

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 reparation 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 grits 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 reconciliation 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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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 *sua moto* reaction. Even the U.S., no exemplar of rectitude, had condemned the LTTE as "terrorist".

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in Sri Lanka, he wanted to collaborate with an Indian publisher to develop indigenous capabilities.

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