

A Concern for the Region

NOW it is a cliff-hanger for Sri Lanka, even by the standards of her high vulnerability to trouble. The government forces have been left beleaguered in the north-east since last month when the LTTE overran Elephant Pass, the gateway to Jaffna where the rebel Tigers would like to establish a separate state for themselves. So overpowered and helpless the government security forces appear to be at the moment that there is even talk in India for making humanitarian assistance in the shape of food and medical supplies available to the encircled Sri Lankan troops.

Wizened by the torrid experience of an Indo-Sri Lankan accord fraught with the prospect of an Indian military-intervention in the insurgency-ridden island more than a decade ago India now refuses to 'burn its fingers' there anymore.

Promod Mahajan, Indian information minister and spokesman for the Vajpayee government, has ruled out use of any 'military option' by his country; but it is possible that India could be drawn into the vortex whether she wants it or not. There is an ethnic Tamil presence in the southern part of India which also has been a refuge for Tamils from Sri Lanka. The Indian prime minister has convened a meeting among leaders of all political parties to formulate a consensual response to the latest turn of events in Sri Lanka.

Especially after Rajiv Gandhi's assassination in a suicide bomber attack, India woke up to the risks of nurturing a Frankenstein in the Tamil militants. One has to therefore lend credence to India's express respect for the territorial integrity and sovereignty of Sri Lanka. It will also be important to bear in mind the objective reality that a solution to the Sri Lankan tangle has to come from the people of that country. An imposed recipe would only compound the situation.

While Kumaratunga could be credited with having been diligent for a peace or autonomy deal with the LTTE she blew it too hot with a bad war entrapped, as it were, in the extremist design of Prabhakaran.

Whatever her mistakes, our affinity lies with the legally constituted government of Sri Lanka whose sacred responsibility it is to defend the territorial unity and integrity of the small island nation, our co-traveller in SAARC. The desperate situation in Jaffna peninsula bears the portents for an internal conflict escalating into an external flashpoint. The name of Israel has come up while those of India and Pakistan figure anyway in relation to each other. It will be worthwhile to look into the prospect of a regional initiative to bring to bear on the ethnic confrontation in Sri Lanka by way of bringing a speedy end to it.

Insufferable Rallies

IT so happens in our country that celebration or observance of any event has to feature a decorative procession through the busy streets in the capital city. This creates huge traffic jams causing immense inconvenience to the commuters. The 'Petrobangla' procession on Sunday in observance of the Gas Safety Week is a case in point. The few minutes of a two-row procession of a few hundred employees and officials of the state-owned enterprise led up to some hours of traffic congestion, that, too, on a weekday. On legal consideration as well, it was a violation of the Municipal Act and, also, the infamous Public Safety (Special Provision) Act. On the whole, it was a classic case of an awareness campaign stretched a little too far. Besides, it may also give rise to misgiving in public minds about equitable enforcement of existing laws.

Traffic congestion in the capital city has assumed horrendous proportions over the years. Inadequate planning, enforcement failure, an all-pervasive tendency to violate rules and regulations etc have pushed the traffic system on to the verge of a complete breakdown. Since we have constraints as regards expansion of physical infrastructure, we have to make optimal use of whatever resources we have. Towards that end, we could surely do without such hindrances as rallies and processions on the streets – political, cultural, and what have you. By no means should over-enthusiasm of a group or organisation be allowed to spell trouble for thousands of people for hours together.

Ideally, therefore, we expect city streets free of rallies, processions or any such programmes, particularly on weekdays. There could be some concessions made, however, for awareness building programmes or on special occasions but these should be held on weekends and, that too, after prior announcement made through the print and electronic media about their timing and routes. The state-run establishments and corporations should set an example for the rest to follow.

Cheery News

SMOKE-spewing autorickshaws may soon become environment-friendly by switching over to liquefied petroleum gas (LPG) from the conventional fuels like petrol and diesel. Kudos to the technology innovated by the technical development department of the Bangladesh Army. The Prime Minister herself witnessed the demonstration of LPG-run autorickshaw on Sunday morning at the Dhaka Cantonment urged the Army chief to explore ways for its extensive use. Director of the relevant department claimed that LPG-run autorickshaws will have a 34 per cent reduction in fuel cost besides reducing air pollution. A 25-litre LPG cylinder costing Tk 300 can give a 400 kilometre run for an autorickshaw which can be considered cheap compared to the cost of conventional fuel. The time and cost for conversion are also very reasonable. Use of LPG will help sharply reduce lead and carbon monoxide contents in the air.

According to reports about one lakh autorickshaws ply the roads of Dhaka city alone posing great health hazards for the commuters as well as the citizens. We hope the authorities will not rest on the oars of a lonesome success, rather they will complete the task of conversion sooner than later. We expect that the government, especially the environment and energy ministries will coordinate to make the project a success. Arrangements should be made to make the LPG cylinders available in all the petrol pumps of the city first and then in the districts. And the conversion kit, which will cost around taka eight thousand should be available at various points of the country. While wholeheartedly welcoming this most needed technology we would like to sound a note of caution against importing any further two-stroke engines in the country to the detriment of national health.

FOR the Indian National Congress, crisis is a way of life. But perhaps never before in living memory has the party been so directionless as it is today.

Take the question of a 'minimum credible nuclear deterrent'. After initially 'congratulating' atomic scientists, the Congress opposed Pokhran-II, its prominent and responsible leaders, including Dr. Manmohan Singh, articulated an anti-nuclear stand. There was talk of reviving the 1988 Rajiv Gandhi Plan for global disarmament. A range of leaders were clear that a 'minimum deterrent' will not give India security. One heard discordant voices, but the Congress's broad opposition to nuclearisation remained valid.

However, what has happened since the Clinton visit defies such simple description. According to Mr Pranab Mukherjee, Ms Gandhi told Mr Clinton that India had 'the right' to a minimum nuclear deterrent. But he was contradicted by Congress spokesman Ajit Jogi, by Mr Aiyar and again by Mr Anil Shastri. Meanwhile, 'senior' Congress leaders have been anonymously calling for a reassessment of the party's nuclear policy.

On all available evidence, Ms Gandhi did not say what Mr Mukherjee alleges. But 'sources close to her' have not refuted it convincingly. She herself chose to be silent when confronted by Mr. A. B. Vajpayee in Parlia-

ment. If Mr Mukherjee distorted the truth, then he has got away lightly. This reflects the ventriloquism in the party, where senior leaders rarely manufactured, inducted and deployed. It is her failure that she has not even had the issue discussed within the Congress Working Committee, hammering a cogent position.

Even more ungainly is the confusion in the Congress over alliances in West Bengal. It took the form of the official candidate being defeated through an understanding between the Trinamool Congress and 'other' MLAs encouraged by some central Congress leaders. Although there was an aggregation of the vote of the 'parent' party, the Congress's vote fell from 15 to 13 per cent between 1988 and 1999. This contrasted with a national rise of almost three percentage points.

That is where Ms Mamta Banerjee and Mr L. K. Advani, both fired by hatred of the Left, invented the *mahajot*, an omnibus alliance between Tri-

namool, the Congress and the BJP. Several West Bengal Congress leaders were inclined to join the *mahajot*—at the risk of splitting the party. Ms Gandhi tried in contradiction ways to reach a compromise, including putting up Congress candidates against the BJP, but failing with Trinamool.

The *mahajot* in all its versions has no democratic mandate. The Congress fought the last two elections in West Bengal against the BJP-Trinamool alliance. Crude arithmetic says jointly, the BJP's 11.2 per cent vote, the Trinamool and Congress's joint 39.3 per cent could exceed the Left Front's 46.7 per cent. But the Congress and BJP's bases clash. A gang-up against the Left is likely to put off undecided voters and some Congressmen who will never join hands with the NDA, jeopardising this arithmetic.

It would be politically suicidal for the Congress to join any opportunist alliance with Trinamool or other NDA compo-

nents. The Congress cannot afford the stigma of compromising with communalism. The NDA's fulcrum is the BJP—the Congress's principal enemy. It is in contradiction to the BJP's ideology and politically projects that the Congress must define itself.

The Congress and the Left parties may have their differences, but these are not as basic as those with the BJP. The BJP alone among our major parties rejects India's fundamental identity as plural. It roots itself in *Hindutva*'s 'cultural nationalism'. Despite being disparate, parties like the Congress, Samajwadi, TDP, DMK and the CPM share the similar fundamental, foundationally secular-pluralist framework in their politics.

It is disgraceful that parties like the TDP and DMK have joined hands with the BJP and given it respectability. It would be a grossly shameful for the Congress to reduce itself to such narrow forms. That would

OPINION

Don't Destroy the Only Institution Left to Seek Redress

by Md Nazrul Islam

NOTHING seems to be working in this country properly or in its usual way. Economy is stagnant, corruption is the main inspiration for work in most government offices, terrorism and muscle power are the best means for earning money; dishonesty, hypocrisy, immorality, falsehood and appeasement are the ways to rise in political as well as bureaucratic career. Excepting a few beneficiaries not a single person from any class or sphere of the society, be it rural or urban, is safe or secured in any respect.

Despite all obstacles, pressure and apprehensions, Judiciary, especially the Higher Judiciary, has so long been honoured and held by the people in general in high esteem. This has so far been considered to be an entity beyond the touch of the evil forces that have infected almost all the avenues of society and administration. In real sense Higher Judiciary is the only institution still left untainted where aggrieved people can seek redress. But some recent developments surrounding the judiciary have seized the conscious citizens with alarm and apprehension.

Series of recent incidents concerning the death sentence of killers of the Father of the Nation hang over the horizon as an ominous cloud covering the entire nation with dark and evil shadow. Such incidents would bring no good either to the nation in general or to the political parties, or to the judiciary in particular. The horrific murder of the Father of the Nation along with his most

family members and the details of the conspiracy and act of murder as revealed from the proceedings of the trial court are very heart-rending and unpardonable indeed. Any human being with even an iota of conscience cannot but seek punishment for such heinous crime. It is unfortunate that for a period of 20 years trial against this crime was not allowed by Indemnity Act promulgated by an unconstitutional government.

However, at last the trial was conducted by repealing that act, neither by a special court nor by a tribunal, but by a normal court under the existing law. After a long deliberation the honourable court had passed verdict. Now it is the jurisdiction of the High Court to see whether the judgment of the lower court would be upheld. The then Sessions Judge of Dhaka passed the verdict in November '98 after trial convicting 15 army officials, awarding them death sentence. Four out of those convicts preferred to appeal to the High Court and the remaining 11 are absconding. According to law, carrying out the death sentence is subject to confirmation by the High Court. The aforesaid appeals would be heard along with the death sentence.

Though more than 17 months have gone since the passing of the verdict by the lower court, no regular hearing of the case could be made possible in the High Court. Bench after Bench of the High Court Division had refused to do it on various procedural grounds or for the reasons of feeling embarrassed. Supporters of inde-

pendence struggle, especially the Awami League leadership and workers who have some emotion and sentiments attached with the issue became skeptical and lost their patience. All of a sudden they embarked on an agitation against the Higher Judiciary to press for quick implementation of the verdict against the killers. To express their rage Awami League supporters even brought out a huge 'lathi' mictchil' (procession with stick in hand).

The aspect that makes the conscious people concerned here is the presence of a good number of Ministers and high ranking leaders of the ruling Awami League, each uttering harsh languages against the Higher Judiciary.

In a country like ours everyone is aware of the strength of the party in power and if that party leadership inspire its men to wield *lathi* to realise its demand, what will others do? We understand from the statement and threats of the leaders that their demand is not only a quick hearing of the case, they also want quick implementation of the verdict of the lower court. This clearly amounts to intimidation. Such an agitation against judiciary is unprecedented anywhere in a democratic civil society. The leader of the sitting government should have been more cautious in expressing reactions. Whatever acclamation Awami League had earned by conducting the trial of the case in an ordinary court under the existing law of the country happens to be obliterated by such action.

Capitalising on the issue, opposition liaison committee is also now preparing themselves to launch counter agitation against Awami League, thus completing the full cycle of the game in all respect. But we request everyone to be cautious that this type of activity surrounding the Higher Judiciary would benefit nobody but only destroy the only institution still available for seeking redress.

We cannot but say something about the judiciary also. Our Honorable Chief Justice in his recent speech on 'Judicial Integrity' in Vienna has termed an independent judiciary as the 'conscience-keeper of the state'. According to him, 'its strength lies in the command the judiciary has over the hearts and minds of the people. The real sources of strength is public confidence in the institution itself. Its transparency and predictability must be of a higher level so that people can have confidence in a court of law'.

True, a case that bears the weight of national importance of a sensitive nature with the majority of the people attaching a lot of emotions and sentiments to it should receive special care and attention not in the sense of judgement but as a priority as we all know that justice delayed is justice denied. In a period of 17 months, government attorneys have approached almost half a dozen Benches to admit the case only to be rejected again and again. At last some leaders of the party in power lost their nerves and reacted in a very bad manner. As a latest development (April

25, 2000), a reconstituted Bench has enlisted the case for hearing placing it at the bottom of 12 listed cases. The apprehension still remains as to whether the hearing will be completed within the tenure of Awami League in the office. Awami League apprehends that if they don't come to power by winning the next election, these killers would most likely be exonerated.

We understand that a Judge discharges his duty with a constitutional pledge to 'do right to all manner of people according to law without fear or favour, affection or ill will'. But in our layman's eyes when we see a case being bypassed by Bench after Bench, with Judges after Judges feeling embarrassed we cannot but be sceptical as to whether the above pledge is really being honoured properly.

We may quote here Lord Denning who said, 'Justice is rooted in confidence, and confidence is destroyed when the right minded go away thinking that the judge is biased.' We don't want to say anything about this bias, but the question of confidence is very much there. In the past we have seen one Justice addressing a news conference with a youth leader of a particular political party sitting beside him, we have seen some Justices assuming the post of Head of State, and in the process giving validity to unconstitutional military autocrats, we have seen a retired Justice contest for the position of the President with the support of political parties. None of us should be party to this dangerous ploy. Finally we may end with a warning note again from the Honourable Chief Justice, 'Judges of the higher courts without public accountability may endanger democracy itself.' We hope nothing like this will happen to our fragile democracy.

To the Editor ...

Baby-taxis to stay!

Sir, It has been the headline news of our dailies over and again in the recent days that Dhaka is the most polluted city in the world. It is not safe to breathe in this city. The air is poisonous to say the least. As

has been revealed from the proceedings of the trial court are very heart-rending and unpardonable indeed. Any human being with even an iota of conscience cannot but seek punishment for such heinous crime. It is unfortunate that for a period of 20 years trial against this crime was not allowed by Indemnity Act promulgated by an unconstitutional government.

The only answer to this

problem is to ban the 2-stroke engine vehicles now and right now unless we want to head for a total disaster. Why not our leaderships take lesson from Delhi or Katmandu and act in the manner, they did in a similar situation instead of bluffing the people. Any dilly-dally on this issue will only help in the systematic annihilation of our future generation by slow but steady poisoning. An elected government can ill afford to remain indifferent to a human tragedy of such magnitude. They must act firmly and courageously in the greater interest of the entire population.

The argument that withdrawal of baby taxis will create transport problem in the city is baseless. They can be easily replaced by buses and taxi cabs in no time. Yes, the employment problem of fifty thousand baby taxi drivers and the loss of investment of the owners of these vehicles will have to be looked into. They must be adequately compensated for the loss so that they can look for employment or investment opportunity elsewhere. How much will it cost to the government exchequer? Any cost is worth saving human lives in millions.

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Journey by an overloaded bus

Sir, The shocking accident in which 50 people died and over 150 injured was the banner headline in DS on 29 April. Here I would like to share a practical experience as to how the inter-district buses operate while overloaded.

In 1997, I had to travel to Bogra and bought a ticket in the morning of a bus claiming to be 'sitting service and gate lock' type. As soon as the bus crossed

the gate of Gabtali Bus Station, it stopped and a crowd started entering the bus. The Conductor did not intervene in spite of the loud protest of the sitting passengers. Some of the passengers left their seats and pushed these people out. The Conductor, obviously in league with these people, started pleading with us to show mercy to these poor people of North Bengal'. Not being able to enter, the mob climbed on the roof of the bus and made themselves comfortable. The Conductor started pleading with us that they had taken the bus on a 'charter' and would not be able to pay the owner unless allow standing passengers. But we did not relent.

The bus driver was obviously very experienced in driving overloaded vehicle; the top-heavy bus was swaying from side to side but he handled it deftly. All went well till we reached Arichaghat. The mob on the roof climbed down and the bus was taken across to Nargorbari ghat by BWTC Ferry. Here, the Conductor played a foul trick on us. Gullible that we were, we agreed to let the roof passengers stand inside for 'only ten minutes' so that the bus can cross the Police check-post without any hassle. Once inside, these people virtually took over the bus and we were totally at their mercy. The Conductor was nowhere to be seen. As we proceeded more people climbed on the roof. The bus proceeded perilously overloaded upto Sherpur and only Allah's mercy and driver's skill saved us from any accident.

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Prayer room of Subarna removed

Sir, After quite some time I had travelled to Chittagong from Dhaka on 27/4/2000 by Subarna Express train. To my utter surprise, the service of Subarna room was also found abolished although there were Azan for Maghreb and Esha prayers as usual. I simply do not understand how a prayer room can be abolished after its introduction in a Muslim country where hundreds of Muslim passengers travel daily.

Would the railway authorities kindly look into the matter?

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Lurching Towards Disaster

Congress Crisis Worsens

Praful Bidwai writes from New Delhi

Currently, the Congress's stance on the economy, foreign policy, Kashmir, minority rights, social agendas, or relations with Pakistan is unclear. If the party aims to be in power, it must develop alternative perspectives. It cannot accommodate fanatical free-marketeers and left-leaning centrists, soft-Hindutva types and hard secularists.

mean vacating the secular space within the political spectrum. Today, when the Congress is barely in revival mode, it will be a setback.

Ms Gandhi would be ill-advised to attempt union in the West Bengal unit by allowing any alliance with Trinamool. It would be preferable to bring about a split on terms that favour secular politics—terms which she can control. Without hard decisions, the Congress perhaps cannot carry on. It is organizationally and politically in a mess. Instead of building a collective leadership, Ms. Gandhi is allowing the Congress to drift.

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In its best period, the Congress was an umbrella party of different classes, interest groups and lobbies, but with definite character and programme. In today's fragmented politics, the need for an ideology and programme is even greater. The Congress cannot afford the luxury of speaking in different voices: semi-mahajot in West Bengal and an anti-BJP platform nationally. That option is closed.

ports in newspapers about the suspension of an Additional Judge and filing of departmental cases against 23 judicial officers for corruption. We may quote further from our Honourable Chief Justice himself who states, 'Corruption is alleged to be most rampant in the case of bail petition. In most cases it is not the merit of the case but the money spent for the police, corrupt officials and judicial functionaries that is decisive' ... 'corrupt practices are said to be prevalent in cases that involved allegation of murder. It is indeed difficult to find out strong evidence of corruption against a particular judge.' However, though instances as mentioned above files the highest seat of judiciary sometimes, the people still respect and hold it in high esteem.

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