

The Daily Star

Founder-Editor: Late S. M. Ali

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TU Tremor in EPZs?

THE row between foreign investors and Bangladesh government over the prospect for trade union rights to come into play at the Export Processing Zones has been hogging newspaper headlines for understandable reasons. Although the controversy may not all be a loss of breath if it fosters a productive debate, there is no gainsaying the fact nevertheless that it would be counter-productive if taken too far.

Why has the matter come to the fore at all when it should have been a non-issue in a liberal democracy professedly wedded to egalitarianism and protective of the interests of workers? It crops up because we had entered into an agreement with the American Federation of Labour Institutes in 1992 committing ourselves to a phasing out of labour union restrictions from the Export Processing Zones by the year 2000. The US government is said to be under pressure from American labour organisations to make the availability of GSP facility to us contingent upon our conceding rights to labour association and voice in the EPZs. The US Ambassador Holzman, who has explained the position succinctly, must be thanked for drawing our attention to an unattended agenda.

We cannot continue with an exception to the universal presence of trade union rights in democracies throughout the world. Quite regardless of the US pressure, we should have by now processed a suitable amendment to the EPZ law in consultation with the investors concerned to accommodate genuine worker interests in those entities. The ILO conventions called for it, let alone the dictates of the very system of government we have made our own by virtue of the Constitution. So, there is no reason to feel 'pressured' about it; on the contrary, we should be naturally motivated to be doing it.

This is not to turn a blind eye to the genuine concerns expressed by the foreign investors over the approaching footsteps of trade unions being heard by them. The TU concept is not bad in itself, only that the men who play around with it has put a bad name on it. They have earned an ire by running a virtually parallel administration of self-aggrandisement to that of the broader industrial or corporate establishment. Trade unionism has been aberrant in this country — thanks to the indulgence of major political parties and the expropriation of trade union rights by the sinecure professionals.

The foreign investors have taken a qualified stance positing that if trade unionism in its present form is allowed they would be forced to withdraw their investments from Bangladesh. In fact, their emphasis is on special safeguards for their industries in the EPZs. In their own countries they have trade union rights. Don't they? Perhaps their governments can persuade them to change their attitude a little more than they have already done.

Frankly, we don't see any dichotomy between the legal protection of their investments and labour union rights, both of which can be ensured without the one militating against the other. In this context, the plan for a tripartite body comprising the investors, the government and the workers to deal with the issue in a positive manner is a step in the right direction. The bottomline is let's just feel 'pressured' to have comprehensive labour reform in place sooner than later.

Friday Mailbox

TUs in EPZs

Sir, recently the government has taken the decision to allow trade unions to function at export processing zones in the country. Trade union is an organised association of employees engaged to protect their interest, improve condition of work and many other activities associated with the welfare of the employees.

But what we practice here in the name of trade union is a clear departure from these established norms and principles for this welfare association. The politically motivated labour unions in the country have already destroyed the big industries and other enterprises turning them into loss making ones by their self-seeking and unwise decisions.

Many foreign investors are showing interest to establish various industries in the EPZs. They take the non-functioning of trade union as one of the major advantages to invest in the EPZs. If the facility is absent, they may think otherwise. Pressure, if any, for allowing trade unions in export processing zones should be tackled with great care keeping in mind the much-needed reforms in labour laws.

Intiaz Ahmed
Kaliyanpur
Dhaka-1207

Technical education in secondary schools

Sir, Bangladesh is a poor country. Too many people live here. So the income here is low. On the contrary, income in developed countries is high. We can work it out by educating the people. Especially, giving technical education. We should introduce technical education at the secondary level.

By doing so, poor students may earn their living and also bear their educational expenses. So the government should introduce technical subjects in every school.

Sarif Reza Shuvo
Janpur Dakhin Para
Sirajganj

Display!

Sir, last year electronic auto-signaling system had been installed at every important cross-section in Mymensingh town. Immediately after the inception of the new signaling system, traffic police were found enforcing the vehicles to obey the new signaling system. These signals have now become of no use because signals are not being obeyed by the vehicles plying on the roads. Although the red, yellow and green traffic lights are gleaming one after another round-the-clock, the traffic police now has reintroduced the old method of signaling. The new auto-signaling system is only enhancing the beauty of the town.

So, I want to ask the authority concerned, why this outlay on new auto-signaling system from the public exchequer? Is it only for display?

Omar Faruque
Balashpur
Mymensingh

Accountability of Judiciary and News Media

The judiciary represents the only state organ among the three who due to the very nature of its functions and the serious responsibility reposed on them remains aloof from the general public in contrast to the members of the other two state pillars, namely legislature and the executive. It is composed of people who, unlike others, are required to be highly educated and are chosen for their integrity and high qualities.



Currents and Crosscurrents

by M M Rezaul Karim

ing repression, diminishing the strength and size and even by effective elimination of opposition political parties. The government is trying to accomplish this by holding their leaders and workers under trumped up charges, instituting false cases against them and detaining them unlawfully. The superior court's role, in several such cases, brought solace and restored to the opposition parties' followers the fleeting confidence in the rule of law and democracy.

One must realise that a court of law, specially a superior court, which is not under direct administrative control of any government Ministry, must deliver its judgement on the basis of the evidence and documents produced before it. If the lawyers of the prosecuting party fail to put up a convincing case, the judge cannot be blamed for his verdict. One may also mention that many of the ruling party stalwarts and supporters also enjoyed the benefit of bails and anticipatory bails. There was no discrimination from the court.

Secondly, many are apprehensive of the government's deliberate plan to raise controversy over the judiciary, a highly respected and constitutionally guarded organ of the state, with a view to serving its narrow political purpose. The government has already declared publicly that another (black) stringent law, the so-called Public Security Act, would be enacted in the coming parliamentary session. In cases under the proposed law, a superior court can neither grant bail nor hear appeal. The purpose was to rigorously suppress many heinous crimes and terrorism. The true objective of the law is, no doubt, noble, but its

application, according to the opposition, will be vicious and will merely serve the repressive political designs of the ruling party. A similar Act was also passed during the last BNP regime, but it was of limited duration and its application was few and far between. One may also note that application of the Special Powers Act during the three-and-a-half-year regime of the Awami League has been several times more than that in the five-year period of the last BNP regime.

Finally, some people seriously apprehend that the principal aim of making the caponomy against the highest seat of Judiciary in the land is, in fact, a veiled attempt to influence and even to intimidate it in order that the judgement on appeals on some of the highly sensitive and significant pending appeal cases is delivered in line with the oft-repeated publicly declared demands of the ruling party. Whatever may have been the merit of the case, no action from any quarters should be made which would aim at influencing, intimidating or restricting the independence of the Judiciary. It was most unfortunate, to say the least.

As for the demand for accountability of the media, one has only to look at the disconcert the government has been suffering lately at the unsavoury reporting in the print

media of many of the misdeeds of the government. Even the erstwhile highly friendly newspapers had to make some objective reporting and thereby hurt feelings of the ruling party in the style of 'et tu Brute?' While the government-controlled electronic media of radio and television are obliged to broadcast and telecast unilaterally as its propaganda machinery at taxpayers' expense, newspapers, by and large, have to cater to the desire of its readers, if not for anything else, for their own survival and development.

How could newspapers avoid reporting government ignominy by bypassing the national parliament before signing the Water Sharing Treaty with India and the Chittagong Hill Tracts Treaty, the two accords of vital national importance? Newspapers had to give some coverage about the refusal of the Chair to frequent demands of the opposition to speak on national issues, on cutting off their microphone, disallowing their right of rebuttal of personal vilification at the behest of Ministers and the Prime Minister herself, while Ministers and members of the treasury bench were given floor for rambling at length in utter disregard to the rules of procedure and parliamentary decorum.

When the opposition was obliged to go to the streets for peaceful protests, their meetings and assemblies were

bombed, tear gassed and fired at, several times at the peril of the life of the Leader of the Opposition. The government's law enforcing agencies did not allow party workers even to enter the BNP headquarters, not to speak of assembling there, and even disallowed BNP processions physically, except for some lawmakers. Plainclothes terrorists under protection of the police and nine-shooter gun-toting Liton attacking opposition processions who were widely photographed still move around freely and boldly in the society without an iota of embarrassment to the administration. News reports can be disputed but photographs cannot be disbelieved. Photo journalists, therefore, became the object of the latest target when on the 21st instant a dozen of them were mercilessly beaten up by the police with some still languishing in hospital. Newspapers could not but report these events, though some with a slant. These the government does not wish to tolerate and consequently appropriate rules of conduct for the press are now being framed to curb its independence.

The sum total of the present actions of the government suggests that the latter is ill at ease with a multi-party democracy and freedom of the press both of which were abolished under one party rule by the first Awami League government. As the present government has come to power by asking for public forgiveness for their past mistakes before election, their strategem to decimate democracy now appears geared to an attempt to realise their objective in a de facto rather than a de jure manner. The judiciary and the media pose veritable obstacles to the fulfilment of their design.

That is why powers and independence of these two citadels of democracy must be truncated.

The judiciary represents the only state organ among the three who due to the very nature of its functions and the serious responsibility reposed on them remains aloof from the general public in contrast to the members of the other two state pillars, namely legislature and the executive. It is composed of people who, unlike others, are required to be highly educated and are chosen for their integrity and high qualities.

The press has a built-in accountability. It consists of its readers. In the event they feel that a newspaper is not objective in its reports and analyses, they will switch over to a competing one. This would ring the death-knell or at least stunt the development of the newspaper with its consequent adverse impact on the persons concerned. Again, besides the voluntary code and the method of self-censorship, court of law exists for the aggrieved to seek redress on newspapers committing excess and defamation. The press, therefore, should also be spared of being restricted by any stringent measures which would curb its independence and thwart its primary role as the principal watchdog of democracy.

The author, a former Ambassador, is member of BNP's Advisory Council.

Accountability of Judiciary and Political Interference

AGAIN the Prime Minister has voiced concerns over the state of affairs of the judiciary of the country. She argued that 'if the executive and the legislative branches are to be accountable and to function transparently, it is to be expected that the judiciary, as one of the three organs of the state, should also be doing so.'

First time, when she commented over a decision of a High Court Bench in granting so-called mass bail to alleged anti-social elements and criminals, she was accused of contempt of court. She had to provide an explanation to the court for her comment.

Prime Minister's comments assumes significance when her view was echoed by two judges — a senior sitting judge of the Supreme Court and a former judge — at a recently held seminar in the city. They acknowledged that erosion of values has gripped the country's judicial system giving rise to the question of transparency and accountability. When these judges themselves confess that the value of judiciary has been eroded and the image of the judiciary has been tarnished, the Prime Minister's raising this issue once again reflects the deteriorating state of the whole judicial system. This is, however, in consonance with the overall situation of the country.

Doubtless, this is the era of transparency and accountability. Every body loves to talk about these issues whenever they get the opportunity. Even the international organizations now-a-days precondition their aid and assistance to good governance, transparency and accountability at every level. Judiciary is one of the organs of

the state. It should not be seen in isolation. And thus, its functioning cannot remain unquestionable and un-audited. Judiciary cannot and should not be exempted from all this. It should be very much under the purview of constructive scrutiny. Like other organs of the state, it is also entitled to the taxpayers' money. It should therefore be also taken under effective scrutiny in order to ensure its transparency and accountability.

We all know, 'justice delayed, justice denied'. It is now a common knowledge that because of courts' keeping the cases pending for a long time, criminals get bail using all their clouts and influences — money, muscle, connection. Once they are out on bail by any means, they start intimidating the witnesses and victims to withdraw cases. That is how justice is denied to the general people. It is as simple as anything.

Now the situation has worsened to such an extent that people cannot have a sigh of relief at the news of arrest of any notorious criminal. Because, they know that within a few days time, he will come out on bail and resume his anti-social activities and would take on those who filed cases against them. This has happened to many notorious criminals. Every body loves to talk about these issues whenever they get the opportunity. Even the international organizations now-a-days precondition their aid and assistance to good governance, transparency and accountability at every level. Judiciary is one of the organs of

the state. They are ought to be grateful to their appointing authorities, may be forgetting the solemn oath they took to be neutral and professional.

An aspect of granting so-called mass bail or releasing anti-social elements and criminals is that our political parties have been patronising the criminals right through the inception of the country. Even after these criminals are convicted, by the courts for life term, parties in power released them after some time. And not only they were released from prison, they were politically rehabilitated too. Shame for their political bosses who misused the solemn power they were entrusted with, to get these convicts free only for their petty party and personal interest.

It is now time for the judiciary for introspection. This introspection is essential to regain people's faith in the judicial system. The whole judiciary cannot be held hostage to a few alleged questionable members. It needs to look into the reason as to why questions are now being raised about its functioning. This is perhaps for the first time that the judiciary is under public criticism.

The basic problem, however, lies perhaps in the politicisation of the appointment of High Court and Supreme Court judges. Unfortunately, subsequent governments appointed judges mainly from their political consideration without taking into consideration their required minimum moral integrity and professional expertise etc. Such things are only expected to erode value, maybe of the whole judiciary system leading to tarnishing its long established image. Perhaps, many suggested that charge of contempt of court might be brought against him. He, however, survived.

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The erosion of value as commented by even some serving judges is a very unfortunate development in our society and is reflective of presence of a malignancy also in the judicial system. This malignant tumour should be removed entirely without delay before it gets metastatic.

Prime Minister's assertion of making judiciary transparent and accountable thus deserves serious consideration

and seems to be justified for the best interest of the country.

History repeats itself. Unfortunately, human being takes little lesson from it. Our country needs a lot of judges to be recruited soon in order for quick disposal of thousands of long pending cases. What could be the expectation of the nation from the present government is that at least it should not resort to unfair and unethical means of politicisation of recruitment of judges. The judiciary is now paying the price of such misuse of power and malpractice exercised by 'executives' for no fault of it. As expected, those who resorted to this malpractice are now benefiting from their misdeeds at the cost of people's sufferings. As understood now, the easy granting of bail to the criminals is one of the reasons of the worst deteriorating law and order situation in the country.

Putting aside the allegation on judiciary let us first agree to the following:

a. Judges should be appointed only on the basis of their professional expertise, competence and moral integrity.

b. Criminals should always be considered criminals by everybody;

c. No body should make any 'adab' to free any criminal;

d. No criminals should be accepted to any party and be given any political shelter and

e. Criminals should be boycotted society.

Would our politicians please agree on these before talking about transparency and accountability of judiciary?

The writer is a Delhi-based researcher.

Where Is the Beef?

by Mohammad Badrul Ahsan

CARL Jung, Swiss psychiatrist and psychologist, once observed that different people inhabited different world. There was a world inhabited by loan sharks where borrowers lied in fear of their lenders. Remember Shakespeare's *Merchant of Venice* when a ruthless creditor named Shylock demanded a pound of his debtor's flesh in order to settle an outstanding loan? Now we live in a different world where loan defaulters call the shots, where the Shylocks are shy because they shed tons of sweat but cannot recover loans from their debtors.

Nearly 44 per cent of loans made in this country has gone bad so far. In other words, BDT240-billion out BDT550 billion loaned out by 4 nationalised banks, 18 private banks and 13 foreign banks has been either classified or defaulted. Recently, a leading loan defaulter tried to explain on BTV that if he and the cohorts didn't borrow from the banks, our economy would have been stagnant. One would say he had a point there because many factories and business establishments would not have sprung up and many jobs would not have been created without the supply of investable funds. Recede all of those from the economy! The disposable income would decline and diminish the economic growth through the backfiring multiplier effects.

also tend to think of this Kantian dictum: "out of the crooked timber of humanity no straight thing was ever made." In so much as the loan defaulters live in the centre of their own solipsistic universe, it is not surprising that they want to hide their failure behind a fallacy. It is one thing for enterprising citizens to try out business ideas and fail. The nature of venture capitalism is such that one may not get lucky with everything one tries. But it is quite a different thing when one tries to turn that failure into an enterprise unto itself. That is a moral oxymoron, because when an indebted man indulges in inordinate consumption, he commits the double jeopardy of deceiving himself.

One must not barge on borrowed money or squander swindled sum, because there is an issue of honour in this whole shebang. If almost one half of the loans have gone bad, it means either one half of the borrowers or one half of their projects have not been successful. Then how does one justify the fleet of cars, rows of houses and concourses of shops, which appeared during this critical time? How does one explain the vacances, medical check-ups and shopping sprees in the foreign countries, which have become the second nature of our affluent class? Could it be that all that time the free loaders of our economy fashioned themselves as the free agents of free enterprise?

At the same time one would

realise that their infamous atrocities were the bane of rural society as it turned many villagers landless and hurled them into more abject poverty. And until the banks opened their doors to borrowers, money lending was viewed as the profession of diabolical men. Between sharks and defaulters, borrowing elevated itself from predicament to privilege ever since we learned to live beyond our means. Suddenly, it was okay to cut our coat larger than the cloth.

The first successful bid to establish an equation between the coat and the cloth was the introduction of the bankruptcy system in the 19th century. The logic behind it was shrewd and simple. One was free to cut any size of coat provided one took responsibility for managing cloth. If one failed, the bankruptcy court, on the application of a creditor, would take possession of one's property and assets of every kind, convert these into money and give the proceeds to the creditor. Thus, if the borrower had his reason to borrow from the lender, the lender had his recourse to recover money from the borrower. Restrictions in terms of seeking a public office were also imposed on a bankrupt person depending on whether his bankruptcy was on account of misconduct or misfortune.

Despite the introduction of bankruptcy law in Bangladesh, one hasn't seen its application

yet. Perhaps, fledgling law needs time to the strength of hardened obliquity. Meanwhile we need to understand how so much money has vanished from the economic scene, how either half of the projects or half of the borrowers have failed while life went on at full swing! A farmer had once bought a kilogram of beef and asked his wife to cook it. When he returned from the field for lunch, his wife complained that the pussycat had eaten up the meat. The baffled farmer grabbed the cat and put it on the weighing scale. He then asked his wife that if the cat still weighed one kilogram, what had happened to the beef?

As a nation it is important for us to ask the loan defaulters what happened to the beef, because we have lost more than money in their vanishing act. The precious other thing which tumbled down that elusive gorge