

Upazilla Polls still under Wraps

THE Prime Minister has expressed surprise over the Election Commission's delay in announcing the schedules for Upazilla elections. Proclaiming her party's readiness to take part in the fray she almost sounded as if wondering what might be stopping the EC from declaring the poll dates. Prior to her going public with it, the Local Government Ministry had drawn the EC's attention to the urgency of announcing the schedules for the polls.

The government is apparently making most of the fact that the EC has to fix the poll dates now under an amended Upazilla Parishad Act. This responsibility has devolved on the EC only because the elections could not be held by December 27, 1999. Under the original Act, however, the elections to 463 upazilla councils were to be held by July 30, 1999. This date having been overshot, the government had to set December 27, 1999 as the new deadline through an amendment which also very significantly empowered the EC to fix fresh dates for polls if the December 27 deadline should expire. There is nothing wrong in getting the EC to set the election time-tables. In fact it is compatible with the principal responsibility otherwise vested in it to conduct the polls. Furthermore, the fluidity of national politics these days demands that the task of fixing dates for the local polls be left to a neutral body whose sole purpose should be to ensure broad-based participation in the elections.

Manifestly, however, the trivialisation of the local government electoral process is borne out by the fact that the amendments to the Original Act were necessitated by frequent failures to respect poll deadlines. An elected local government system being the rock-bed of participatory democracy, women's empowerment and bottom-up development process we cannot play around with it anymore than we have already done. The more time we take to put it in place the more shall we get entangled in a facade of democracy.

President Shahabuddin Ahmed has counselled the political parties once again to forge a consensus on all major national issues to provide a strong foundation to our hard-earned democracy. We suggest that the process of such consensus-building begin with the upazilla polls which may open the window on a broader frame-work of basically bi-partisan understanding over other pressing issues.

Prison or Hospitality Wing?

THE Snail's pace of execution of justice in our country finds a poignant expression in the fact that a few high-profile and well-connected prisoners have occupied the prison wing at the Bangabandhu Sheikh Mujib Medical University Hospital for months, some even years. The 12-bed wing has been virtually made into a holiday resort for people like Captain Nurul Huda, and Aziz Ahmed Michael alias Titu, the latter charged with multiple murders. And, in case of Hassan, a charge-sheeted accused in Shazneen murder case, several attempts to get him back to jail were frustrated for inexplicable reasons. Regardless of the magnitude of the offence he has committed, a prisoner surely has the right to medical attention. But when he is allowed to occupy one bed for several months — in Huda's case, it's more than two and a half years — there is reason to believe things are not in order. Some of them are not even seriously ill "as to be hospitalised for special treatment." Three disturbing inferences, could be drawn out of the situation: first, litigation of the cases against the occupants has been deliberately prolonged; second, other prisoners in need of special care have been denied and discriminated against; and third, there could be political influence-peddling behind such stays. What's more, there appears to be a conspiracy of silence going on with neither the jail hospital authority nor the BSMU administration willing to go beyond lame but hackneyed explanation.

One wrong inevitably leads to another and here, there has been no exception. Already, there are allegations that a few doctors have arranged privileges for these prisoners that should never have been extended in the first place. They are allowed to have visitors inside the wing who bring along food for them. Such an arrangement could any day lead to serious breach of security. Threateningly, according to sources, the wing is also used for storing illegal arms. The authorities are courting disaster, to say the least. The 18 unarmed wardens, under the circumstances, would have very little to do in case trouble breaks out. Basically, therefore, the authorities need to look into the matter right away and send those prisoners back to the central jail whose special medical needs have been catered to.

Rearing Idiots, Consciously

ARE we trying to make the next generation a bunch of idiots? We have been crying hoarse for the last few years without being able to draw the government's attention, specially that of the Environment and Energy ministers to the damage being done every minute to our children by the lethal lead pollution. The political leaders look upon the children as the future of the country and yet do next to nothing in regard to poisonous gases being belched into the environment putting the children's health to grave risk. Pregnant women are most vulnerable to lead poisoning as well, according to experts as reported in The Daily Star on Wednesday.

The report reveals stunning findings of two organisations, one local and the other from the USA: of the 35 children tested on the first day, some blood samples contained upto 30 micrograms of lead per decilitre which is three times above the maximum acceptable limit of 10 micrograms per decilitre. Even this limit is contestable as many experts fear that 'any amount of lead in human body could be harmful'.

About thirteen months back this paper wrote to ask what were the ministries of Environment and Energy doing to withdraw leaded fuel from the market and stop the proliferation of two-stroke engines that spit poison in the air everyday. There were occasional reports of lead-free fuel being imported or refined at the local refinery and then marketed but nothing has made any perceptible difference in the situation. If seventeen countries of the world including our big neighbour India have succeeded in phasing out leaded fuel, why can't Bangladesh take a cue and do the needful to free the people from breathing polluted air? We demand of the government to come out with a White Paper on this very vital issue of survival for the citizens of the country as a whole and the future generation in particular as early as possible.

FOURTEENTH February 2000 was a highly significant day in the current political situation in Bangladesh. The entire nation was gasping in apprehension about action or inaction of the Hon'ble President in respect of his signing the Public Safety Bill 2000. This was the last day for the President to sign the Bill, failure of which would automatically make it a law. In deference to the nation-wide protests and condemnation from people of all walks of life as well as from all the opposition political parties, the President had withheld his signature from the Bill for the preceding 14 days.

The delay generated much hope in the minds of the majority of the people, who admired the President for having played his role as nation's conscious keeper. They came to believe that the President would continue to adhere to his decision not to affix signature to the blackest and the most condemned Bill that was passed in the Parliament in undignified haste, in the bitter teeth of opposition by all other political parties and without eliciting public opinion. But at the last moment the President finally assented to the Bill, stated to be with reservation on a section about granting of bail, and the Bill became a law. Again, in record speed, the requisite gazette notification was published and copies thereof were distributed to police stations in Dhaka city within a few hours from the instructions for immediate and rigorous enforcement.

The scenario of the crucial 14 days is interesting. Prior to the departure of the Prime Minister on his visit to Brussels, officials brought the Bill to the President and insisted on his signing the Bill immediately before it was introduced into the Parliament. It was reported that the President disliked the Bill and also the indecent and unjustified hurry in which he was pressed to sign it.

He did not sign the Bill as a "Money Bill," though the Bill had been sent with a comment that it related to and involved some governmental expenditure.

Having done what he did, the President noted widespread condemnation of the Bill and protests the like of which was seldom witnessed before. All the opposition political parties — the mainstream BNP-led 4-party combine, the 11-party Left Democratic Front headed by Dr. Kamal Hossain and even the loyal opposition parties of Anwar Hossain Manju and A S M Abdur Rab, cabinet Ministers of the so-called Consensus government — opposed the Bill. The entire civil society expressed its public and private reservations and apprehensions against the notorious provisions violating human rights and fundamental rights in the legislation, including the underlying fear of its planned misuse. The Awami League became the solitary figure in support of the Bill, though many of its members and legislators privately expressed their indignation. Besides, leaders of all the major opposition political parties went to the President and exhorted him not to sign the Bill. Eminent Jurists like Dr. Kamal Hossain, Barrister Ishtiaq Ahmed and Advocate Shafiqul Ahmed, President of the Supreme Court Bar Association, called on the President and requested him to refer the Bill to the Supreme Court for advisory opinion. But all efforts went to naught.

That the Bill was not a Money Bill according to the Constitution and the Rules of Procedure of the Parliament, was crystal clear to anyone who read the relevant provisions. That a basically law and order related Bill could not be termed a Money Bill is dictated by the common sense of the ordinary public, who need no knowledge of law for this purpose. The government's argument that the proposed law involved some



Currents and Crosscurrents

by M M Rezaul Karim

public expenditure and should, therefore, be termed as a Money Bill was ridiculous. There is no legislation which does not involve the government with at least some amount of expenditure, but that does not qualify it to become a Money Bill. The criteria for Money Bills have been clearly laid down in the Constitution and the government has wilfully and deliberately violated its provisions. Hon'ble Speaker, who had taken the oath of neutrality, once again demonstrated his unethical and un-parliamentary partisan spirit by being an ill-fated instrument to the realisation of the unlawful wishes

of the ruling party to certify the Bill as a Money Bill.

The government has been repeatedly asserting its contention that the Bill was purported solely to suppress terrorism by expediting trial and plugging the loopholes of the existing laws. They argued that the BNP also had enacted a similar law in 1992 for this purpose and, therefore, lost their moral claim to oppose it. The argument is quite fallacious. The provisions of the

standard the present legislation should be called a "mega martial law", which, in fact, appears to be the principal intention of the ruling party.

The track record of the Awami League suggests that this black law will be widely and forcefully applied to harass the opposition, unlawfully detain their members on false charges, thwart their legitimate movement and steamroll into winning the Upazilla, District and City elections. This plan will be implemented by the corrupted elements of the law enforcement agencies who are already elated at the prospect of using much greater power in their hands. The notorious DB police raid a few days ago at the dead of night, without warrant and obligatory intimation to the concerned police station, in which plain-clothed DB police shot and killed Sumon and fatally injured others in the center of Dhaka city led to utter despair to citizens of the country. That the injured and the aggrieved were denied to file a case against the police and, on the contrary, the police having filed cases against them have turned this despair into veritable fear in citizens' mind. This incident was the latest of many such others that happened before enactment of this monstrous Act. It is now left to people's imagination as to what is forestalled in future with the enforcement of the new law. The repeated assurance of the government not to use the law for political purposes does not

hold good any more, viewing the present government's past policies and practices in this realm.

The Prime Minister on her return from abroad deliberately refrained herself from paying her customary call on the President, apparently to express her displeasure at the delay in signing the Bill. On the last day, it was reported that the President returned the Bill in the hands of the Secretary to the Parliament. The Secretary instead of taking back the Bill to the Speaker informed the Prime Minister about the incident. The Prime Minister came rushing to the President and in a long sitting persuaded him to sign the Bill. The President ultimately gave in to the forceful persuasion and affixed his signature to the Bill, reportedly with the provision or Prime Ministerial assurance to repeal a section incorporating refusal of bail during appeal to the one sentenced under this Act.

The reaction to the President's action was generally negative. It shattered hopes of many that the President failed to exercise the little power left with the highest office of state on such an issue of vital national interest and ignored opinion and interests of the general public. Some eminent lawyers stated that the Law still contained the severe flaws about refusal of grant of bail during trial for three months and the granting of validity of the evidence given by a witness without requiring the witness to vouch before the trying magistrate and submitting himself to cross-examination. The positive factor, however, lies in the fact that the refusal for 14 days in signing the Bill vindicated Presidential disapproval against the basic principles, substance and the underlying purpose of the Bill which must be duly reckoned with by all concerned.

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

New Trend in US Presidential Election

by Harun ur Rashid

Both Governor Bush and Senator McCain will fight to the end. If Mr. McCain gets the nomination, it will see the end of massive fund-raising in US Presidential election and the favours given after the campaign is won. It seems that the McCain's message is not falling flat on the American voters.

NO one could predict what is occurring in the battle for the nomination of the Presidential candidate from the Republican Party. In early days, George W. Bush, the Governor of Texas and son of the former President Bush seemed to have the Republican nomination in his pocket. He has the money and the right pedigree. Many Republican Governors backed him up and he was seen as the right man for the right job with his credentials. He became confident and refused for some time to take unscripted questions from journalists.

As the days went by Mr. Bush looked light on foreign affairs and his tax policy inspired no one. At this point of time Senator John McCain of Arizona, a Vietnam war hero and son of an Admiral, appeared on the scene against Mr. Bush. Mr. McCain's message is simple. He is anti-Washington establishment. He is against Washington's big money, lobbyists and legislation. His message to the American people is that the Washington culture of money and power should be broken for democracy.

Senator McCain has been the man for the journalists. He is always easily accessible to them. The journalists love him. Mr. McCain has been willing to take journalists' questions any time and anywhere, even at the door steps. His replies are straightforward and he does not mince matters. He says things which the American people may not wish to hear — the truth.

Senator McCain has become such a formidable force that he was able to win 19-point victory over Mr. Bush in New Hampshire primary on 9 February. Mr. Bush's campaign managers got panicked with the result.

Their worry was that it was not only the victory over Mr. Bush but the wide margin Mr. McCain held over Mr. Bush. Mr. McCain's victory in New Hampshire catapulted him as the principal challenger to Mr. Bush. Mr. Bush's smirk on his face has disappeared and he started to criticise McCain's policies.

Although Mr. Bush won a symbolic victory in Delaware Republican primary on 9 February with 51 per cent, Senator McCain took 25 per cent. Mr. Bush visited Delaware five times and was backed by the party establishment and spent extensively on television advertising. On the other hand, Senator McCain did not visit the state and spent no money. Yet he obtained 25 per cent of the vote in Delaware. His showing demonstrated that all the momentum in the campaign was with him.

On 19 February is the primary of South Carolina and both Mr. Bush and Mr. McCain are neck to neck in polls. South Carolina is a hard conservative state where the Confederate flag still flies over the state Capitol. Some say that it is 'Bush country' — the American South where you seek votes from religious Right and conservatives. The Bob Jones University in South Carolina still bans interracial dating and marriage and religious conservatives love the university for its policies. But yet Mr. McCain holds on almost equal with Mr. Bush in polls.

The question is: Why is Senator McCain succeeding?

Pollster experts believe that the voters are not interested in issues any more; character of the person seems to be the core

in the Presidential election. After the tumultuous Presidency of Mr. Clinton, the Americans want candour and forthrightness from the contestants. That is exactly what Mr. McCain delivers to the nation.

Second, the people are fed up with the power of money in the election. Senator McCain is running hard on reforming campaign funds and Washington's system of politics which gives America a President that money can buy. Mr. Bush received nearly five times as much from lobbyists as Senator McCain. The party establishment does not support McCain's proposal for reforms on campaign finance because it would block big corporate donations to Republican Party.

Finally, the American voters want a person as the President on whom they can trust. McCain's messages of reforms are hitting hard on the nation. Here is a person who was released from the Vietnamese prison because he was the Admiral's son but McCain refused to get out from the prison and served another six years with other veterans. The courage and conviction demonstrated by Mr. McCain appear to have endeared him to the nation.

Political pundits believe that South Carolina may not decide the Republican nomination. Both Governor Bush and Senator McCain will fight to the end. If Mr. McCain gets the nomination, it will see the end of massive fund-raising in US Presidential election and the favours given after the campaign is won. It seems that the McCain's message is not falling flat on the American voters.

The author is a barrister, is former Bangladesh Ambassador to the UN in Europe, Geneva.

To the Editor...

PSA 2000

Sir, Many can argue over the issue whether President Shahabuddin Ahmed did the right thing by consenting to the PSA. But what is proven here again by the Honourable President's stance the PSA contains some unacceptable provisions at least regarding the bail provision.

As the PSA has now been turned into an act, the responsibility of the government increases manifold. The people would now be really keen to scrutinise how the government handles this sensitive law, whether they misuse it, trying to gain advantage over the opposition as feared.

All eyes now would be on the government on how they utilise this new bill.

Rahat Rahman Choudhury
42 Easkaton Road
Dhaka.

Use of natural gas

Natural gas is available in our country in abundance. In fact, the government is examining various options for better and more profitable ways of using natural gas. Export of natural gas as one of the options is being seriously considered and the donor community is also pressing the government to do so.

Use of CNG in place of petrol/octane is beneficial in various ways as explained below:
For the consumer, it is much cheaper than fossil fuel. Moreover CNG is free from any

kind of adulteration which gives better engine performance.

b) For the country, if all petrol/octane burning vehicles moving within Dhaka city use CNG demand for petrol/octane will decrease considerably. Needless to mention here that all POL are imported which constitutes a big burden on our meager foreign exchange reserve.

c) CNG does not pollute the environment. It is known to all that Dhaka city's air pollution is one of the highest in the world. So air pollution can be considerably reduced by popularising use of CNG instead of fossil oil.

Finally, it would be one of the biggest folly on the part the nation to export gas and import POL. International gas price being much lower than POL. The government runs a project known as Rupantarita Gas Prokappa aiming at promoting use of CNG. But the project suffers from a number of serious deficiencies and it appears that the authority concerned is not at all serious about the project. In the whole Dhaka city there are only five CNG filling stations one of which (Khilkhet) has been out of order for the last two months and it not be gathered if the project authority is making all-out effort to repair or replace the out-of-commission pump. In all these stations there are more than one pumps, but only one in each station is operational. On inquiry, I could not get any satisfactory reply for this situation.

It is not known why the government is not taking up any scheme to set up more filling stations. Another problem is that none of the pumps operate with full gas pressure. As a result, obtaining gas to the full capacity of the cylinder is not possible.

M. Hafizuddin Khan
Retired C&AG,
Uttara, Dhaka

Political pollution

Sir, Bangladesh is notable to the rest of the world for different types of pollution — air pollution, lead pollution, arsenic pollution and many more. However, one pollution which is not only invading the people but also paralysing the whole society is — politics. In the name of democracy, this slow poisoning element is destroying us. No matter what happens and how important or trivial the issues are, the opposition parties resort to hartal. And the only sufferers of this dangerous game of politics are the people of this country.

We don't want to know what really happened on 13 February. Who attacked whom is not our headache. We are not interested as to whose fault it was.

The politicians do not seem to care about what the people think, how much they suffer due to their inconsiderate activities. Then why should we?

Khalid Mahmud
House-43, Road-2
Uttara, Dhaka

OPINION

How Safe is Public Safety Act for the Public?

Advocate Hasna Begum

The highly contentious Public Safety (special provision) Bill 2000 was voted through in the parliament on January 30 and was enacted on February 14. The bill had provisions for recognition of certain crimes as non-bailable offence and prosecution of criminals in special tribunals with no scope for challenging the verdict. Two of the eight categories of crimes proposed to be recognised as non-bailable offences suggest that the law can be used for political repression. The controversial law has sparked massive street protests through demonstrations by the opposition, fearing that it would be used for political persecution. The law could be applied in cases of political protests like street processions obstructing movement of transports or compelling their diversion from normal course and it provides for three to 14 years of rigorous imprisonment (RI) with financial penalty. Obstruction to free movement of vehicles would be considered a non-bailable offence under the law.

The Suppression of Terrorist Offences Act 1992 during BNP government established a sense of insecurity in the minds of common men. It was an undemocratic act to suppress the voice of the opposition. Likewise, the Public Safety Act 2000 has enormous potential for abuse in order to suppress the legitimate and democratic voice of the people.

The Public Safety Act has a provision that the tribunal would have the authority to grant bail to the accused by adjourning trial and send a reference about the adjournment as well as the bail to the appeal court within 15 days in case that trial was not completed within 90 days. The appeal court, on receipt of the reference, would order resumption of trial and the tribunal would decide if bail would continue or not for the sake of trial. Con-

cern for fairness ought to be the central element in any judicial process, something that cannot be sacrificed at the altar of speedy trial. But the fact that the process of trial was sought to be accelerated would obviously serve to remove safeguards to protect the innocent in the dispensation of justice.

Crimes that come within the purview of the Public Safety Act are hijacking, extortion, damage to cars and properties, obstruction to free movement of transports, kidnapping for ransom, perpetrating acts of terrorism in public places, obstruction to the tendering process, lodging cases on false charges and incitement to crime. All these offences have been made punishable under the law.

Anyone arrested under the Public Safety (special provisions) Act 2000 will not get bail throughout the trial period. Although the accused can appeal to the High Court, the court cannot interfere during the trial. That is why the accused will have to be imprisoned for 90 days or more if necessary in spite of the possibility of his being innocent. This is not justice but rather a mockery of the same and it betrays the dictum that all are innocent until proven guilty. During the period of trial, an accused has to suffer the indignity and hardship of imprisonment. This is an outright denial of fundamental rights guaranteed by the constitution.

Public Safety (special provisions) Act 2000 goes against the normal practice of the criminal procedure code and violates fundamental human rights of 'under trial' prisoners. The Act states that investigations of crimes must be completed within 30 days. Given the fact that the investigation department is not a separate institution and is therefore inundated with a backlog of pending investigations, this is too short a time to carry out a thorough investigation.

Politics in the LDCs

Alif Zabr

In the developing countries, politics is also in the developing stage, hence this state need not be taken with a grain of salt. Economic instability is the prime mover, in this materialistic world of today, euphemistically called capitalism.

In the latter system, the apex is the individual, not at the bottom or base, but at the top. The base, the widest part of the system, is the majority, hence the instability continues in this top-heavy system, with tall super-structure and narrow base. The circulation of money keeps the system afloat or hovers, not horizontal prosperity. Patronization is for selected survival, not development of the masses. The global business mega-mergers today in the Global Village are an indication of the way the masses are looked after.

Behind this circulation of controlled capital, is the political system run by the politicians, running the front office of capitalism. While in the developed countries the curve has been flattened at the upper end, in the LDCs, the change is never-ending, and the slope of the slow rising curve depicts the instability in the system.

A new term is now being used by the donor agencies: "sustainable development". The term is also subjective for the donors, considering the popularity of the bottomless basket cases in

the recipient countries. It is a never-ending tussle between the stretched palm and the full fist.

Due to lack of sustainable resources, politics in the developing countries is also unstable, with initial premonition, and lack of long-term focus. Therefore, the non-politicians have to come in from time to time to take over the reins of the beast of burden — a gesture of patriotism, but lacking pragmatism. The cycle continues, sometimes for generations. If the reign is long, the vacuum following at the end of the rule reintroduces instability, and the teaching cycle of karma continues. In politics, the Certificate of Fitness is hard to obtain.

The greatest hidden bug is insecurity in all the sectors of the society, at all levels. The nose is down at the ground level (a sensing device), and the vision is not directed at the horizon. Since myopia becomes a syndrome, the Perspective Plans lose focus. First is the insecurity of the self, followed by the insecurity of the party or group, and then comes the insecurity of the future. It is uncertain where the State comes in. Is there a single, universal definition of freedom? Independence from what? That is the metaphysical part.

To remain in power by hook or by crook is the name of the game. It is not healthy competition by any means, not exclud-

ing even the richest man in the world (who runs 'the Microsoft mega-empire'). The solution is simple enough: resist temptation (remember Newton's First Law?). Then the other evil, intolerance, would be contained automatically. Intolerance brings in strife and confrontation; and those who suffer are the ones who do not wield power and influence.

The ideal goal of good governance is the fulfillment of the basic wants of life. It depends on the basic pre-qualifications for genuine leadership. If the top leadership is porous, it attracts and absorbs impurities — the masses at the lower level are full of the miseries of life; hence have no capacity to absorb further afflictions.

The followers are led, and if the leader is full of lead, he sinks. Hence the drowning statistics in the LDCs is 'very high, metaphorically speaking, compared to the floating life in the First World. The Second World is a depository from the other two worlds (hence never in the news).

It is world of the hawks and the doves. The chase is never-ending, all the developments, changing regimes. Experiments are considered to be in order for the BMR of governance. In good governance there is no BMR; but the maintenance must be top class to sustain the good system.

Who says Bangladesh is an exception?