

What Could Death Penalty be Worth?

THE Cabinet's approval of a new draft law prescribing death as the maximum penalty for child and woman repression is designed to reflect the government's seriousness to defend the basic rights of the two most vulnerable segments of our society. We welcome the new determination to combat the oppressive crimes but cannot help wonder whether the government at all tried to find the reasons why the existent laws on the subject had flopped before it took the big leap towards capital punishment. Even a knave would not say that those laws failed because there was no provision for death penalty in them. For all we know, such laws floundered on the rock of the absence of any mechanism to apply them. We have no hesitation in asserting that with the mechanism still missing, there is no question of success even with the world's toughest law in our legal arsenal.

The missing mechanism we are talking about comes vividly to the mind when one grinds one's teeth in impotent rage recalling instances of non-registration of cases; perpetrators being either at large or 'untraceable'; and if arrested being set on bail; and if proceeded against, not much of effective investigation accompanying the process. The end-result has been that the few that were subjected to any legal process at all got acquitted for lack of 'evidence'. Indeed the rate of conviction in Bangladesh of persons having committed rape and thrown acid on women and beaten child domestic servants to death, not to speak of rape, torture and murder in police custody, is among the poorest in the world.

Unless we have firmed up the system (or non-system) of bringing the culprits to justice the capital punishment will be another show-piece of law, only a bigger one than we have known before. The disappointment will be that much bigger. As a matter of fact, the provision for any deterrent punishment would only require that the mechanism for its application is doubly fool-proof and effective.

It is good that a distinction has been made between terrorism and repression on children and women to effectively deal with both under separate laws. But those laws, no matter how many new teeth we give them, will be just as good as their implementation.

A Body for Handling Demands

THANKFULLY, two consecutive days of talks between the minister for communications and the leaders of the Bangladesh Road Transport Workers Federation induced a last-minute withdrawal of the country-wide strike, which was scheduled to start from Tuesday. However, the agreement between the government and the federation leadership appears rather open-ended. Assurance of sequential realisation of the transport workers' demands, although it may sound cynical, could well have been an attempt at pacification rather than a sincere commitment towards addressing their grievances. On the whole, the ad-hoc agreement, so to speak, does not quite dispel the bleak prospect of the transport workers taking recourse to bellicosity in the near future.

Threats, and subsequent enforcement, of country-wide transport strike have been familiar phenomena. Opportunism has been evident on both ends while dealing with the differences between the government and the representatives of the transport workers. Often, the government has waited until the last moment before initiating any dialogue with the aggrieved workers. Consequently, on almost every occasion, it has been a bail-out at the eleventh hour. While the government has not been quite forthcoming in hammering out a concrete deal, the transport workers have shown a proclivity towards coming up with 'inflated' demands. Both sides seem somewhat satisfied with such a cat-and-mouse game. Unfortunately, this syndrome is not peculiar to the road transport sector but also in almost every dispute the government is involved in.

This paper has, in a couple of editorials, suggested formation of an inter-ministerial committee to independently deal with such demands to the extent of taking cognisance of the demands, assessing their merit and accordingly recommend steps to the relevant ministries. We believe that this committee could at least prevent such problems from snowballing into major crises as we have seen before. We expect the government to pay heed to our proposal.

Devastating Inferno

A devastating fire engulfed a Taiwanese knitwear factory at Savar Export Processing Zone on Sunday night and completely gutted the four-storey building along with its machines and raw materials. The damage has been estimated at 50 crore taka. Till now the cause of the fire has not been ascertained but an electrical short-circuit is a strong possibility. According to reports, the affected Ring Shine Textile Ltd was the largest of the 14 textile and knitwear factories located in this EPZ with a capital outlay of about 550 crore taka. The fire was so intense that the two EPZ fire stations had to seek help from adjoining stations to bring the flames under control. But by the time it was extinguished on Monday morning, after about six hours of endeavour, the factory was razed to the ground.

It is very unfortunate that such an accident could take place in a special kind of industrial zone, normally considered safe for foreign investments. Should not there be adequate modern warning system, specially for fire, in place? Why a nightwatchman will have to run to inform the fire-fighters? And since the factories use highly inflammable raw materials for their production of finished goods the firefighting equipment and methods have to be modern and sophisticated. This time we were lucky that the fire did not spread beyond the factory compound. Take it as an early warning that it may, the next time around, if we failed to adopt corrective measures sooner than later.

Tiruchelvam's Assassination

Ethnopolitics' Murderous Logic

Praful Bidwai writes from New Delhi

By murdering Tiruchelvam, the LTTE again announced that it brooks no opposition; no political tendency can question its monopoly to speak for all Tamils. Tiruchelvam was a "threat" to it not because he represented a rival mass base, but because he stood for freedom and democracy, pluralism and secularism, consultation and negotiation.

THE assassination of Neelan Tiruchelvam, the towering Sri Lankan intellectual, is a blow to the cause of democracy, peace, federalism, and ethnic reconciliation in all of South Asia. The suicide-bombing method, typical of the LTTE, points to the menace of extreme ethno-nationalism to our entire region. There are lessons for us Indians in all this.

Tiruchelvam was Sri Lanka's best-known scholar-activist and fighter for human rights, who dedicated his entire life to resolving the ethnic crisis. He put the ethnic conciliation issue on the international plane as no one else did. Tiruchelvam played many unique roles. A Tamil, he formed a valuable bridge between the ethnic minorities and the Sinhalese.

A constitutional lawyer, he was architect of South Asia's boldest proposals for political devolution. An intellectual, he personified high refinement. A political strategist, he combined theory with activist practice.

Tiruchelvam was the greatest dynamo of pluralist and democratic ideas in Sri Lanka's peace process. It is this role, not his status as an MP, nor his membership of the Tamil United Liberation Front, that put him high on the LTTE's hit-list. On July 29, the LTTE killed not just a man, but a fount of creative ideas.

Tiruchelvam's Sri Lanka project, based upon diversity, sharing, protection for the minorities, and respect for universal rights, was the opposite of the LTTE's closed, fear-based, regimented Eelam (Tamil homeland).

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it brooks no opposition; no political tendency can question its monopoly to speak for all Tamils. Tiruchelvam was a "threat" to it not because he represented a rival mass base, but because he stood for freedom and democracy, pluralism and secularism, consultation and negotiation.

Tiruchelvam straddled many spheres: political theory; conflict resolution; constitutional reform; parliamentary debate; advocacy. He was at once at home in Sri Lanka and India, in the International Centre for Ethnic Studies (which he co-rected), and in Parliament. He was a committed modernist, yet rooted in authentic tradition — a Renaissance personality. Tiruchelvam thought big. He reconceptualised Tamil politics. And yet he made it immediately accessible. Emancipatory ideas permeated all his work. His perspective was international, unconstrained by narrowness or ignorance. Tiruchelvam rose above the stereotypes of victimhood and a minority ghetto-mentality. He rejected revenge and retribution, even though he recognised systemic minority oppression.

Tiruchelvam was a great institution-builder. He set up the prestigious ICES, and the Law and Society Trust. He was involved in the Human Rights Task Force, the Official Languages Commission, and the Office of the Ombudsman. He pioneered independent monitoring of South Asian elections. Tiruchelvam created networks of like-minded South Asians. When I met him last, in April, he was planning a publishing venture. Aware that proper non-Sinhala book publishing is virtually non-existent in Sri Lanka, he wanted to collaborate with an Indian publisher to develop indigenous capabilities.

Tiruchelvam had immense personal charm. He was soft-spoken, but without false modesty. He didn't pull his punches when necessary. He was secure enough to admit to his faults — for example, his naive early faith in the 1987 Indo-Lanka accord. Tiruchelvam was a committed friend of India. Many Indian reactions do not appreciate this. Our ministry of external affairs, for instance, only described him as "a member of the Sri Lankan Parliament, an eminent lawyer and distinguished leader of the TULF". This trivialised the man. A national daily reduced him to a mere mediator in the 1987 Lanka accord. This was a parody. Worse, the MEA failed to name and condemn the LTTE explicitly. It even "clarified" that its statement was "in response to a question", suggesting the matter did not deserve a *suo moto* reaction. Even the U.S., no exemplar of rectitude, had condemned the LTTE as "terrorist".

New Delhi's refusal to the LTTE comes on top of many negative signals from the BJP-led coalition, which have had an impact in Sri Lanka. Take Mr. George Fernandes, a longtime LTTE supporter. In late 1997, he announced a pro-LTTE convention, to which the home ministry objected. (The LTTE is banned in India). He nevertheless held it on December 14 on the lawns of his bungalow.

The Convention openly supported and praised the LTTE. Their (the LTTE's) cause is just", Mr Fernandes said. In July 1998, Mr Fernandes instructed our Navy not to inter-

cept ships carrying arms for the LTTE through Indian waters. Three ships were let off, India downgraded patrolling of the Palk Straits. On March 11, the Navy allowed MV Mariamma to escape in the Andaman Sea. Mr Fernandes has also been chief patron of the "Fund-raising Committee for Protection of Tamils" — read, the accused in the Rajiv assassination case.

On December 5, Central ministers L. K. Advani, Fernandes and R.K. Hegde attended the wedding of the son of MDMK leader Vaiko Gopalasamy. Present were LTTE leaders V. Prabhakaran's father Velupillai, and Kasi Ananthan, a suspect in the Gandhi case. Several pro-LTTE speeches were made.

According to the *Indian Express*, Ananthan wished the couple would beget "tiger-like" children. Elavelandam hailed Vaiko as Eelam's "firm pillar". MDMK MP Ganesamoorthy said Prabhakaran and Vaiko were the Tamils' "only saviours". Vaiko confirmed: "I am a staunch supporter of Eelam."

Now, the MDMK is no ordinary party. It is the BJP's most important and stable ally in Tamil Nadu, more so than the DMK or PMK. No wonder there are reports of increased LTTE activity in Tamil Nadu. In the early 1980s, this 'Eelam sympathy factor' got India involved in the Lankan quagmire. India armed, trained and funded Tamil groups, including the LTTE. It coerced Sri Lanka into signing the 1987 accord — our worst strategic disaster.

Today, there are fears that the BJP-led coalition has a secret agenda on the LTTE. What a cruel insult to Tiruchelvam!

ernment and the Jatiya Party supreme General Ershad. Mr Anwar Hossain Manju played the role of go-between and ultimately joined Sheikh Hasina's 'government of consensus' with Ershad's express clearance.

Now about the toll of human lives in consequence of the 'road march' programme of the four-party 'jote'. In this the Jamatis have taken the lead both in terms of the number of motorized 4-wheelers and of taking lives. A speedy bus packed with the party supporters ran over a small child, a rickshaw driver and an advocate. The police was reported to have seized the vehicle with the driver and instituted a case. But justice would certainly demand in any civilized society to take to task the employer of the fleet himself.

And in Mymensingh region the BNP motorcade passed through several ceremonial arches built by local partymen. One of these arches in lesser height couldn't give easy passage to the buses plying with enthusiastic party workers on roof-tops. They were hit against and got injured, some seriously. No matter. For the greater cause of the nation these small sacrifices will have to be made.

In any case, the present government cannot be allowed to continue anymore. The party workers have been asked to prepare themselves for the next 'Chalo Chalo, Dhaka Chalo' programme. Meantime, on August 3 they had an agitational programme in the city and concurrently a 30-hour hartal commencing August 2 has been observed in protest of the government's decision in principle to give transit facilities to Indian commodities in sealed containers to be transhipped by Bangladesh trucks against payment in foreign exchange (US dollars). And more opposition programmes are expected against any government move, whatsoever.

WASA, Titas, and T&T without taking into consideration any proper planning, coordination, timing and season causing untold sufferings to the people. How much public money have been spent, wasted and squandered on repair and construction of these public roads? What is the total amount during last twenty years?

The road construction materials, quality and standard of work are of inferior grade and sub-standard as such roads are not strong and durable and from those are worn out and damaged quickly.

Considering our past experiences, present difficulties and future requirements and many other pros and cons, we strongly feel that we must discard and stop the road digging works and instead we may start building tunnels below the public roads and streets in phases making provision for separate space for T&T, electricity, water supply, WASA, DCC drains and gas line underground.

Undoubtedly this is a colossal job and involves a huge amount of public money. But we have no other alternative but to accept it and to do it slowly and gradually in the greater interest of public service and public money.

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Stop digging roads

Sir, All over Dhaka city, especially in old part of Dhaka, numerous roads and streets, lanes and by-lanes have been dug and thus been lying in a shambles for months together and the sufferings of the people know no bounds.

This is a common phenomenon in Dhaka. Every year and round the year repetition of road diggings, demolition and rebuilding of road islands, repair, carpeting, road construction and again road digging works continue unabated one after another by DCC.

Friend or foe?

Sir, What we fail to understand is whether our giant neighbour or friend or foe the government wants us to believe the former, then why is it spending crores in buying MIG fighters and frigates? For no one else is likely to invade us other than one country only. Then again if we are to believe

To the Editor...

Airport security

Sir, I remember a time in Dhaka way back in the '70s when the airport was totally under the command of the Air Force security forces. Air Force provosts and MODC RDS with weapons ensured security.

I think the current security system needs to change drastically in ZIA and it's time to replace the 11-13 odd intelligence agencies and other security organisations and hand it over to the military, let them sort out their own system and make sure that no other agency is involved. I think there's only one section of disciplined people in the country — Military Police.

I am sure if the Armed Forces got this job for a trial period of 2-3 years, one can be sure about the airport security.

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Learning from JU students

Sir, The JU situation is getting more complex with its daily development. The hapless students of the university have been living under such a situation where if you don't want to lose your life by getting killed,

you should be ready to lose your human dignity. A more diabolical Hobson's Choice is hard to imagine. The DS news item on 5/8/99 reveals the real motive behind this tussle of killers and rapists.

I feel that this story is an excellent parable to the story of the country as a whole. In that context, it is much bigger and just as it is a party who remains at the custodian of the pie no matter who captures the halls of power, and there are parties with little to differentiate between them in villainy, fighting like rabid dogs to get the right of a share of the pie.

The brave students of JU are fighting to get out of their miniature vicious circle. Good luck to them and may they provide inspiration to us all.

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Art Buchwald's COLUMN

A Suit for Summer

THERE are two ways to make money in Hollywood: One is by producing a successful movie, and the other is by suing someone who has made a successful movie.

Jeffrey Katzenberg, one of movieland's giants, just settled a suit against Michael Eisner, head of Walt Disney, for something like \$250 million. That sounds like a lot of money, but in Beverly Hills it is chicken liver.

The dispute concerned an allegation by Katzenberg that he was cheated out of millions of dollars he said he had coming to him as a Disney executive.

This, of course, was denied by Eisner, who called Katzenberg "a little midget" and "the end of my pom-pom."

Those who follow show business thrive on these words. Since no one was going to be mortally wounded by the trial except Eisner and Katzenberg, Hollywood considered it this year's Mickey Mouse lawsuit and part of the country's entertainment. It takes more than a breach-of-contract lawsuit to ruin the average American's summer.

People in Hollywood are divided on whether Katzenberg received enough compensation for his pain. When you get into the numbers Hollywood executives earn, it's hard to decide what enough is.

Neither side is permitted to reveal the exact amount of the settlement. This is because if others sue the company, they will never know how much Disney is willing to settle for.

All of us in the movie business are now aware that suing a studio is a spectator sport. Therefore we are worried that the \$250 million (my guess as to what the settlement was) will go to Katzenberg's head.

Katzenberg's friends feel he will invest it wisely. Some are urging him to build an amusement park in Florida where people could take their children while they sue a Hollywood studio.

In any case, my show business friends feel good about the settlement. It shows how civilized Hollywood really is. As Samuel Goldwyn said, "Next to making movies, suing the studios is what we all do best."

By arrangement with Los Angeles Times Syndicate and UNB

OPINION

Rehabilitation of Sex Workers

With reference of the DS editorial of 7 August entitled "Welcome Turn in Rehab Tale", we are not sure which section of the government has come to "good sense" and "open its eyes" to the changing views with the civil society" on the issue of the eviction of sex workers from Tanbazar.

In your editorial you have referred to a congeniality between the government and 22 human rights organisations. The facts are that the Director General of the NGO Bureau invited several women's rights and human rights groups and some development organisations on 4 August to "open their eyes" to the changing views on the issue of the eviction of sex workers from Tanbazar.

All the NGOs were critical of the eviction which violated the laws and human rights by perpetrating violence upon the women. They further made the following points:

i) that the eviction of sex workers from Tanbazar and Nimalti deprived the women of constitutional safeguards and human rights;

ii) that the eviction and harassment should cease, the status quo be restored with the women returned to their residence, for which they had paid rent regularly and that all their possessions be returned to them.

iii) that appropriate action be taken against those officials who had authorised the use of force in eviction, and also against the police officers who refused to take action to protect the peaceful demonstration of some human rights workers last Friday.

iv) that rehabilitation could only be carried out through consultation with the sex workers and if they expressed such a choice;

v) that the terms and conditions of the rehabilitation project planned by the Social Welfare Ministry and supported by the UNDP which aimed to pro-

vide health care in the brothels and education for their children had been violated;

vi) Some of the organisations felt that the mode of eviction may serve a political purpose but could not lead to a proper rehabilitation.

Indeed some of the organisations present said that they could assist in providing services to the sex workers but without serious consultations to elicit their opinion and understand their problems. From their experience they felt that a long term rational plan needs to be evolved to prevent young girls from being brought into this profession.

The reports of the treatment meted out to the sex workers in the vagrants home, and the government's handing them over to some development organisations, along with Tk. 7000.00 suggested that eviction would not lead to rehabilitation and certainly not to the welfare of the sex workers or their families. As has happened with previous initiatives of this kind, the women will soon be on the streets or will be pimped by their guardians.

The Director General did not give any explanation on behalf of the government, as he said he was not in a position to do so. But he said that he would convey the reactions and suggestions of the human rights organisations to the relevant ministry and to the Prime Minister. Subsequently, newspapers have reported the Works Minister as explaining on 7 August that after Tanbazar and Nimalti the government had plans to evict sex workers from brothels in Tangail and Goulam.

We would hope that the government would understand the position of human rights organisations that seek to protect the rights of all citizens to life, personal liberty, freedom of movement and association, and cannot become party to any act of violence against women.

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GoB Annual Reports

A Husnain

The UN agencies publish different kinds of annual reports which are authoritative, informative for the generalists, the professionals, and public analysts who form the backbone of carrying the message to the masses. Similarly, the GoB Ministries or the Parliamentary Standing Committees may publish annual reports on various aspects of governance in Bangladesh as a base for further public discourses. In the LDCs written information and data are not available readily or adequately due to lack of administrative facilities.

At present the output of our JS has not reached a standard level of routine public service. The same in the case with the Ministries. It is not something new, and a lot of high-tech setups is not necessary. At present, the processing in the government offices is based exclusively on the outmoded filing system initiated from the bottom of the ladder. There is too much noting; and the output is meagre and heterogeneous. One cause for this dissatisfactory dissemination of official information and data is the lack of transparency and anonymity handed down the colonial days.

It appears that the crux or hard core of all reforms must begin first with the administrative reforms. No regime has so far been successful in pushing this programme through its completion. Implementation of the new way of working in the government offices will take a couple of years before tangible results are visible. The reward is that the systems loss will come down substantially, and

good governance would be visible to the public. The greatest bugbear in governance (and elsewhere) is the communication gap. Corrupt practices and nepotism do not encourage transparency.

The PARC is working on this, but the work of these numerous PARCs have bogged down due to lack of political will and animosity in the political field. The regimes come into power with ad hoc agendas and a large pending list left over by the preceding regimes. These operational procedures could not be sorted out in three decades since independence, for reasons well articulated in the media.

Along with the publication of the report proposed above, booklets on the code of political ethics have to be published for different sectors for public information and guidance; for example, those on the Tutorial centres, the English-medium schools, the private universities, house rent regulations, the activities of Rajuk, PDB, Desa, BPC, DSE, SMFs, private medical clinics, etc.

What is noticed is that there are so many problems and 'emergencies' at the national and official levels, that the final output is sporadic and unsystematic, encouraging beating-about-the-bush styles of working or chasing an issue or business. Due to political instability, the political agendas tend to be pushed through first a common observation in the third world countries.

What do we prefer: a madness in the system, or a system in the madness; or, neither?