissioner. This demand appears to be worth consideration from the point of view that the Judges are usually regarded by all as non-partisan in the performance of their functions. Their integrity is not ordinarily questioned. But in view of the provisions in clause (1) of article 99 of the Constitution, which, amongst others, provides that a person who has held office as a Judge shall not hold, after his retirement, any office of profit in the service of the Republic not being a judicial or quasi-judicial of-

fice, the demand for appointment of a Judge either as Chief Election Commissioner or as an election Commissioner cannot be met unless these offices through an enactment of law are declared as quasi-judicial office.

Another major problem of the Election Commission is that the Election Commission has no alternative but to depend on the Deputy Commissioners and the TNO/UNO for the conduct of elections. Since these officers are under the administrative control of the government, the Commission, as a matter of fact, has no effective device to regulate their activities relating to elections. This view finds confirmation in the results of the election to Parliament held in February, 1996 and in 1988. The Commission should, therefore, appoint its own officers as Returning Officer and Assistant Returning Officer and for their effective functioning, if necessary, their status should be upgraded to, commensurate with their enhanced responsibilities.

The writer is former Deputy Secretary, Election Commission.

To the Editor...

Mispronounced

Sir, Our news readers in the electronic media usually mispronounce Arabic words: AlZeria, munazat, Zedda, etc. Why does not the News Department have no advisor on telephone tap?

Abul M Ahmad
Dhaka.

Cost of telephone

Sir, The declining middle-class may give up the hope of having a telephone at home. *Halal* earning cannot fork out 18,000 taka to install a phone.

The telephone development is too slow, and the state monopoly too rigid. Why is the government doing business? Instead it should announce a scheme to get a line for around Tk 5,000. The middle-class is stuck between two patronising sectors — the rich and the poor. There is no path of golden mean! Hello! No response!

Abdul M Ahmad
Dhaka.

Telephone bills and turtles

Sir, I have heard and also read of what is popularly known as 'snail's pace'. Being a son of the soil of this country, I have, of course, also seen 'snails' in their thousands and the 'pace' at which they move. In fact, our whole country is full of them and their presence is particularly felt in all government and semi-government offices. I am fully acquainted with this phenomenon.

I have not, however, been aware of our having acquired a new phenomenon which would easily put even a poor snail to shame. The distance between the computerised billing office of the T&T Board and my ad-

dress given below would not be more than 3/4 miles and the slowest of 'snails' would, perhaps, be able to traverse this distance in one day or a maximum in two days and yet my telephone bill for April bearing the date of issue as 12 April and the last date of payment as 27 April reached me in the afternoon of 25 April.

A Gaiyumm
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Trade diversification

Sir, The growth of Bangladesh's foreign exchange reserve to over \$3.9 billion during 1995, and currently its perilous decline to below \$200 million shows how fragile our foreign trade sector is. The country has high concentration of exportables into a few commodities and in their geographic destinations. It is important to diversify our export basket and their destinations. Such high concentration can lead to export instability originating in the importing countries due to fluctuations in their demand and economic conditions and our reliance on a few commodities available for export. Geographic concentration often provides less economic benefit and much political control on our exports.

In dealing with the regional trading blocs, Bangladesh would be better-off by seeking parity status with countries within such groups like the ASEAN. Rather than tie up our thin pool of trained manpower in the procreation and sustenance of ever new trading blocs with Bangladesh being the

common denominator, seeking such parity would make Bangladesh to move to a more advantageous position by allowing it to deal on a bilateral and selective basis and at the same time to get the preferences and privileges of the group, based on mutual utility and greater control on the outcome.

As we find a plethora of commodities in the list of preferred items of SAPTA but only a few really matter to Bangladesh and its adverse trade balance with the major partner in the group, not to speak of the NTBs (non-tariff barriers) which Bangladesh has to address with each member within the group.

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Poor coin design

Sir, The one-taka and the 5-taka coins cannot be identified easily, during blind-test (feel, not see), in poor light, or with weak eye sight.

The shapes should have more contrast (too many sides of the polygon); the numbers '1' and '5' are not prominent (lost with other details); the diameters are too close, and the difference in weight and thickness are marginal. The approving body may be more technically alert.

A Hussain
Dhaka.

JS(school) squabbles

Sir, This refers to the JS Tiddits column which was published in your esteemed daily on June 11, 1997.

Although I think I can spare time to watch the JS session on BTV, I have never got round to actually sitting down to doing that. After reading the column,

I don't think I shall ever sit down to watch the mudslinging that goes on in our parliamentary discussions. Imagine wasting valuable time and money arguing over who has got an Indian shawl draped around his neck or not and discussing what people like to wear.

This is supposed to be the Budget Session. This seems more like a school squabble. To telecast live discussions of these arguments is to defer BTV's revenues that it might have earned through advertisements or by other means. It would probably be much more informative to watch an in-depth CNN/BBC report.

Yassir Husain
Uttara, Dhaka

BTV news fails once again!

Sir, The viewers switched on their televisions timely on 16 June to watch the Magurchara gas field disaster in 8 O'clock news. Much to our surprise, what we watched were a very few repeated shots of blazing inferno. The man who shot with Betacom pal system was understood to have worked quite perfectly. The close up shot of fire balls and the single long shot over the burnt out railway track not only needed elaboration from various angles but also the details of other shots.

And there was no reporter/producer reporting from the spot! Well, the accident took place around 1.45 am on June 14. There should have been on-the-spot reporting on 15 June. But it is unbelievable that there came only spoken news! To add more surprise, the source was BSS and its line up was after the middle of the news! And in the final show that night it was still seen in the line up after the usual parliament news. We very much expected a senior

news producer would be seen reporting from the spot giving details tersely, with the visuals, about the cause of the accident, damage, aftermath, measures taken, imminent impacts etc. Nothing of that sort came out. The newscaster with unmoved expression read out the news of gas field disaster which was more elaborately carried by all news papers of that day. The visual was not only inadequate but also ended abruptly. And the voice it was not by any BTV's reporter or its Moulvibazar correspondent. Then why keeping the correspondents? The newscaster quoted only the energy minister — what he told the parliament that day about the disaster whereas it could have been the last added para.

Yes, we cry out in disbelief, grumbling and exasperation — who drafted the gas disaster story? Who was the assigned reporter? Is there any shortage of manpower/reporter? For us it is hard to believe.

Meanwhile we the viewers turned to satellite TV as usual for the Magurchara gas disaster. But how many times will there be recurrence of this calousness?

Salahuddin
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Fiction vs fact

Sir, I was going through your pages in the literary section of May 31. In the *Bridge on the Train*, I read how the author traveled on Assam mail from Rajbari to Calcutta. I was simply amazed because in those days, Assam mail never ran between Rajbari and Calcutta. Assam mail ran between Sealdah (Calcutta) and Parbatipur with stoppages at Barrackpur, Ranaghat, Poradah, Ishwardi, Natore, Santhar and Parbatipur in the broad gauge.

I realised it was a fiction and I was mixing facts with it. In fiction, I suppose, the author, in this figure of imagination, has the right to fly from Dhaka to anywhere on by anything. Still I feel that facts and fiction should not be mixed up.

A Citizen
Dhaka

Clinton's good work

Sir, US President Bill Clinton has taken a right decision by offering a legislation to ban human cloning which is morally unacceptable and can destroy the mankind's gene pool.

Meanwhile, an international Monitoring Cell under the auspices of the UN should be formed to monitor and check research on somatic cell nuclear transfer towards creating a human child in different parts of the world including the US.

M Zahidul Haque
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Dhaka-1207.

"Significant Verdict"

Sir, This refers to the editorial under the above caption published in your esteemed daily on May 26, 1997. You have got the dates all mixed up.

The present regime is in power since Iran for the last 18 years and not 28 years as you have mentioned. Again, the Iranian people have risen against the royal Pahlavi despotism during 1978-79 and not in 1969. I, in fact, had the opportunity to be in Iran during the whole period of their great revolution and proudly recollect the moment on the 11 February 1979 when Imam Khomeini landed in Tehran thereby heralding the dawn of a new era for that country. Iqbal A Rahman
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