## The Baily Star Founder-Editor: Late S.M. Ali

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### PM and the Judiciary

IT is as if our PM does not have anything to keep herself busy with. No sooner had she returned from Malaysia than she again, quite unnecessarily, lashed out at the judiciary accusing it of helping the criminals and the terrorists by granting them bail. The immediate reason for her umbrage is the statement of 11 top lawyers, covering all shades of our political divide, in which the latter found the PM's recent remarks to the BBC as being contemptuous of the court and of the Constitution. Instead of making an in-depth and dispassionate assessment of the meaning, intention and spirit of our foremost jurists' well-reasoned comments, the PM thought it fit to hit out against them accusing them of being sympathetic to the criminals.

The controversy centres on specific instances of bail given to accused criminals who, after being out on bail, committed more crimes. The PM's point is why bail is given to these people unless the judiciary is either in sympathy with them or is not interested in fighting crime. This led to her remark during the BBC interview that judiciary has become a safe place for the criminals.

We would like to make only two points. First, the specific issue of bail; and second, the general issue of relationship between the executive and the judicial organs of our state. Assuming that a bail has been given wrongly, the government side can make three appeals to have that bail cancelled. First, the public prosecutor can go to the same court, within minutes or hours of granting bail and present additional facts and arguments saying why the bail should be cancelled. It happens quite often that the same magistrate having overlooked an evidence or a point earlier, or being presented with new ones which the prosecution either missed or did not have in the first instance, changes his judgement and cancels the very bail he gave earlier. Should the magistrate remain unconvinced, the government can appeal to the High Court. Failing there it can go to the Appellate Division. Now the question is how many bails - unjustified according to the PM - did the government try to have cancelled through appeals at the higher levels. We know of not a single instance. So if the government was so determined to keep these criminals behind the bar, then why were their bails not challenged? Is it the judiciary's fault that the public prosecutor's or the attorney general's office failed to go through the due process of law? Shouldn't all avenues be exhausted before PM starts making derogatory re-

Secondly, why is the PM taking such an anti-judiciary position in public? Suppose the PM has genuine reasons to be upset about the role of the judiciary. The path to follow would be to have confidential discussions with the chief justice to address them. Alternatively she can ask her law min ister and the attorney general to hold talks with appropriate bodies of the judiciary to solve the problems. Under no circumstances should the PM make public accusations against our honourable judges. By doing so, the executive branch is seen to be deliberately creating antagonism with the judiciary. It is also sowing mistrust in the public mind about the integrity of our judges. The PM and other ministers are always speaking to the public whereas the judges are not. If the PM continues, as she has vowed to, then the judges will have to start addressing public gatherings or holding press conferences just to explain the accusations that are being levied against them. Otherwise how will they win back public confidence against the one-sided propaganda game that is being played by the PM? Everybody knows that whosoever is paid from the public exchequer must be accountable. But when the PM says it targeting High Court or Supreme Court judges then obviously it smacks of intimidation of the latter by the former.

marks about the judiciary?

Our PM does not seem to distinguish between the different ways of accountability of an elected official and of a judge. By definition and function their accountability cannot, and should not be similar If Sheikh Hasina really wants to solve her perceived problems with the judiciary then she should engage in discussions with it and with the lawyers and stop insulting them and insinuating an unholy nexus between them and the criminals.

### A City Clogged, Waterlogged

THREE days of torrential rains last week have I had a telling impact on life in the capital city. exposing in the process inadequacy in our traffic and sewerage system. Low-lying areas were submerged and almost all the major thoroughfares went under ankle to knee-high water. Incessant outpour overwhelmed the city's drainage network. Even worse, the flawed sewerage system simply collapsed, spewing sewage in a spate. On the other hand, waterlogged roads proved too much for the already-overburdened traffic system. Overall, every ingredient was there for an urban nightmare. Vehicles - both motorised and non-motorised had to negotiate their way through the stinky water. Seeping water into the engines rendered many a car, bus, motorbike, autorickshaw and tempo out of order and the ensuing disorder in traffic left many stranded for hours together. It was not a happy sight at all. Some low-lying areas in Dhaka are still waterlogged. One can very well imagine the misery of the residents there, besieged by putrid water day in and day out.

Neither the WASA nor the Met office has anything positive to offer. More rains are forecast and "moderate flooding" is also likely. The WASA people, on the other hand, say that they don't have enough pumps at their disposal to flush out the rainwater. Waterlogging, according to WASA's Drainage Circle, is further aggravated due to the fact that most of the several thousand kilometres of surface and underground drainage network in the city are clogged by rubbish, especially polythene bags. The message for the Dhakaites appears to be: Brace yourself for a few days more in stag-

nant and stinky water. The solution to the two-dimensional problem lies, of course, in enhancement of WASA's drainage and sewerage system. In addition to installing more pumps on the embankments to drain out rainwater, we need to clean up the clogged drainage system. Surely, both require huge investment in terms of money and time. While we expect the authorities to direct their effort in this direction rightaway, the city-dwellers must start doing their bits as well. We all know what polythene bags do to the drainage system; therefore, shouldn't we stop throwing these into the drains?

## How is India as a Neighbour?

by Mahfuz Anam

India is insensitive and condescending to the needs of its smaller neighbours. It's obsession with Pakistan and fear of China clouds all its thinking on South Asia. It does not understand, nor have any respect for the fundamental urge of its neighbours to be totally independent and be treated with respect and dignity. For India to be a regional or global power it must enjoy the full confidence of its neighbours which India expects but does not try to earn.

extremely resilient and resourceful neighbour. But instead what we have today is a 'correct relationship' putting up with nearly daily shooting across our borders and occasional innocent deaths with neither the vision nor the effort and the goodwill that is needed to give that vital spark of which historic bilateral relationships are made of. Beginning with euphoria at having defeated its arch enemy Pakistan and helped to liberate Bangladesh in '71 India expected Bangladesh to become its unquestioned ally in everything it did. Bangladesh's refusal first came as a shock which later turned into resentment and subsequently into an all-pervasive feeling, especially at the policy making level, that we are basically an ungrateful lot. The perceived ingratitude for all that India did for us during the Liberation War - and India indeed did a lot - had a salutary effect in transforming Indian view about us. When Bangabandhu was so brutally murdered along with so many members of his family the 'ingratitude' perception found a righteous justification. After all if

we can kill the man we led us to

independence, we can naturally spite the friend who helped us get it. (Of course conveniently forgetting what happened to the great Mahatma). The return of the military into power and the rising place of Islam into the affairs of our state set the Indian alarm bells ringing. The spectre of a 'second Pakistan' on the East began to haunt the Indian policy makers' psyche, unleashing a most naked arm twisting policy towards us. The most dramatic and tragic example of this was the unilateral withdrawal of the Ganges Water at Farakka for more than a decade with disastrous economic and human consequences for millions of inhabitants in the northwestern Bangladesh. There was also permanent ecological damage to nearly one-third of our very limited land area. Anti-Indianism suddenly found a large base and a justification, which it never had before. From a fringe, it became a mainstream if not the main sentiment.

The decade-long Farakka episode was both unnecessary and unthinking on the part of India. Finally when the Water

Treaty was signed in 1996 it became obvious that it could have been done much earlier and that Bangladesh needn't have suffered the way it did for more than a decade and that so many people need not have lost their lives and their means of livelihood. While the agreed quantum of water now flows through the Ganges it does not wash away the anguish and the anger, which have unfortunately been given a deep root.

The restoration of democracy '91 has greatly assuaged Indian fears about Bangladesh. The Water Treaty with India and the Peace Accord with the people of the Chittagong Hill Tracts, many of whom were in Indian refugee camps, have done wonders for our ties. In the last decade Indo-Bangladesh trade has grown by leaps and bounds. Regrettably it remains extremely one-sided. Today India officially exports goods worth US\$ 1.5 billion to Bangladesh. To that another US \$1.8 billion can be easily added for Indian goods that are smuggled here. Bangladesh is estimated to be a nearly US\$3 billion market for Indian goods. As against that we export a mere US\$ 60 million. Now the question

is does India treat us with the importance and the respect that a US\$ 3 billion market deserves? Forget altruism and good neighbourliness, just for narrow business interest India should be doing far more to help the growth of Bangladesh's economy than it is in the habit of doing. With a per capita income of below US\$ 300 we provide a US\$ 3 billion market for India. How big this market will be when we reach a per capita income of, say US\$ 400? Has the India policy makers or the Indian business community given this even a passing thought? This one-sided trade cannot be sustained for long. Also it is bound to generate resentment. Is India doing anything to expand our export in return? The promise of reduced duty access for 23 category of Bangladeshi products are stuck in the bureaucratic quagmire. Far from being a priority Bangladesh does not figure in the Indian policy makers' mind at all They have far 'better' things to do. Oh yes, we are getting a little more attention now - as a potential centre of Taliban or other Islamic extremists. This is the

rising image of Bangladesh in the

Indian mind, and the Indian

media is working overtime to etch it deep.

This is where India, we feel, is letting down its smaller neighbours. India appears to have the dream and the wish - and even the capabilities - of becoming a regional power. But it seems to lack the vision, the expansiveness of its strategic thinking and the wisdom that must come with that dream. Just as Pakistan never questioned why it lost East Bengal (later Pakistan) and always blamed it on our lack of love for Islam', so also India never asked why a country it helped to liberate and a people that it helped to gain freedom should settle for only a 'correct relationship' and blamed it on our ingratitude.

India is insensitive and condescending to the needs of its smaller neighbours. It's obsession with Pakistan and fear of China clouds all its thinking on South Asia. It does not understand, nor have any respect for the fundamental urge of its neighbours to be totally independent and be treated with respect and dignity. For India to be a regional or global power it must enjoy the full confidence of its neighbours which India expects but does not try to earn. We understand that relations with Pakistan will continue to be hostile in the near future. But its ties with Bangladesh, Sri Lanka and Nepal must be set right otherwise India will not be able to realise its potential, which we and the world recognise, to be enor-

## Camp David Talks and the Aftermath

The next three months may tell the tale of Clinton's legacy and of the prospects of real peace in the Mideast ... Palestinians and Israelis have come a long way since they refused to recognise or negotiate with each other. That they have come so far offers hope they can continue their journey toward peace.

HERE is good reason to be gloomy about the breakdown of the Middle East peace talks at Camp David. Attitudes in both the Israeli and Palestinian camps have already begun to harden, and extremists are in a rhetorical position to boast that they have been vindicated by the collapse of negotiations. But anyone who steps back from the smoldering ruins of this effort and looks at the Israeli and Palestinian positions that existed even as recently as 30 years ago has to be astonished by the amount of change that's taken place.

(This piece was written at the

request of Times of India for a

special issue on "India as a Neigh-

bour", published in The Sunday

OR India there are only two

neighbours - China and

just geographic entities to be

patronised when we are good

boys, cajoled when we show signs

of disobedience, lectured upon

when we think differently, bullied

when we choose 'wrong' friends,

and even punished when - God

forbid - we act independently.

Seldom, if ever, to be respected for

what we are, with our limitations

and our dreams. The 'two neigh-

bours', especially Pakistan, have

so thoroughly and obsessively

occupied the Indian mind over

the last five decades that the rest

of the smaller neighbours have

figured as no more than mere

appendages in the overall policy

formulations. Their 'does not

matter' status has prevented

India from developing a compre-

hensive policy in dealing with its

smaller neighbours leading to

extremely shortsighted and coun-

terproductive policies in many

the most significant foreign policy

failures of India. It could have

been perhaps India's flag-waving

bilateral relations for the world to

see, exemplifying what a big

neighbour can do for its economi-

cally disadvantaged but

Bangladesh stands as one of

instances.

Pakistan. The rest of us are

Times on August 3, 2000.)

If you look at that change the progress that's been made, the distance that's been traveled you have to be a lot more optimistic about the prospects of an agreement. Even in the early 1970s, Israeli prime Minister Golda Meir had declared that the Palestinian people did "not exist".

Further, so farsighted a man as Abba Eban half-joked that Israel would negotiate with the Palestine Liberation Organisation the day that the Orthodox Jewish rabbis endorsed the consumption of pork. If Israel took a tough line back then, the Palestinian view was no less blinkered. They operated on the basis of a charter decreeing flatly that "armed struggle is the only way to liberate Palestine".

I rehearse this history both

UDDENLY Kashmir issue

Vinternational news

although it has been flashpoint

for long time. It's a disquieting

source of tension and instabil-

has come to the fore of the

because it is easy to forget and because it is so recent. The record of almost absolutely implacable hatred and isolation between Israel and the Palestinians has taken not hundred or even fifty years to reverse, but fewer than

Today, Israeli leaders routinely meet with Arafat; not even Israel's right wing gets very upset about it. And in Arab areas of the Israeliheld West Bank, violence against Israel is kept in check by Palestinian police officers. Until just the last few months it was universally acknowledged that the biggest Middle East hang-up was Jerusalem. The conventional wisdom was that Israel would never, under any conceivable circumstances, even think about negotiating Jerusalem's future. Well, at Camp David II, Jerusalem was negotiated. If Clinton's report on the summit is to be believed. there was "not a great deal of disagreement" between the two sides on how the residents of Jerusalem would live after an agreement.

The next few months are decisive. Attempting to salvage something from the ruins of their negotiations at Camp David, Israeli

and Palestinians leaders have vowed to continue their efforts to produce a peace agreement. But the goal will never be reached unless certain types of conduct are scrupulously avoided. Last week, after they agreed to continue disagreeing over such seemingly intractable issues as the

future of Jerusalem, the two

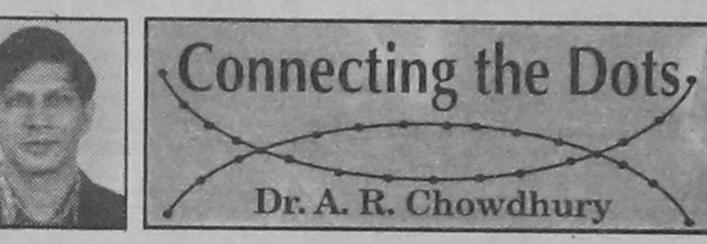
rock the boat and avoid any step that could jeopardise the future prospect of peace. If the lid can be kept on and tempers kept cool, both sides may

cially so in the current unsettled

environment. Equally important

is the need for Palestinians not to

reconsider and expand the limits of the possible and return to the



Mideast leaders issued a statement declaring that both of them "understand the importance of avoiding unilateral actions that pre-judge the outcome of negotia-

For Israel, it means refraining from establishing new settlements in the West Bank and forbidding settlers to provoke Palestinian reprisals. These settlements have always been provocative and an impediment to peace, and they would be espe-

bargaining table. Seen against the backdrop of their recent history, it is not outlandish to suggest that the two sides will inevitably compromise on issues that they and others now deem

utterly beyond discussion. However, things have become more complicated with the latest political developments in Israel. Earlier this week, Israeli prime minister Ehud Barak narrowly survived a no-confidence vote brought against him in the

Knesset by his opponents. Israeli foreign minister has resigned accusing Barak of negotiating the future of Jerusalem during the peace talks. At the end of October, Îsrael's parliament will reconvene after a long summer break. That gives Barak a reprieve for three months. That also may be the amount of time left for Clinton to leave a legacy as a peacemaker.

If nothing changes by the time the Israeli parliament reconvenes, it is unlikely that Barak will survive another attempt to bring down his government. If Barak's government falls, it is unlikely the current peace process will continue. This would definitely be a setback for Arafat who has staked his leadership to the talks as well as for Clinton's

Clinton, therefore, needs to act now. He must encourage other Mideast leaders not the least of them Hosni Mubarak to get involved and support Arafat's

use his office to discourage Israel from unilaterally creating more settlements in the West Bank. Moreover, the suggestion that the US Embassy to Israel should be

moved from Tel Aviv to Jerusalem ought to be abandoned. Both these acts are needlessly provocative. Polls show that the Israeli people are more interested in peace than many of their political leaders. Barak can take advantage of that in the next three months. That he survived the noconfidence vote earlier this week is a good sign. On the other hand. it is a bad sign that Shimon Peres. Barak's preferred candidate for the ceremonial post of president. lost his election.

Arafat, too, has work to do. Last week, he urged the Israeli people to support Barak. Indications are that he will postpone his deadline of September 13 for the unilateral creation of a Palestinian state. That latter move may play well in Israel; it won't among the leaders of Hamas, the more militant Palestinian faction trying to unseat Arafat.

Things hang in the balance. And what eyeryone involved needto do is to try to tip the scales toward peace. The next three months may tell the tale of Clinton's legacy and of the prospects of real peace in the Mideast.

Palestinians and Israelis have Clinton also can and should come a long way since they refused to recognise or negotiate with each other. That they have come so far offers hope they can continue their journey toward

paved the way for dialogue which

tripartite talks -- involving India,

the militants and Pakistan in the

entire exercise. The Hurriyat -

which is an umbrella of several

But other militant groups want

became urgent.

# Kashmir: Let the Dialogue Start

There are obstacles on the way. The approach of Pakistan and policies of the militant outfits matter in the whole issue. It remains to be seen how far the Hizbul and the Indian government can go with peace moves. However, supporters of peace would certainly welcome the latest developments centring the ceasefire and dialogue.

ity not only in the South Asian region but also in global scale. The developments in the Kash-It caused outrage in India. The mir front took many by surprise government in New Delhi blamed as the dominant militants' the hardliners who are opposed to group fired the salvo by the ceasefire and peace process announcing unilateral ceasefire for the massacre. India's archento give dialogue a chance for a emy, Pakistan, says the killings settlement of the issue. And the might be a ploy by New Delhi itself Indian government reciprocatto create hatred against those ing by offering olive branch to opposing the peace talks. Whatthis gesture. ever be the real situation, killing The Hizbul Mujahideen asked of innocent civilians is condemtheir men to stop fighting for nable. What is remarkable in this three months and New Delhi situation is the willingness of also suspended all military opera-Indian government to go ahead tions against the militants who with talks despite the massacre. would abide by the ceasefire. The Prime Minister Vajpayee has two sides have also begun discusdemonstrated wisdom and matusions in Srinagar, the capital of rity by carrying out the unique the Indian Kashmir, first time opportunity of negotiations since 1989. The militancy has although he did not missed the claimed at least 25,000 lives in occasion to visit the site of massa-

parties including Sonia Gandhi. It goes without saying that the cent people took place, including news of ceasefire and positive

cre accompanying his prominent

parliamentarians of opposition

MATTERS ## AROUND US Zaglul Ahmed Chowdhury

of many an international crisis, the Kashmir tangle certainly remains possibly the major problem that continues to afflict relations not only between two neighbours India and Pakistan it has also been bruising the political atmosphere in the region. In addition, it is a headache for global tranquillity. Two countries fought two of their three wars over Kashmir and were on the brink of another a year ago centring Kashmir.

Kashmir is a divided region ment had come as a significant Pakistan became independent ence, but New Delhi describes as

development. After the resolution from British rule with the former

controlling two-thirds. Both lay claims to the portion controlled by the other. Islamabad has been urging for self-determination for the people of Kashmir while New Delhi insists that it is an integral part of India. Two sides often expressed willingness to talk but India opposed inclusion of Kash mir on the agenda but Pakistan says it is the crux of whole problem. Side by side, several Kashmiri organisations are carry ing out violent activities in the Indian-held Kashmir which they response from the Indian govern- since 1948 a year after India and call their struggle for independ-

terrorism fomented by Islamabad. But Islamabad denies the charge saying that it only provides political and moral support to them.

Against this backdrop, ceasefire by the most important militant group the trouble-torn region and subsequent beginning of talks with the Indian government in quest of peace certainly merits considerable importance. Does this situation give any glimmer of hope for any kind of solutions to a contentious problem which breeds violence and loss of

Needless to say that the issue

True, positions of the parties concerned in the tangle are so divergent that any settlement is almost a distant dream. But the cases of two Germanys and two Koreas were still more difficult matters. The Middle East is even worse in some ways but none rules out a settlement despite

India has been insisting that talks have to take place within the ambit of the constitution of the country, which meant to rule out secession of Kashmir from Indian union. But recently the government has shown flexibility and this has facilitated the dialogue with the Hizbul Mujahideen. "It is not the constitution but the insaniyat (humanity) which is the main issue we want that no more blood is lost in the area," said Prime Minister Vajpayee. Indeed, his comments are statesmanlike. Whether or not New Delhi ultimately accepts the positions of the militants is a different mat-

ers in BJP are opposing talks with the militants and some are totally inflexible on the issue of accepting demands within the Indian constitution. The opposition parties are waiting in the wings to criticise the government for its dealings with the militants although they want an end of violence. Most Indian opposition parties may support a broad peace formula. For Vajpayee and his government, the peace efforts may pay dividends as it may dampen the autonomy demand raised by Kashmir's Chief Minister Dr Farooq Abdullah. Besides, the government may bask in the glory of success of an intractable issue if it can accomplish the task of an acceptable settlement of the problem.

The peace moves have put

Vajpayee's government in a deli-

cate situation since the hardlin-

But there are obstacles on the way. The approach of Pakistan and policies of the militant outfits matter in the whole issue. It remains to be seen how far the Hizbul and the Indian government can go with peace moves. However, supporters of peace and those abhor violence would certainly welcome the latest developments centring the ceasefire and dialogue. It provides a ray of hope for peace in the violence-ridden flashpoint.

#### Tilottoma Dhaka!

the valley. During the interreg-

num of ceasefire announcement

and the beginning of talks, killing

of more than 100 unarmed inno-

Hindu pilgrims trekking towards

Vishnudevi temple.

Sir, The honourable minister in charge of Local Government on attaining the charge of the ministry declared that within a year he will turn the capital city Dhaka into a Tilottoma City (city of paragon beauty).

Our honourable minister's four year old promised dreamland Tilottoma' may appear to him a reality but to us-- the voters, taxpayers and forced listeners of incessant rhetoric the city is a wretched place strewn with pot-holes, open man-holes, incomplete sewer lines, dug up roads that make

unbearable. The DS Staff Correspondent and far from the ground situa-(August 3, 2000) had a more distinct picture of the life of been true the Honourable Minis-Dhakaits after the 24 hour ter's home itself would have been

were also inundated in some would have also been infested areas due to poor drainage and sewerage systems. . . city traffic crawling worms! was in a mess as vehicles got stranded on inundated roads, creating long jams. WASA sources (drew a worst picture) said the sewerage system in most areas of the city also got clogged because of the poor drainage system...". The reporter also quoted a resident 'There were worms and leeches in my bedroom...'

long sufferings of the city dwellers. Surely, by next couple of days we would receive a possible rebuttal from a PRO saying that the city dwellers' life really the picture, as drawn above, of the"Tilottoma" city has no base tion. Because had this picture deluge, "Ground floors of houses inundated and his bedroom

with wobbling leeches and

An Uncouth Citizen Dhaka

Greenback rules

Sir, Whatever be the claim and argument of our leaders, experts, bureaucrats, businessmen and traders and no matter which political party is in power This is just a small part of the the fact is that the more the price of US dollar increases the suffering of our people multiplies.

The more the rise in the price of US dollar the more the economy of our country is doomed and the more the amount of our foreign loans and interest thereof are enhanced.

No one can deny the fact that for over last 28 years the price of US dollar has been shooting up on the one hand and the financial problems and hardships of our people have been multiplying on the other hand. Undoubtedly, a handful of persons have become richer but the majority have been beset with abject poverty.

Due to various reasons, we are to believe that the economic progress of our country is linked with the market price of US dollar. And as long as we are unable to free ourselves from the rising price of US dollar and make the value of our currency-Taka equivalent to the rate of US dollar, we would be unable to make any economic progress.

to equalise the value of US dollar with Bangladeshi Taka? If so then how and when?

Wari, Dhaka-1203

Would it be ever possible for us

O. H. Kabir

militant organisations -- is calling for tripartite talks. The Hizbul Mujahideen has not ruled out involving other militants and Pakistan but insists that at this

stage the ground is being prepared by two sides. This may cause rupture within the Hizbul outfit since some of their leaders want Pakistan to be involved right now. A top leader of the party has set a time for the talks to succeed. But several others feel that ceasefire should be held for at least three months and then it should be extended depending on the progress. The smaller militant organisations feeling left out -are expected to spawn violence

out of anger.

is complex and to expect an early and amicable resolution of this will be a height of folly. Difficult problems are being resolved in the international arena, the latest remarkable instance of which is reconciliation moves between two Koreas. Why, then, cannot the Kashmir issue be settled no matter how complex the issue is?

recent setback at Camp David.

ter but at least this position has