

Stormbound BIRDEM

We are worried over the situation in BIRDEM. With the deadline of an employees association nearing and mum still being the word with the authorities, we are afraid, country's lone institution in the healthcare sector that has carved a niche for itself with its service is heading for a period of undesirable chaos.

The cloud that the BIRDEM has now gone under is a creation of the recalcitrance of its Employees Welfare Association (EWA) which is not only pressing for the annulment of a set of service rules but also preparing to physically bar some office bearers from discharging their professional obligations.

It should be mentioned here that the 1996 service rules over which the EWA is agitating now had been scrutinised by an expert committee spearheaded by the Health Secretary following similar chaos last year. The committee then observed in its report that the service rules which empower the authorities with the right to hire and fire are absolutely essential for the smooth running of a vast administration like that of BIRDEM. The underpinning of the employees demand that the service rule of '92 be restored is further taken away by the fact that the rules are in force only in the case of those recruited after 1996 and those who opted for a 20 per cent salary hike.

Above all, the Society Registration Act which BIRDEM is obligated to as a non-profit institution in the realms of social welfare does not allow room for CBA activities. What is now going on at the BIRDEM is not the saner aspect of bargaining but the brutal and blatant demonstration of muscle-flexing. We want the authorities to put their foot down. It has to be a strong and decisive step, no pampering or mollifying business as one official of the PM's Secretariat indulged in on a previous occasion. We have reasons to believe that it was his ineptitude and search for cheap popularity that has considerably helped matter to come to today's pass.

The government must take the BIRDEM as a test case. It has to resolve the crisis firmly because law is on its side and so are we. Its performance on this matter will give signals to all concerned whether it is for smooth running of institutions or for the tyranny of CBAs.

Human Rights Commission

We welcome the news that preparations are afoot to set up a National Human Rights Commission. Its absence has been hurtful to the national image, especially when one considers the fact that the very birth of Bangladesh denominated triumph of human rights.

Early last year decision was taken to establish an independent human rights commission comprising representatives from the civil society whose watchdog role would be to promote and protect human rights in a context of both pluralism and democracy. With an international conference in Dhaka setting the stage for a commission to be brought into existence and the AL government being keen on it, the law ministry set about the task of drafting a suitable bill for it. This is almost ready for final discussion at a seminar attended presumably by experts and publicists some time in the first quarter of the new year. Subsequently, in June, it is likely to be placed before the Jatiya Sangsad for what we would like to see a thorough-going televised debate on the points at issue by the Opposition. This will be necessary for dissemination of information among the public but for whose active participation protection of human rights would remain a far cry. From the passage of the bill through the President's consulting the Prime Minister, the Speaker of Jatiya Sangsad and Leader of the Opposition to appoint the chairman and members of the commission to the eventual formation of the body whatever it takes to maintain the time-table must all be done.

We want the national commission on human rights to be not merely independent but also effective in carrying out its writ. We value the prospective presentation of an annual report by the commission to the government and the latter's tabling of it in the Jatiya Sangsad within 90 days followed by submission of a memorandum of action taken or proposed on the recommendations of the commission. Even non-acceptance of any recommendation will call for explanation before the parliament. Nothing should now stand in the way of setting up the human rights commission by July this year.

Renewed Hope of Summit

Ms Albright's projected visit to Dhaka fell through and President Clinton's probable visit also never went past a hope not unbased on facts. When the three-nation subcontinental business summit also was postponed, things could look very wrong for Dhaka's importance as a host. But it didn't as the postponement was prompted by very transparent reasons of political uncertainties in both New Delhi and Islamabad — that were both genuine and understandable. That is not to say that we three could go without that summit as if it were some get-together keynoted by sheer *bonhomie*.

We are happy the Indian situation is now clear and that Mr Nawaz Sharif also has in the meantime got this house set and right — brightening the prospect of a summit before the commencement of the Indian elections. We congratulate our foreign office for having taken up the thread in the nick of time. There have been encouraging responses from the other two capitals to the renewed Dhaka initiative.

Mr K. Gujral's changed position now as only an interim and stop-gap Prime Minister need not be feared to lessen the importance of the summit. It is India more than an individual that will be there in the deliberations. Mr Gujral's happening to be representing India will come as a bonus as he is on record as a vocal and sincere exponent of closer and truer ties between the states that were once British India.

The initiatives already taken in the shaping of the subregional association within the SAARC, the development quadrangle and the seven-nation BIMSTEC have made it imperative that the subcontinental nations closed their ranks as a matter of priority. The summit is expected to do that to the benefit of us — very close neighbours.

We reprint this regular column by Mr Fazlul Choudhury which was by mistake published yesterday as a column of Mr AZM Obaidullah Khan.

ACCORDING to the country's Constitution the election of the President of Pakistan should be a relatively simple affair. The President is elected by an electoral college comprising the two Houses of the National Parliament and the four Provincial Assemblies. This is how, Mr. Rafiq Tarar was elected to what should now be a purely ceremonial post of the President of Pakistan.

In a situation where the ruling Muslim League enjoys an overwhelming majority, the election of its nominee, Rafiq Tarar, was not expected to be a nail biting affair. Nevertheless dullness has hardly been an attribute of Pakistani politics, and the process leading up to Mr. Rafiq Tarar's election, with all the twists and turns of events, has had a great deal of the excitement of the unexpected. The first unexpected element of the election has been the timing of the election itself, as the presidential election had not indeed been due. Farooq Leghari's unexpected exit, making him the first President of Pakistan to have resigned of his own volition, brought forward the date of the elections ahead of time. The second element was that Mr. Rafiq Tarar was hardly known outside his immediate circle of friends and well-wishers though happily for the President-elect Mr. Nawaz Sharif has emerged as the most powerful Prime Minister in Pakistan's history.

Mr. Nawaz Sharif can be said to be even more powerful now than Mr. Bhutto in his heydays, for a number of reasons. First, unlike Mr. Bhutto, who came from the smaller province of Sindh, Mr. Nawaz Sharif belongs to the Punjab which is glaringly becoming the central springboard of political power in Pakistan. Mr. Sharif enjoys a comfortable two-thirds majority in a pliable parliament — something that Mr. Bhutto never had. More importantly perhaps, Mr. Nawaz Sharif has achieved complete mastery of Pakistan's political skies by completing the process of taming the President, by succeeding in installing judges who appear amenable and kind and by having an Army ever so understanding and helpful. In all this he must now also thank Chief Justice Sajjad Ali Shah's Don Quixotic and extra judicial behaviour for accelerating a process that would have otherwise taken much longer in coming. Thus one may say that it is to Chief Justice Sajjad Ali Shah's action that Rafiq Tarar owes his job and also Nawaz Sharif's power. This tale of the unexpected has to be the *chef d'oeuvre* in the latest anthology of Pakistan's political tales and it is not likely to lose any of its lustre by a brief recounting of facts.

Not even in his wildest political dreams could Mr. Rafiq Tarar see himself occupying the presidential chair. Yet events developed in such a manner that, for the first time in its history, Pakistan saw a properly elected President resign and also saw loyalty to the Prime Minister become the primary requirement of the new incumbent. Mr. Rafiq Tarar was found eminently suited to fill the bill.

Mr. Rafiq Tarar should nor-mally have no illusions about the job that lies ahead of him although, in the power game in Pakistan, supposed lambs have on occasions displayed tigerish teeth. Mr. Tarar is not likely to be counted amongst his high and mighty predecessors like Ayub Khan, Yahya Khan, Zulfikar Ali Bhutto, Ziaul-Huq and Ghulam Ishaq Khan. He will not even be in the same league as Farooq Leghari who occupied the 'Awam-i-sadr,' the imposing presidential palace in Islamabad, during what may be termed as the twilight period of the decline of presidential power in Pakistan. In that re-

How to present a glimpse of reflective history of Bangladesh in a nutshell? An unknown leader emerged — when the time had come — from amongst the toiling millions; and his moral force united the people to suddenly create Bangladesh 26 years ago.

The post-revolutionary period was turbulent, as the labour pain had lasted for only nine months, instead of decades of fighting (as in Sri Lanka, Vietnam, Palestine). A new foundation had to be laid, starting practically from zero, after 200 years of domination of the Muslim majority in this region.

spect President Tarar would be more of the ilk of President Choudhury Fazlul Elahi who served the powerful Zulfikar Ali Bhutto, while he was Prime Minister, in the latter's failed experiment with the parliamentary system of governance in the seventies.

Since the fall of President Ziaul Huq in the late '80s it has been, by and large, the general desire of Pakistani politicians to turn to a full blooded parliamentary system. However, as opposed to a presidential form of governance so entrenched has traditionally been the post of the President in the power game that it has taken about a decade of gradual moves for that to happen. In that process Nawaz Sharif has emerged as the most powerful Prime Minister in Pakistan's history.

Judges, Nawaz Sharif smelt rat in this, as he did not like its composition. There were certain corruption cases against Nawaz Sharif, pending in the Supreme Court, a remnant of his previous prime ministerial incarnation and the judges in the list did not seem like an amenable lot to the Prime Minister.

A split decision by the Pakistan Supreme Court had after all sealed Mr. Bhutto's fate only years earlier and it was therefore not unexpected of Mr. Nawaz Sharif to keep a wary eye on the composition of the Court. He therefore put the proposal regarding the elevation of five judges in the cold storage.

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the court could have meant the end of Nawaz Sharif as Prime Minister and this is something a Prime Minister, with an overwhelming electoral mandate, was not expected to take lying down. He requested President Leghari to get rid of the Chief Justice, but the President from his pedestal, as it were, refused to oblige. Therefore, with his two thirds majority in the Parliament, Prime Minister Nawaz Sharif started drawing up plans to impeach the President. The crisis thus got elevated to the level of the President and the Prime Minister.

This is a situation where the head of the Armed Forces cannot sit idle. After all the state machinery seemed like being on the verge of a collapse and no Army, least of all that of Pakistan, with all their exposure to statecraft could wait and watch

the stand off between the Prime Minister and the Chief Justice.

With both the President and Chief Justice replaced, the Prime Minister is now firmly on the saddle. What started off with a whimper of a proposal of elevation of five judges has ended with a bang in a political battleground where casualties abound and new people are in charge. The battle now seems to be over, if not the war, and it is time now to ponder and reflect.

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Chairman, took over as acting President. He, the acting President, 'restrained' Sajjad Ali Shah from performing his functions and Justice Ajmal Mian was appointed as the Acting Chief Justice. Later a 10-member bench of the Supreme Court unanimously cancelled the 1994 appointment of Chief Justice Sajjad Ali Shah. Thus for the Chief Justice the die was cast, and Justice Ajmal Mian permanently replaced him as the Chief Justice.

Mr. Wasim Sajjad now goes back to his old post of the Senate, thus making room for the President-elect Rafiq Tarar.

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It is worth noting that the crisis was not triggered off by any fault of Pakistan's constitutional provisions, but by the failures of the leaders of various state institutions to approach the limits of their respective power and authority. Simultaneously two extra-legal pre-emptive actions were taken by the Prime Minister's men. First, as the police watched unconcerned, they stormed the Supreme Court and, by creating a pandemonium, prevented the court from functioning. Second, it was charged that Justice Sajjad Ali Shah, a Sindhi, had superseded three judges senior to him in 1994 to assume the mantle of Chief Justice. The Baluchistan branch of the Supreme Court was encouraged to dismiss the Chief Justice thereby showing a rift among the judges and thus weakening the Chief Justice's position. The Prime Minister was using the technique of setting a 'thief to catch a thief.' At that stage a somewhat harassed President Leghari, who actually had to approve the appointment and dismissal of the judges on the advice of the Prime Minister, decided to throw in his towel and Wasim Sajjad, the Senate

matters. The Chief Justice, acting in a huff, instructed the revival of the corruption cases against the Prime Minister. Not only that, he issued Court Orders suspending two constitutional amendments passed by the Parliament at the instance of Nawaz Sharif; one discouraging floor crossing by its members and the other withdrawing the power of the President to dissolve the Parliament. From the President's point of view, the pressure tactics appeared to be working as the Prime Minister now seemed willing to endorse the appointment of the five judges.

However, in the meantime the Prime Minister and some of his parliamentary colleagues, in their exasperation, had made some critical remarks in the parliament about the judicial process in the country. Instead of letting sleeping dogs lie, Chief Justice Sajjad Ali Shah decided to bring contempt charges against the Prime Minister and some of his parliamentary colleagues forcing the Prime Minister to appear in the court in person. A conviction by

the happenings from the side-lines. In the event the Army saw it prudent to stand by the elected representative of the people, viz the Prime Minister.

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