

Why Put Them in the Same Bracket

PRIME Minister Sheikh Hasina again, on her return from a foreign trip, has found a whipping-boy in the judiciary and the press.

Reiterating an opinion she had previously aired after her visit to UK, the PM, this time on return from Australia, said, "If the executive and the legislature are to be accountable and transparent in their functioning so must be the judiciary as one of the three organs of the state." She also contended that the media should similarly operate in an accountable, transparent and responsible manner.

The media being the Fourth Estate, sense of responsibility and watchdog role are intertwined obligations which should be regarded as one and the same thing. So, if any press matter goes against the government which the latter has every opportunity and certainly the right and power to contradict, it does not necessarily mean that the media violated professional ethics or the ends of justice or good governance.

That said, we must turn to the basic flaw in her argument which is embedded in the fact that she has placed the executive, the legislature and the judiciary on the same plane and in the same category. Whereas the executive and the parliament are elected, the judiciary is manifestly not. Political parties conduct their election campaigns on the basis of their manifestoes containing their commitments to the people which they are duty-bound to fulfil on being elected to the parliament.

The promises the ruling party or the executive had made to the electorate during the polls are ought to be its set of agenda to redeem during its tenure. The people expect this in return for the trust and confidence they had reposed in the governing party.

Because they run offices by virtue of popular vote the expectations of accountability and answerability from them cannot be placed in the bracket as those from the judiciary or the press. This is not to say, the last-named two do not have to be accountable or transparent in their functioning; they very much need to be so, subject, of course, to the Constitution of the country and the supremacy of the rule of law.

Given the exalted position from which the PM has spoken out and also that it is the second time in a row she has done it, we take her views seriously. That is why we urge her to cite some specific instances where she thinks the judiciary and the press were not accountable and transparent so that we have a concrete understanding of her viewpoint.

We assume that her gripe against the judiciary is because of the latter's grant of bails to arrested offenders. Perhaps she would do well by looking at the process whereby the cases are prepared and then presented before the court. This could be flawed somewhere. However, the government has seldom gone to the Supreme Court to get those decisions reversed. The gaps need to be filled in.

Judicial Accountability

WE feel inspired to write these lines without fear of the contempt of court, sometimes filed by interested quarters and sometimes preferred suo moto by the court itself. Senior judges, both sitting and retired, have underlined 'the erosion of values' in the country's judicial system which 'gave rise to questions of accountability of the judiciary'. Justice Naimuddin Ahmed, a member of the law commission maintained, "Arid if the people lose confidence in the judiciary there is no hope for the country and the society." His observations are so very true that they need hardly any elaboration. Yet the question remains that there are definite instances where the clouds of doubts loom when known offenders are sometimes set free on 'extrajudicial influences'. This point was explained unambiguously by Justice Latifur Rahman of Bangladesh Supreme Court who further told his audience at the British Council on Saturday, "When the credibility of all institutions appears to have eroded, we cannot ignore the reality that the image of the judiciary is also tarnished to a substantial extent in Bangladesh."

Yet the question of accountability of the system remains and the press has a moral responsibility to defend the rights of the people in spite of the independence of the judiciary as envisaged in the Constitution. The present scenario, however, is not conducive to accountability of the courts mainly because of the archaic laws governing the contempt of court procedures. In all civilised countries of the world freedom of expression is guaranteed through the freedom of press and criticism of judiciary is also an important appendage to that freedom. But here we can hardly do that because of a vague notion of matters that are subjudice. But it is our honest promise to the judiciary that in our criticism to defend the rights of citizens and freedom of the press, we shall not behave irresponsibly or disrespectfully tarnish the image of the judiciary.

We welcome the observations made by the honourable judges of the Supreme Court, specially Justice Latifur Rahman who has reposed his confidence in the press and observed, "I honestly believe that the press is the watchdog of the Judges. As long as the newspapers do not impute improper motives, they should have full freedom to criticise magistrates and judges. If the climate had changed in the last two decades then the criticism of a judge and his judgement is permissible, provided one does not scandalise and malign a judge."

We fully endorse the views of Justice Latifur Rahman and assure him of our sincere cooperation and honest criticism.

Barkhurdar, mayhe khauf to ye hai ke
Kuchh bhi nahi hoga.
Aise hi chalte rahega.
(Youngman, my fear is that nothing will happen.
Things will continue the way they are.)

— Faiz Ahmed Faiz

So said poet laureate of the country's off-and-on crises bringing the nation on the brink. What he said reflected both a measure of cynicism in the mood and the nation's unlimited tenacity for survival under any circumstances. As Pakistan is gripped with another crisis with an unceremonious halt of democracy and universally condemned military takeover, the poet's prophetic verdict is apparently under test. Can Pakistan, with her enormous predicaments, still continue the way it is? A baffled world community aptly look askance. While a new wave of cynicism sweeps the country, the doomsayers' prognosis is that of an impending doom.

Surprisingly, however, the furors over Pakistan's democratic setback rages everywhere except in Pakistan where its people are strangely enamored with their men in uniform. When the country's first coup took place exactly 41 years ago on 8 October 1958 there were jubilations in the streets hailing the military as the nation's saviour. Afterwards anytime the military seized power in Pakistan the public reaction has invariably been one of awe and admiration. Each time it stepped in — the takeover went in a textbook manner without any one faltering at any point. This time the coup looked even more spontaneous with the troops taking their battle locations without a declared leader. And none from among the public went berserk with his love for democracy!

The syndrome is not without reasons. The Pakistanis living

Military Take-over in Pakistan

After the cold war, although there was triumph for democracy and liberal politics in many countries the military continues to assert itself as support base and often as political arbiter where democracy is yet to strike firm root. These days it has become fashionable to have a democratic set-up whatever may be its content under the outer garb.

under military and quasi-military rules for most time of their existence hardly tasted anything new when on 12 October last General Pervez Musharraf, Pakistan's Army Chief, dismissed the elected government of Mr Nawaz Sharif and declared himself the country's chief executive. Because neither the government of Sharif nor that of Ms Benazir Bhutto before him was much dissimilar in their harshness from any earlier military government. While Sharif had been the product of Zia's regime, Ms Bhutto's father and mentor came into political limelight as the 'whiz kid' of Ayub Khan's martial law cabinet. None of them was nourished in the traditions of democracy and could abide by its norm. On the other hand Ms Bhutto combined in herself a kind of feudal arrogance and an appetite for money and Sharif showed callous indifference to public agony while building up his family's business empire.

A decade long experimentation since General Zia's death in 1988 air crash the process was not only interrupted by frequent interventions, the power was divided among the president, prime minister and the military through the stipulations of the constitution's 8th amendment. The relations between the president and the prime minister remained most acrimonious during all the regimes. The parliament and the office of the prime minister was made subservient to a presidency strengthened during the Zia regime. The prime minister was always hemmed in by the advice of the Army Chief on one hand and by the president on the other in a typical power sharing arrangement by so called 'troika'.

With heavy electoral man-

date in 1997 Sharif was able to dilute this arrangement through 13th amendment of the constitution and take away much of the president's discretionary power. But the incumbent president Leghari continued to act like an executive president creating himself as moral and political arbiter of the nation. The same went for the prestige and influence of Army Chief in spite of his repeated avowals of being only a subordinate component of the government. Later, in a bitter power struggle when Sharif established the parliament's supremacy he himself became a monster of power and behaved like a despot. His conduct and

people living there were not considered even for the grant of fundamental rights. This partly explains why the common men in Pakistan are politically less conscious and interested, giving its clout and primacy. Only 35 per cent of the electorate voted in 1997 election in which Sharif won overwhelming victory.

In this socio-political milieu which prevails till now the politics of the feudal elite and now burgeoning business magnets as well as industrial barons comprised of more or less 300 families. Through blood ties, marriages and business links they dominate the military, the bu-

bu or Nawaz Sharif — although they functioned under different political dispensation. It was a foregone conclusion that the military would clamp down in the situation that was prevailing prior to Musharraf's putsch. Even the United States warned of it sufficiently ahead of time. Yet it could not be forestalled.

Because the nations have their own internal dynamics which propel them in certain directions, neither the domestic authority nor the external arbiters of moral standard can do much about it. While Pakistan's new ruler gives indications of a long haul before democracy can be restored in the country, an outraged international community has reacted sharply to the change. The major powers have warned Pakistan of various punitive steps to be taken against her. The British Commonwealth of nations has suspended Pakistan from the organisation. The international financial organisations give indications of more stringent dealing with Pakistan. The US has also announced a stoppage of arms sale to her long-time ally.

Much of these reactions of the external powers and agencies are presumably aimed at discouraging prolonged military rule in Pakistan. They otherwise know that they cannot reverse the process in another country just by showing their anger and pushing the offending regime to a diplomatic isolation. The countries which were annoyed with the military regime in Myanmar in the aftermath of its clamp-down on the pro-democracy demonstrators in 1989 and setting aside the election results in 1990 gradually reconciled with the status quo in Myanmar. While paying lip service to democracy not confronted with an immediate doom.

More so for Pakistan which still holds promises and potentials for recovery. It seems prudent to keep her constructively engaged. Amidst a spate of initial outburst against the change in Pakistan, the United States keeps options open for engaging Pakistan. In a strategic region in the fringes of both South West Asia and Central Asia, no world power can afford to abandon Pakistan and let it slide away to opposite camp — particularly at a time when a new international power balance has been shaping up. It is true that Pakistan needs a total overhaul of its society and polity with sweeping reforms before its people can shake off their cynicism over the country's future, but she is certainly not confronted with an immediate doom.

dispensation in governance became indistinguishable from those of military dictators. His dependence more on the cabal and sycophants took away the essence of the democracy marking the beginning of an end of his moral authority.

There are also historical as well as socio-political factors which make Pakistan's transition from a feudal entity to modern democracy a difficult proposition. During the colonial period, the British nourished only the regulated presidencies of India i.e. Bengal, Bombay and Madras, the earliest British possessions in the sub-continent for democracy and rule of law. In a medieval semi-feudal system in the Western region having the shortest exposure to British rule the

reacuracy and the government. There is not much of an urban middle class considered essential for parliamentary democracy of which Pakistan is one of the three practitioners in the Muslim world — the others being Bangladesh and Malaysia.

Pakistan, by choice embarked at its independence on a difficult course of parliamentary democracy with the temperament that suited only an authoritarian rule. Small wonder that henceforth the power changed hands only among imperious politicians, military brass and wily bureaucrats supported by businessmen and industrialists. But they all behaved in the same manner whether it was Ghulam Muhammad, Iskander Mirza, Ayub Khan, Z A Bhutto, Ziaul

As pointed out earlier, the people can't be blamed for this rather 'unexpected' U-turn in their new political thoughts. It is the impotence, immobility, political bankruptcy, internal feud and lack of charismatic leadership that made Congress dig its own grave. Sonia Gandhi, perhaps the only hope for resurrection of Congress in near or distant future, rather had arrived late on the scene with her election campaign for the party. Many Congress leaders might have raised their eyebrows against her taking leadership, being herself of foreign origin. But she proved her strength as a leader and her popularity by winning from two different constituencies, ultimately being elected as the leader of the Congress Parliamentary Party and the leader of the opposition in the parliament.

Factors that Favoured BJP: In fact, several factors worked well in favour of Vajpayee and his party for their victorious march to 'Delhi-throne'. Of them, the most remarkable are:

first, he was courageous enough to order nuclear tests during his 13-month term, for which he won great admiration not only from the hard-liners, but also from the bulk of the people; second, he came out with flying colours as a 'war-hero' in Kargil, by successfully driving out the Pakistan-backed forces from the Indian soil within the stipulated period before the election, and the Indian people welcomed him as a great saviour; third, Nawaz Sharif's

decision, under President Clinton's pressure, to withdraw all Pakistan-backed forces from Kargil sector was undoubtedly a three-dimensional victory for Vajpayee. Also, Clinton gained indirectly substantial mileage in Indo-US relations for future exploitation both in economic and political fields.

These factors plus his bold thrust against opponents went a long way in building up Vajpayee's image as a new national leader. It must be admitted that Pakistan and America contributed intentionally or unintentionally to this build-up. America was convinced that it would be much easier to deal with centrist Vajpayee government than a centre-left government in their future strategy in the context of Asian security in the backdrop of rising China as a great Asian power.

So, when Vajpayee is back on the saddle for the third time in succession, he should hold the reins strongly to lead his nation to peace and prosperity during his five-year term, unless there is something wrong somewhere to create an obstacle in his way.

Of course, his first priority should be to bring about economic development and betterment of socio-economic condition of the people at large. But the most important second step would be to establish best of relations with India's neighbours, particularly SAARC member-countries.

It's a good gesture that Vajpayee has recently stated that he was determined to have good relations with Pakistan and was ready to talk to any 'regime' in Pakistan. The picture will become clearer as things settle down in Pakistan after the turmoil caused by the recent military take-over, dismissing Nawaz Sharif's government.

Indo-Bangladesh Relations: However, the case of Bangladesh deserves better and immediate attention because of 'worsening' situation following intermittent border skirmishes between BSF and BDR, reported intrusion of BSF men into Bangladesh territory, kidnapping, killing of our nationals, forcible carrying away of crops etc. According to recent Home Ministry and BDR records, carried in local papers, during the last four years, a total of 73 people, including six BDR jawans were killed in BSF firing, and 84 injured. And it reached a record level during the last ten months, beginning January this year, when some 26 people, including three BDR jawans, were killed and 36 injured. Added to this, is the growing 'pill-in' menace by the BSF of the 'Bengali-speaking Indians'.

The periodic 'flag meetings' and official talks at lower levels would not be much productive, it seems. It needs a sincere handling at the highest level to reach an amicable settlement between the two countries for a lasting peace, in this area. Otherwise, such pin-pricks would add fuel to fire to raise anti-India feelings among the people. Vajpayee government should act promptly and prudently, let not the fly spoil the ointment.

The writer is a retired UN official

BJP again on 'Delhi-throne'

Does it Toll the Bell for India's Secularism?

by AMM Shahabuddin

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that either the party is banned, or the election declared null and void, through a distant 'remote-control'. It's a happy sign that America, and for that matter, the West, has not so far pushed the 'panic-button' on the emergence of a Hindu fundamentalist party at the helm of government affairs. A sure-sign for mutual accommodation and tolerance. Let the West keep up this spirit for use elsewhere, as and when needed.

A New Concept of Nationalism: Vajpayee emerges as the best captain of the year, making a solid score inflicting a crushing defeat to its rival Congress who could score only a paltry 118 of the required 273 plus, the worst ever showing during its last five-decade history. Literally, Vajpayee's tremendous success has taken him over the moon, reflecting a fundamental departure from the original secular path to a new religion-based nationalism. Perhaps a new concept has moulded the psyche of the Indian people, discarding the much-tried old one.

Democracy has won in India through a new voice of the people. As they say, 'Vox Populi, Vox Dei' (voice of the people is the voice of God), this change in the trend of the Indian politics should be accepted with grace. No use in despising it as the rise of another ugly head of 'fundamentalism', as the West, with its coloured glasses on, always sees a 'monster' whenever in any election, if the so-called 'militant' Islamists become victorious. And then it appears

ular forces so highly preached and advocated by Pandit Nehru and Mahatma Gandhi!

A Jump over the Moon: What is puzzling many is how BJP could make such a 'jump over the moon' in just a decade or so. In 1986, BJP's presence in the Indian Parliament was practically negligible, with two representatives in a sea of 545 members. But as the Congress leaders were gradually sinking in corruption, losing their ideology, with increasing clash of interests and personality in the post-Nehru period, the 114-year-old organization that struggled for freedom from the British, was allowed to drift like a rudderless ship.

Naturally it met its disastrous results due to the political follies of the leaders. The frustration among the people brought about a mental change in them, (you may call it 'metamorphosis', if you like). BJP which was looking for a grand strategy stole a march over the Congress with its new 'trump-card' of Hindutva or Hindu nationalism. Thus in 1991 election, BJP hooked 86 seats and again in 1996 election, it stood out as the largest party in the parliament, capturing 160 seats, thus dislodging Congress from Delhi's power-house for good. Coming to the just concluded election, BJP's total run reached 182. What a gigantic leap forward! So once again it proved that if the people once 'swallow the pill' offered by a political party, it is bound to work wonders.

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Exams and strikes

Sir, The incident occurred on the 13th and 14th of October on the Dhaka University campus was very unfortunate. Examinations on different subjects were scheduled as well as the strike called by GCO (Gonotantrik Chhatra Oikya) and JCD (Jatiyatabadi Chhatra Dal) was also predeclared.

According to the scheduled DU authority attempted to hold the exams. But due to the predeclared strike the examination was held in terrible chaos. Therefore, we request the DU authority to reschedule the hampered exams of the 13th and 14th October as soon as possible.

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Department of English, DU

What is millennium?

Sir, If millennium means 1000 AD. Similarly, the 2nd millennium has started on 1st January 1001 AD and will end on 31st December, 2000 AD. So the 3rd millennium will be starting on 1st January 2001 AD and not on 2000 AD. Confusion has been raised since many organizations are taking preparation to welcome 1st January 2000 AD as the 3rd millennium. Printed and electronic media also helping to raise such confusion. This confusion should immediately be removed.

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Police attack on journalists

Sir, Police beating on journalists is not alien to us. But nowadays, this has gone up to an alarming proportion. We condemn such action on journalists, especially on photo-journalists covering the hartal incidents. Police should do their own duty and should not obstruct the duty of others. The home ministry should take necessary steps.