# The Baily Star

Founder-Editor: Late S. M. All Dhaka, Thursday, October 30, 1997

### Seriousness Negated

Quite apart from the positive outcome of the CHOGM in Edinburgh that flagged off a new direction taken by the Commonwealth, in time for the next millennium, Bangladesh's individual performance outside the plenary portrayed a beleaguered image of hers. The imprints Bangladesh left on people beyond the speech-making by the Prime Minister only subtracted from the impressions she had otherwise created by raising some valid points for the LDCs. If her itinerary was all about delivering the speech, she would have come out with flying colours, and with her perhaps the rest of the team, or was it one! However, since the odyssey was a many dimensional affair it would naturally be weighed on a wider scale.

Beginning with attendance at all important events including being present at the time of the announcement of the 200 million US dollar fund for South Asia through stemming adverse publicity to routine press briefing almost everything went wrong. Neither was a media centre set up with literature made available on our country nor any special presentations made from any suitable corner on sensitive points aired by interested quarters. The focus fell squarely on Awami League meeting or the conferment of doctorate on the Prime Minister rather than having the Bangladesh community present itself as a harmonious whole in an overseas audience.

All of these go to raise two very pertinent questions: were the preparations made by Bangladesh adequate for any meaningful and truly rewarding presence on the occasion of CHOGM? If these were not, who should be held responsible for that?

The lack of coordination and liaison that was perceptible in Edinburgh, especially outside the plenary, perhaps overshot our previous poor standards of governmental team-work. This was unprofessional and proved self-demeaning in the

On top of everything, it is the familial composition of the PM's entourage, that, to our mind, diluted the seriousness of our participation.

#### What Answer Aricha?

The idling trucks at Aricha represent a national economic tragedy. The perishable perish and the owner of the goods may want to follow suit. The less perishable items, such as machinery, involve wastage of truck-usage time as well as wastage of works utilisation time. What can this add up to? The astronomical figure it will work up to must then again be tallied with the loss of time and money and the immeasurable suffering that the passengers of buses undergo.

Can't this be helped? On the threshold of the third millennium and the 21st Century, should we accept a 'no' for an answer? There has been an unusual fall in the levels of the Jamuna and Padma rivers, 2.84 feet more than the corresponding time last year. Shoals are surfacing overnight and channels turning unnegotiable. The dredgers engaged at the site are no match for the falling rivers. This has affected ferry frequencies and availability. Result: lengthening queues of trucks and buses at Natakhola, Daulatdia and Aricha. The jam at Aricha is preventing unloading of trucks and buses from the ferries, worsening the situation.

The first and very evident task is to increase our dredging strength. This must not be neglected. Next is possibly the need to go for shallower draft ferries in conjunction with a ban placed on overloaded trucks. Can't we possibly switch over to hovercrafts for ferrying the bulk of our trucks - which would cut on total trucking time in the bargain? Will the Aricha problem pace up the implementation of a Padma Bridge rivalling the Jamuna Bridge? And before that becomes a reality, should we not have a second thought about our total dependence on trucks for trans-Padma-Jamuna goods movement? Non-perishable goods could very well be shipped to all kinds of destinations in shallow-draft dumb barges with far less cost and far less pressure on the ferries and highways.

What we are lacking gigantically is a national approach to this problem. Why should Aricha jam be a matter of adhoc and patchwork management. There should be a commission of scientists and managers to come up with a foolproof solution. And soon.

### Stock Slump Lessons

From tears to blank look there was hardly any expression of anguish that was not there across the pages of newspapers yesterday. Ten years after Black Monday, slump in Hong Kong has shaken markets around the world. It all began in Thailand when Baht was devalued after speculators weakened it by selling large numbers of baht for dollars. Things took a turn for the worse when the government raised interest rates in Hong Kong to avoid devaluation. The Hang Seng's drop triggered a worldwide shock wave.

For Bangladesh it hardly mattered as a shocking novelty. Firstly, because we are yet to have our bourse hitched to the global market, and secondly, because the fledgling stock markets which became a source of amazement for many for its inexplicable growth few months ago is yet to find a way out of the rut. Only through sheer coincidence, though, the world actually fell into the pattern Bangladeshi bourses have come to know for some

What happened, though quite extra ordinary because of its expanse, is part and parcel of the stock market business. Roller coaster ride of fortune is the only course this world knows. If not as quickly it ran out of gas, the world market will be on the roll again. It is in this tale of resurrection from a crash that our market needs to earn lessons. Even in a highly speculative market there are certain strong foundations on which markets get erected after a seismic fall out. One reason our stock markets have not shown a steady streak of revival

from its 'own crash' is its structural shortcomings. Few saw life beyond the Wall Street plunge in 1987. But as life always goes on, the stock market in the US recovered and came back roaring in a splendid fashion. It will be replicated again. Challenge lies how much we can learn from this reconstruction act to plough into the dynamics of our own market so that it gets globally linked as a positive economic factor.

# Judiciary Not Above Board: Chief Justice

The arrears of cases in the courts is a matter of regret for the Chief Justice of India. He has convened a conference of the high court chief justices to discuss the problem specifically. His proposal is that the retired high court judges be reinducted temporarily to hear pending cases. "It is no justice if it is delivered after a lapse of several years," says the Chief Justice of India.

HIEF Justice J S Verma is in a frantic hurry. He has very little time between now and the mid-January next year when he retires. His plate is more than full. That may explain why he is working on several subjects simultane-ously: how to fight corruption; which machinery to set up to appoint judges and what should be done to bring down the arrears of cases in the courts.

He is hard to fool. He has the gift of analysis and clear forceful statement. Above all, he uses his gifts for common people and not for the spoilers, political or economic. He follows principle rather than master. His ideas are novel. For example, he wants an intelligence agency to be autonomous but not independent. That is the reason why he criticised former CBI director Joginder Singh for hogging publicity and found no fault with the government on his transfer.

During one-and-a-half-hour long interview with the Chief Justice of India at his official residence, I got the impression that the Jain hawala case had not yet seen the end. He seemed keen on doing something to not let the matter reach the anti-climax point. He gave no specific hint. But he said he would deliver the judgment before the judge sitting with him on the bench,

retired at the end of November. No, he did not discuss merits or demerits of the case. But he did not sound happy. It was obvious. He was the head of the bench which said on November 29, 1994 : "If

Kuldip Nayar writes from New Delhi

BETWEEN THE LINES

we are meant only for punishing people for petty offences and let the people go scot-free who spend lakhs of rupees on birthdays, we better then close down the court." He wants the investigating agency above taint. As a government department, Chief Justice Verma is convinced that CBI, constituted as it is, cannot resist political and administrative pulls. Whatever set up he recommends, he wants to associate with it public men of impeccable credibility

Chief Justice Verma makes no secret of the fact that the judiciary has got contaminated over the years. "The judges are also not above board," he admits. "I am telling them during my talks and in the lectures I deliver that cleanliness brooks no compromise." He regrets that the climate prevailing in the country is having an adverse effect on the judges.

But Chief Justice Verma is not leaving at that. He wants to single out those among the judges who have not maintained the highest standards of integrity. Will their transfer help? He would not mind going beyond provided there was 'a candid proof. With all types of allegations floating around, he is not taken in easily. He is keen on getting facts.

He was reluctant to talk about the charges appearing in newspapers against his No 2. Justice M M Punchi. Chief Justice Verma is aware of his duty on recommending the name of his successor to the government. But he is against the suppression of judges unless there is strong evidence against a particular person. He wished there had been a Lokpal to look into the allegations against the high-ups, including the judges. But the Supreme Court must not be dragged into politics. No man is essential to his country well-being as is the sustained integrity of the courts.

"At this juncture when the credibility of all institutions appears to be eroded, I cannot ignore the reality that the image of the judiciary is tarnished and needs to be refurbished," says Chief Justice Verma. "We must devote ourselves wholeheartedly to devised the proper means to refurbish the image of the justice-delivery system which is essential for effective operation of the rule of law."

Austere in living and still more austere inhabits, the Chief Justice of India does not like the cult of consumerism that is taking over the urban population. He tends to withdraw from ostentatious gatherings and glittering parties.

He is against judges socialising. Left to him he would like to spend all the time in the midst of books, which take nearly 16 to 18 hours. His wife, who comes to ensure that the tea properly served, says that he goes from bed to office and then to the Supreme Court. He prefers to stay out of public affairs, to be obliged to meet only those with whom relationship would be confined to law.

Chief Justice Verma is keen on having the best person appointed as judges to the High Courts and the Supreme Court. "The best among lawyers do not accept the position," he says "They are busy making money." he feels that the rule of law is very much dependent on the quality of judges. He believes in wider consultations before the appointments. In the recent process of selection, he not only talked to the two senior most Supreme Court judges but also to the juniors in hierarchy, up to No 10. Not only that, he sought the advice of leading Supreme Court lawyers, including the young

Some kind of judicial commission for the appointment of judges meets his approval. But he does not want the commission to be confined to judges and lawyers. "I want to associate with it eminent people from the public." Different points of view should come in.

> byword. Chief justice Verma says how the judiciary evolved principles which form part of the constitutional law Right to speedy trial has been

Fairness is his

held to fall within the guarantee of Article 21. Right to privacy in telephone conversation, so that unauthorised telephone tapping is illegal. has been accepted. Domiciliary visit by the police without authority of law, was held to be violative of Article 21, assuming right to privacy as a fundamental right derived from the freedom of movement under Article 19 (1) (d), as well as personal liberty under Article 21. "Right to know" is read in 19 (1) (a) which guarantees freedom of speech and expression.

He wants the government also to have a say in the appointment of judges. In his scheme of things there is joint responsibility. At a recent conference of the SAARC Chief Justices at Lahore, he argued that the executive and the judiciary should co-operate, not be in a state of confrontation against each other. (In the context of Pakistan it has greater meaning because the judiciary there is up in arms against the government for 'interference' in appointments and transfers of judges.)

The arrears of cases in the courts is a matter of regret for the Chief Justice of India. He has convened a conference of the high court chief justices to discuss the problem specifically. His proposal is that the retired high court judges be reinducted temporarily to hear pending cases. "It is no justice if it is delivered after a lapse of several years," says the Chief Justice of India. He takes credit for bringing down the arrears of cases in the Supreme Court.

He commends public interest litigation and he tells about his contribution to the practice even before it was initiated. But what he proudly recalls is his judgement against an order by the Shajapur district magistrate during the emergency. Chief Justice Verma, then a High Court judge, said: "Arbitrariness and capriciousness are the very negation of rule of law, the system which governs us. The executive authorities have to avoid these pitfalls by constant vigilance. It is more so in the present context of emergency, resulting of necessity, in curtailment of citizen's rights and conferment of wide powers and discretion in executive au-

The chief justice insisted on walking up to the verandah and waving me goodbye as my car started moving. His humility leaves a lasting impression. So does his anxiety to remove the taint which has gathered on the face of the

**GOOD GOVERNANCE** 

# The Necessary Cliche of Our Times

Instead of chewing the cuds of frustration and disappointment, and waiting like damsels in distress to be rescued from despair by some external force in shining armour, we should organize ourselves better, create strong citizen bodies, muscled by social conscience and animated by a political spirit.

T is said of Gandhi that, once when asked about what he thought of Western Civilization, he said, "I think it would be an excellent idea." Something tells me that he would have made the same response if asked about that new buzzword of Development Assistance - Good Governance. As an idea it is unarguably excellent as a frame of reference for developing countries, providing a policy guideline to help poor nations solve their prob-lems, and a checklist of goals for them to aim for; but to what extent this would be successful in pushing governments to actually implement it. is subject to speculation, bordering on pragmatic cynicism. After all, a prescription does not constitute or determine a cure. Patients have to want to be cured for any medicine to be effective; and good governance is merely the well articulated and well intentioned credo of the new religion of sustainable human development: to make it work miracles, nations have to take the great leap of faith, become converts, passionate believers. But then, what else do the dispossessed have except optimism — that opium of those whom even conventional religion has forsaken? And what else can they do but listen to the message of hope, as if in the mandate for good governance something original had been

So, although no one can be expected to say anything that has not been said before, perhaps we still need to hear the old rhetoric of a state's obligations to its people repeated: respect for human rights and women's rights, respect for the rule of law; political openness, participation and tolerance; accountability and transparency; administrative and bureaucratic capacity and

efficiency, et al. Perhaps we do need to hear it reiterated that. "development

does not occur in \_ a political vacuum". maybe, governments themsel-

ves need to be reminded about what the basic principles of good governance are. Needless to say, the onus of achieving sustainable development and prosperity with social justice, lies on the shoulders of the political power-brokers in any developing country, and specially so in the context of Bangladesh. Every facet of good governance, be it transparency, or equity, consensus orientation or rule of law, is mutually overlapping and contiguous, and the whole cannot be honed to its proper brilliance without taking into account the sharp edge of the political powers that be. All this, obviously, has the ring of a recurring refrain: Without the commitment of political parties that dictate the destiny of a nation, we cannot make a single move in the direction of development, however clear the signposts are.

But the most significant aspect of these signposts of good governance, of course, is in the pressure it creates for governments to be more accountable and responsible, to develop good laws and efficient institutions, promote democratic participation towards the empowerment of vulnerable groups and the sustained well being of all its population. However, as a member of the civil society, which along with the private sector and the State are defined to be the main domains of governance, I feel a strong compunction towards the role of the middle class in creating the grounds for good governance. Yet, at the very moment that I admit to the obligations of the educated and adequately fed towards the destitute and deprived, I must confess that I have always thought the middle class to be as vulnerable and marginalized as the more prominently disadvantaged groups like the poor, but in a dif-

It is easy to muffle the needs of a strata of society, however valid the needs are, in the interest of the more urgent necessities of another class. But needs can be ignored, they cannot be discounted. While the poor and vulnerable groups of

society certainly require the lion's share of a nation's resources, we cannot overlook the special requirements of the toiling middle classes to improve their quality of life. It is my belief, therefore, that it is in our own interest to be an active part of this new surge towards the goal of democratisation of prosperity, aiming to create an enabling environment where we can fulfil our own needs, as well as those of others, in both independent and interdependent ways, without constantly looking towards or blaming the government

The theoretically privileged middle class live in congested cities, a glorified slum, with a monstrous traffic problem; the youth are forced to be crowded into a few schools, that are basically shops that sell poor quality education, and which tyrannize the parents knowing that they have a captive population of clients; there is a lack of proper leisure and amusement facilities which deprive both the young and the active from healthy and creative outlets; the list can go on, but basically, except for the moneyed minority, the middle class is all dressed up and nowhere to go, nowhere meaningful that is. And yet, we should be able to dictate where this stable, educated, potentially gifted class can go. which could be further than its grasp.

Traditionally this is the class which provides society's leaders, educators and intellectuals. But what good can a section of people, who are also the most disgruntled and frustrated, do except either resort to indifference or form an ungodly complicity with a system where corruption is a form of salvation. The middle class is the backbone of society and, at the risk of stating the

obvious, I think the business of straightening

our spine is up to

chewing the cuds

of frustration

ment, and wait-

ing like damsels

and disappoint-

Instead of

POSTSCRIPT

**Neeman A Sobhan** 

in distress to be rescued from despair by some external force in shining armour, we should organize ourselves better, create strong citizen bodies, muscled by social conscience and animated by a political spirit. Be it a consumer protection group, a vigorous parent-teacher organisation, an environment protection lobby, a cooperative or a protest group, it must be constructively oriented, incorporating all the rules of good governance within it, and working towards well defined goals. The middle class has been termed the engine

for growth, and growth is the sine-qua-non of development If en route to development, good governance must be instituted, it must be done on our steam. Of the three domains of governance, the State, the private sector and civil society, I can only speak for the section where I belong. We, the members of civil society have a unique role to play in promoting sustained human development, which is not another esoteric term for rural uplift only, it is about improving the quality of urban living conditions too, it is about making life worth toiling for. And to this end, at least, the educated members of society must make it a point to be involved in the decision making process at every level; insist on the free flow of information, put pressure on policy makers and power holders for greater transparency and efficiency. Taking the cue from rural women, urban women and educated housewives must become self-sufficient and politically astute, insisting on having a voice in decision making in economic, political and legal levels of society.

One of the characteristics of Good Governance is strategic vision. How we want our society and nation to develop, and what short and long term perspectives we visualize, must be transmitted to our political representatives. We must guide them, even force them to deliver, out of the cliché of governance rhetoric, a new more acceptable world

nel slept there?

A: I can't recall.

## BANGABANDHU MURDER CASE

## Verbatim Text of Cross Examination of 32nd and 33rd Prosecution Witnesses

in Bangabandhu murder case, Havildar (retd) AKM Sajedul Haq, began when the court resumed on Tuesday. Following are excerpts from his examination by advocate

Continued from yesterday

Cross-examination of PW-32

TM Akbar, defence lawyer for accused Lt Col (LPR) Muhiuddin: Q: Where you asked to halt

any army vehicle while you were on duty in front of Tejgaon airport? A: I was not given such order.

Q: The road where you were posted is a very busy road. Many vehicles ply on the road. A: Yes, but no civil vehicle

moved on the road on that day. Q: You have been taught about "pretext night parade",

A: No. I told the truth. The night parade was a pretext and we were bluffed. Q: Did you tell anyone about this pretext and bluff"?

A: No, I didn't feel the neces-Q: You have been taught that Major Muhiuddin (Artillery) was involved in the incident.

None mention his name. A: No, I came to know about their participation from the eye witnesses — Havildar Aziz, Lance Naik Khaleq, Naik Yasin

and others. Examination by advocate Khan Saifur Rahman, defence counsel for accused Lt Col (dismissed) Syed Farooqur Rahman:

Q: There was no bluff in giving and receiving the bullets between Shamsul Islam and you.

Q: Didn't you go to your vil-Correct? lage home on leave in 1975? A: I don't know. A: Yes, but I can't recall the Q: Did you load the bullets in your SLR?

A: Yes. Q: The radio announcement was: Army took over power under the leadership of Khandakar Mushtaque Ahmed. Did

you come to know it? A: No. I came to know Khandakar Mushtague became the President.

Q: You claimed that you described what you came to know. A: I came to know from the eye witnesses. Q: Did they see you on the

Q: Then you, after watching them on the spot, confirmed

that they were eye witnesses. Q: Did you support the A: I discharged my duty

Q: Did any killing take place on your duty point? Q: Did you take oath while

where I was posted.

entering the job?

Q: Did you violate the oath on that night? A: No. because I followed the

order of my officers. Q: Did you discharge your every duty on that night and morning as part of your night parade?

A: No, I was posted in front of the airport that was not part of the night parade. The activities done by us at the orders of our officers were not part of the night parade. We only carried out the orders of our officers. Allah pardon me, officers are next to Allah in army.

Examination by advocate Sharful, defence lawyer for accused former state minister Taheruddin Thakur:

Q: Did you continue your service with dignity and honour after the August incident for a long time?

Q: Did you discharge duties on August 16, 17 and 18 in

A: Yes.

A: Yes, but I can't recall

No democratically elected

government of any civilised

Q: Were you inside the cantonment?

A: Yes.

Q: You didn't reside alone in

the cantonment. There were officers and jawans. Isn't it? A: Yes. Q: Under which brigade was

2 Field Artillery? A: I was an ordinary sepoy. can't say.

Q: Did you come to know Q: Did you hear the name of

46 Brigade? Q: Do you know that Col

Shafat Jamil was your senior officer? A: No, I didn't know.

Q: Did you hear the name of General Shafiullah? A: He was Chief of Army Staff at that time. Q: Do you know the meaning

Q: Can you say that Khaled Mosharraf was a senior officer?

Q: What was his rank? A: I didn't know.

Q: Was HM Ershad an officer of army? A: Yes, I didn't know his post and rank.

Q: Were you in army while he became the President? A: Yes.

Q: Who was Commanding Officer of 2 Field Artillery after Major Rashid?

A: Possibly Lt Col Alauddin and Lt Col Anwar Hossain.

#### 33rd Prosecution Witness

removing the officers concerned Following are the excerpts permanently from the Foreign from cross-examination of PW-Service and by taking such legal 33 Havildar (retd) Selimuddin. by advocate MA Wahed, state defence counsel for absconding accused Major (retd) Shariful Haq Dalim:

Q: How many rooms were there where you slept?

A: There was only one room.

Q: How many army person

despite witnessing such deaths and injuries.

Q: But you didn't faint. A: No. I didn't faint. But I also didn't face such attack. -UNB

when received.

Further texts of cross examination will be published as and

#### CHT — hopes and humble request would be

aspiration Sir, it is indeed a matter of joy that at long last we are about to witness an honourable and just solution to the Chittagong Hill Tracts (CHT) problem. Precious time and lives have been lost due to mistrust and adventurism by a few and this had been aggravated by ventilation of emotions and

vengeance by others. However, we should leave behind all these past but shouldn't forget the lessons learnt. As expected this "deal" will come under close scrutiny of all interested quarters. My please give peace a chance. Ours is a very small country and we must accommodate all our fellow countrymen with diverse feelings, emotions and aspirations. Please make the beautiful landscape of CHT more green. serene and peaceful. A A Choudhury

Q: How many people died in

Q: Do you take advantage of

Q: Did you get increased

Q: Were the ammunition

Q: Did you mean it that you

A: I don't know what is loot-

could have looted ammunition

taking the opportunity of indis-

ing. Bullets were not looted on

that day. But the system of dis-

tribution of ammunition indi-

Q: How did you take ammu-

A: Naik Shamsul Islam

Q: Did Shamsul Islam keep

an account with him before giv-

cated that it was indisciplined.

brought 10 bullets for me.

ing you the bullets.

salary after the August inci-

A: It was not known to me.

your village in 1975?

A: I can't recall.

cipline on that day?

period.

dent?

indiscipline?

Dhaka Torture of

Sir, I was shocked to read the story of Hanufa — the way she was tortured by her employer, a responsible officer of the gov-

domestic help

heartrending. I am surprised by the fact that the officer concerned instead of being punished and removed permanently from ser-

ernment serving abroad, is

vice abroad, has since advanced in the Foreign Service to be posted in the coveted position of a Charge d' Affaires at an important Embassy Bangladesh. Similar stories of atrocities

committed by Bangladeshi diplomats on their domestic staff have been reported in the past. It is not known what actions have been taken against the diplomats concerned by the governments then in power.

country takes such instances of gross human rights abuse May we expect that our government will prove its sense of responsibility and justice by

actions for their atrocious conduct as permitted by the law of the land. Mrs Zohra Choudhury

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the south until I fainted. Q: What were you doing after A: The shell blasted as soon as we came out of the room. I

Q: Was the firing one sided?

A: I heard firing only from

didn't get a single moment to think or do anything. Q: What kind of resistence steps were taken by the army

and police security at Bangabandhu's house? A: I didn't notice them. I was busy with ourselves. Q: You told the IO: Major

with Captain Bashar and JCO Subedar Kabir. Later Major Dalim left the Ganobhaban abusing them. A: I can't recall whether

Dalim came to Ganobhaban at

about 4 pm on August 14, 1975

He had hot exchange of words

said this to him or not. Examination by advocate Gazi Zillur Rahman, state de-

fence counsel for absconding

accused Lt Col (dismissed)

around Bangabandhu's resi-

everything taking place around

Q: Did you do any patrol duty

Q: You were responsible for

Q: Were all of you seven

A: No. in turn. Two sentries

Q: There was no scope to

A: No, there was scope as the

Q: Did you take part in the

Q: You were a couregeous

Q: You witnessed many

Q: You continued the fight

deaths and injuries at that

scheduled to discharge duty to-

Khandakar Abdur Rashid:

dence before August 14?

A: I didn't.

duty was in turn.

Liberation War?

freedom fighter.

A: Yes

A: Yes.

A: Yes.

A: Yes.

time.

the house.

gether?

A: Yes.