

Please Perform to Potential

A long last, well over three years in office, Speaker Humayun Rashid Chowdhury has indirectly admitted his failure to run the affairs of Parliament in an impartial manner. He has mentioned two handicaps: in the first place, not only is a speaker elected by the party in power but also, on assumption of office, he is not required to resign from the party so that a bias is elemental here; secondly, so long as the provision remained in the Constitution for an impeachment of the Speaker by a simple majority he could but feel extremely vulnerable to the 'sensitivities' of the party in power.

But what about the sensitivities of the elected, constitutional opposition? Has the Speaker gone to meet their concerns even part of the way, if not at the half-way point which ideally parliamentary democracy requires of him to do? In our considered judgment, the Speaker compromised his position to act neutrally basically by failing to stand up to test-case situations. One glaring instance was the way in which he carried forward the ruling party's technicality fiction to launder the floor-crossing by two BNP MPs who had joined government ministries as their rewards for defection. Then he dragged his foot on the question of referring the matter to the EC until such time as the highest court ruling impelled him to do so. Humayun Rashid Chowdhury has not performed to the full potential of his high office.

Now, the Speaker has written a letter to leader of the opposition Begum Zia requesting her to end the parliamentary stand-off and attend the JS 'millennium session.' He has promised a discussion on 'pre-condition', if any, to the attendance as well. This makes us demand a categorical statement from the speaker about the reasons for what the opposition has alleged to be the non-fulfilment of the four-point agreement reached across the board under his stewardship for a balanced conduct of the business of parliament. The Speaker is also expected to hold out assurances to the opposition, in concrete terms, as to how best he can enable the opposition to play its desired role from now on.

As for the opposition we urge them not to abandon the parliament in spite of its limitations. The Jatiya Sangsad remains a significant forum to voice their concerns and speak out what you must. They do not have to say quits to outside agitation either. Our strong feeling is the leader of the opposition has not fully utilised her office. The nation would like to see her do it now.

A Role for Civil Society

PEAKERS at the Monday's roundtable on *Bangladesh in the New Millennium* were unanimous in making this depressive observation: with her dysfunctional democracy, corrupt politics and socio-economic disparities the country is headed for anything but a rosy future. Except in the pompous rhetoric of the ruling party leaders, not a single socio-economic indicator raises even the faintest hope of a fantastic turn-around with the advent of the new millennium. The bottom-line is: the new millennium doesn't hold much of a promise for the country except for aggravation of the already-untenable situation she is currently in. Yet, according to them, there is a way out and the civil society can make a real difference by playing an intensive and assertive role on critical social, economic and political issues.

Basically their argument is that our political leaders have miserably failed to ensure good governance and instead encouraged 'criminalisation of politics' and 'patronisation of terrorism'. Politics, of the blend currently in practice, has actually become, as one speaker said, a "rich man's game". Therefore, governance is naturally inclined towards catering to the interest of the affluent, thereby giving rise to a dichotomy in which handful of people enjoy the best and the majority of the population struggle to make both ends meet. This duality tells upon every sphere of the nation's life. In the long run, accounts for sagging productivity. For a change, therefore, there has to be a serious attempt to break out of the vicious cycle. Here comes the question of active involvement of the civil society.

The civil society, in an ideal democratic set-up, plays the role of a watchdog, reacting definitely to aberration in governance and thereby making the government accountable. In our country, however, the civil society, for one reason or the other, has not been able to play that role. That it can be effective has been proved through the movement to save the Osmany Udayan. Such a success should embolden it to speak up and take stand on crucial socio-economic and political issues.

Jailbreak

IN about three years' time we have news again of a jailbreak from Sherpur. Mujibur Rahman, a convict serving a seven-year term and one of the breakers, died on the spot from police firing. Nine convicts serving various prison terms disarmed a prison guard, looted three rifles with around a hundred rounds of ammunition and escaped from the jail on Monday morning. The looted arms and ammunition along with seven convicts were later recovered.

The story of the jail itself makes a very sad reading. The small town jail has about 444 inmates, four times its capacity, only 41 wardens, and astonishingly three firearms — which were looted and later recovered. It can safely be deduced from that kind of an inventory that basic amenities fell far short of the minimum requirement. Medical care and facilities must have been thoroughly inadequate. And above all, living quarters were a picture of sub-human existence. Poor management has a way of breeding indiscipline and lawlessness which we saw reflected through the jailbreak incident.

Governments in the past have constituted committees to formulate an appropriate set of jail reforms but to no avail. We suggest the government take up this job in right earnest to improve the administration and the living conditions in the jails and avoid loss of lives in future.

From BMW to Mattoo Case

Gaping Holes in the Justice System

Praful Bidwai writes from New Delhi

The real obstacle to reform is not lack of ideas, but absence of a signal from the top that it is serious about enforcing the law, combating corruption, and punishing abuse of power. Such a signal must come in a manner commensurate with the depth of our crisis.

NOTHING has recently as shocked the Indian public as regards the state of our criminal justice system as Judge Thareja's verdict in the Priyadarshini Mattoo case. This is the worst-ever legal indictment of India's prime police agency, the CBI.

The fact that accused Santosh Singh is a senior police officer's son only underscores its gravity. As former CBI joint director N.K. Singh says: this is the "first time that a court has... [accused the CBI of] fabricating evidence and replacing exhibits..."

Mr Thareja had to acquit Singh "though I know he is the man who committed the crime". He shows the CBI of its "responsibilities". In the past, courts had to issue specific instructions to it to be free of bias.

There are many instances

investigate, we will do so. The court is supreme. Nor is it enough to say: "It's a warning to the CBI... we must always be conscious of our responsibilities."

Everyone knows that the police can appeal, and re-present the evidence if they wish. Nor is it the first reminder to the CBI of its "responsibilities". In the past, courts had to issue specific instructions to it to be free of bias.

What makes the Mattoo case special is the scale of deception. The integrity of our prime police agency is now abysmally low. We cannot trust it even in individual cases. The pressure on it in institutional cases has

always been heavy where state agents or corporations are involved. Now the CBI is plumbing the lowest depths.

The chickens of venality, political interference, declining standards, and leadership collapse are coming home to roost.

This is not unexpected. You can't maintain the integrity of the police when recruits pay anything up to Rs 1 lakh to land a constable's job, and where prime postings — e.g. at highway checkpoints — are auctioned.

If you idly sit by while IPS probationers collect crores in dowry; if you condone senior officers who extort; and if ministers mess roguishly with the personnel department (which supervises the CBI), your police is in trouble.

We have allowed the police to turn from the law's enforcers to its abusers. For decades, we failed to punish those held guilty of fomenting communal violence by unimpeachable inquiry commissions.

So the likes of Mr Bal Thackeray can kill and wreak havoc with impunity. Today, he threatens: if the government implements the Srikrishna Commission report, 'Bombay will burn'. Even the higher judiciary has consistently failed to issue a writ to prosecute him for incitement to communal butchery in 1993.

TODAY, no one who has a certain amount of wealth will go to jail, irrespective of the offence — spiriting funds abroad, defrauding investors, brigandage, even murder. Sanjay Nanda of BMW fame has been freed although there is overwhelming evidence that he mowed down five innocent people. To its disgrace, a court has sanctified this for Rs. 65 lakhs, the same that a BMW costs.

Again, no one will be punished for the Jessica Lall murder in Delhi. Only two among the 70-odd people who saw the shooting, are prepared to stand witness. One of them is Bina Ramani's own daughter! The Jet

Set has refused to shun contact with those complicit in that crime. All that has changed is that excise officials stupidly prohibit the open-air serving of liquor in private clubs!

The rot has spread deep, wide, right to the top. There is no easy way of stemming it. Many remedies have been suggested by police and law commissions, conscientious administrators and thoughtful judges. They include changing recruitment procedures, cutting legal delays, institutionalising police autonomy, making decisions transparent.

The real obstacle to reform is not lack of ideas, but absence of a signal from the top that it is serious about enforcing the law, combating corruption, and punishing abuse of power. Such a signal must come in a manner commensurate with the depth of our crisis.

A process three years ago. But this needs a starter, a spark-plug.

A spark-plug is best provided by the Babri case. The mosque's demolition is perhaps the worst crime since Independence against our Constitution and the law. It damaged our democratic edifice, and the notion of tolerance that is so central to a minimally civilised society. The Ayodhya culprits must be punished in an exemplary fashion to deter such wrong-doing.

The Babri case is now coming to a head for the 49 accused, including ministers L.K. Advani, M.M. Joshi and Uma Bharati. The Liberhan Commission is about to submit its report. This is a unique opportunity to pursue the litigation with great urgency and obtain a clear verdict.

This is impossible without freeing the CBI from political control. The conflict of interest here can be resolved only if the charged ministers resign during the pendency of the case and a totally autonomous prosecutor is established under the supervision of citizens of impeccable integrity.

If we grasp the Ayodhya nettle, we could dramatically re-establish the credibility of the justice system. It has never needed this more.

OPINION

Opposition's 'Magna Carta' — Precursor to Power Sharing

by Kazi Alauddin Ahmed

THE quadriga or the symbolic four-horsed chariot has, at long last, emerged on the track to take, in their silent expression, the last lap of the race. In the one-point package on board the vehicle of the movement there are as many as twenty-seven items against the government. The 'declaration' signed by the four tops was preceded by a formal meeting together when Begum Khaleda Zia, BNP chairperson, played the host. *Prima facie*, it was a renewed acknowledgement of BNP's leadership, precisely Begum Zia's leadership, in the whole gamble. The picture appearing on the front page of the national dailies caught the leaders in a jubilant mood. It presented their total satisfaction having been able to iron out all their differences with promise to oust Sheikh Hasina in no time.

The first point in the massive 27-point contention has been that, the national independence, sovereignty and territorial integrity of Bangladesh were at stake. No clarification was, however, given. Interestingly, those who had been witness to the partition of India in 1947 and emergence of Pakistan and on to its historic dissolution in 1971 would remember that these were the exact words used by the Pakistani masters to rouse the spirit of nationalism of the erstwhile East Pakistanis. It was then a matter of honour to oust Sheikh Hasina in no time.

Point two refers to 'state terrorism' (a news terminology imputing the party in power) and to a situation created out of armed intrusion of the party (meaning Awami League) 'cadres'. The government has also been accused of destroying healthy and unfettered representative political environment. Nothing has been said about the legacies on these counts which the present government has inherited. Particularly, patronage of hoodlums, terrorists and other criminals has been an ever important prerogative enjoyed by the opposition leadership, especially that of BNP. It shall be a travesty of truth if they now claim a clean image. Recent killings of innocent rickshaw drivers in

the name of hartal, ransacking of private and public transports, etc can be cited as instant examples of mischief. The government, on the other hand, has been apparently following the principle that terrorists do not belong to any party, rather, they are enemies of the society at large. The legitimacy of such claim has been often proved in the hauling up even such criminals as had earlier infiltrated into Awami League and its subsidiary organisations like Students League and Juba League. Also an Awami League MP could not escape legal action.

The third contention refers again to a superfluous type of expression stating that the constitutional and the democratic framework, or system are rendered vulnerable. There is, however, no elucidation and hence it holds no locus standi.

And the fourth one alleges the government's failure to arrest the deteriorating law and order situation, vis-a-vis victimisation of opposition leaders and workers. In this connection, the bombing operation in the southern part of Bangladesh and the salubrious results achieved therefrom can be alluded to. Time and again the government has rejected the opposition claim of political victimisation: Whosoever has so far been hauled up has been on specific charges of criminal activities, possession of illegal arms, extortion, bomb blasts, making of bombs, arson, loot, corruption, murder etc. The government has not intervened in the legal proceedings providing absolute freedom to the judiciary. The government has also been asking the opposition, particularly BNP leadership, to provide a comprehensive list of persons, who, according to them, have been instances of the so-called political victimisation. But the opposition has not responded so far because, some say, in that event the 'cat shall be out of the bag'.

Firing on procession of unarmed leaders and workers including on members of Parliament forms the fifth charge. Though not said, the expression here seeks to convey that there was no provocation. But there has been ample circumstantial

evidence to prove that the police intervention alluded to has been obviously provoked. The party 'cadres' in the processions threw bombs at the police contingents on duty before they were fired at. Some of the hoodlums were reportedly even seen brandishing guns and opening fire at the police.

In number six, Chief Election Commissioner is described as a factor impeding free and fair election in the country. Government's failure to hold any by-election without prejudice is attributed to Mr Abu Hena's 'partiality'. Paradoxically, one would remember that in the majority by-elections held by the present government with the incumbent CEC in place BNP had won and more precisely, in those where their own men, now dead, held seats.

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Juice export

Sir, It was heartening to read in the press that Bangladesh is now in a position to export fruit juices and pineapple and mango slices in canned form (but not canned vegetables). But the fruit slices are not available in the local shops (once pineapple slices were introduced but did not sell due to high cost). The point is that our canning industry has yet to develop in a systematic way and take off — it has the potential to earn half a billion dollar per annum.

What is more surprising is that the local market is flooded with fruit juices from foreign countries imported from far away countries such as Indonesia and England, when the shipping cost equals 50 per cent of the retail price of a can. Also biscuits and other non-essential consumer items are being indiscriminately imported for the upper echelon of the society, wasting valuable foreign exchange. There appears to be no monitoring and voluntary controlling agency, even after taking note of the open free market. Our richer consumers are very keen to buy foreign goods, an initial reaction of the newly-rich.

Austerity, thy name is unknown in this country of easy money!

A Consumer
Dhaka

THE first-ever post-independence and the last of the current millennium's Convocation of the country's oldest highest seat of learning — the University of Dhaka — on December 18 was held in an unprecedented way. The entire campus was reportedly turned into a garrison of security forces and in cohort with the ruling party supporters a tight cordon was set all around the campus. All roads to the varsity was closed except for a select group of invitees. Even the dormitories of the female students were also kept locked and some of the residents of these halls were found climbing over the iron gates and waving black flags.

On the previous day the protesting students belonging to the opposition alliance clashed with the police and fought a pitched battle resulting in the smashing and gutting of vehicles and looting of shops. Hundreds of students were picked up by the police. In protest, the aggrieved students enforced a half day hartal. Many teachers joined with their students in boycotting the pompous show.

As the Convocation was in progress the students' wings of the eleven party left democratic forces also staged demonstrations. Of some five thousand graduates and post graduates, less than two thousand graduates registered. The entire scene was reminiscent of the Convocation in 1963 when Monem Khan was the governor of erstwhile East Pakistan. Late Khan must be turning in his grave in remorse as to why he was not more draconian!

All the controversy and hullabaloo centered round the decision to confer the degree of Honorary Doctor of Laws on

Prime Minister Sheikh Hasina, who seems to have fascination and cravings for such degrees, albeit the fact she already has in her cap as many as half a dozen such PhDs. In January she is planning to receive yet another honorary doctorate degree from Loven University in Belgium.

Having received a number of honorary doctorate degrees from abroad the Prime Minister might have thought it does not look good if she does not receive one from her own country. Her sycophants' choice fell obviously on the University of Dhaka where the known ruling party supporter was earlier made the Vice-chancellor. The authority appears to have been well aware that such a step would instantly spark off angry reaction from those who do not see eye to eye with the ruling party. It was a highly political decision portending the danger of further fuelling of the already heated and tense political situation in the country. The authority shrewdly chose the month of Ramadan thinking that its traditional sanctity might have a soothing effect on the dissenters. Nobel Laureate Amartya Sen's name was also included in the list thinking that for the sake of such a universally respected personality there would not be much clamour against conferring doctorate on Sheikh Hasina by the people of Dhaka.

Not everyone in Bangladesh will agree with the citation eulogising the contributions of Sheikh Hasina such as her championing the cause of peace at home as well as in the regional and international context, empowerment of women, poverty alleviation, restoring democracy through securing

Those who are called defaulters today borrowed freely from the banks during their time receiving unbridled patronage from the party high-ups. The present government, on the other hand, has been frantically trying to retrieve the situation and by now has been able to restore some discipline in the sector. About the curtailment of advertisements for some newspapers raised in the point, it is known to everyone that there is a committee comprising representatives from different newspapers on whose advice the government advertisements are distributed. In any case, there is no evidence that the government has reverted to the days of BNP's Barrister Nazmul Huda, flamboyant Information Minister. Rather, it has brought about a rationalised matrix based on certain criteria, chiefly circulation. On the charge of using the radio and television as the means of propaganda of the government one would be tempted to remind the critics of their golden days when the electronic media was nakedly abused. One would also allude to different occasions when BTV coverage of the leader of the opposition's public meetings were not allowed and even on at least one occasion a TV cameraman was practically manhandled and thrown out of the meeting premises by BNP 'activists'. However, the present government had already constituted a committee on the prospect of granting autonomy to BTV and the report of the committee is now under consideration.

The 'declaration' under review mentions the peace treaty on Chittagong Hill Tracts and the water sharing treaty at item 20 and 21 respectively. It may be termed as a shameless reference since, on the first count, it was they who allowed the armed insurgency there to escalate and continue unabated. They had recourse to a military solution and never could initiate a credible political dialogue for a settlement. It is utterly untrue that our territory shall have been ceded to any other country. On the other hand, the treaty has been universally praised, internationally acclaimed and in corroboration

the women are about to lose their reserve seats in parliament. The Ganges Water Sharing issue was not the only bone of contention with India. India has unilaterally obstructed the flow of fifty two rivers. Moreover there is the gross trade imbalance (more than 1:30 in India's favour). Delimitation of enclaves has posed to be an urgent issue in the wake of frequent border incursions by BSF and attempts for push-back. These issues still stand ignored. About securing franchise of the masses it can be said that people now do not need to go to polling centres. Because there is no longer any opposition contest. Sheikh Hasina's main credit is the introduction, by overt and covert means, of one-party election forcing the opposition to boycott it.

Against this backdrop, it was not justified on the part of Sheikh Hasina to use the university of Dhaka as a platform for her supposed bolstering of personal image. In the final analysis it has done more harm than good to her image by attending the convocation of a besieged and beleaguered campus. When a ruler becomes megalomaniac he or she does not bother about the consequences. Otherwise she could have well realised that a dangerous precedent has been set by the way the convocation has been used for personal and political advantages. Instead of bolstering, it has rather tarnished her image.