

## PM, Judiciary and the People

THE Prime Minister reiterated her comments about the judiciary on Thursday saying that her views were not contemptuous of the courts and reflected those of the people. She did not intend to undermine the judiciary but only to serve the people. In another move the government has set up a three-member committee, with Additional Attorney General as its head, to look into the lapses on the part of the government, the public prosecutors, the police and the whole administrative process dealing with the process of bail for the accused criminals. It will also investigate how effectively the government side opposed bail when it came up for consideration in the higher courts.

Both these developments deserve comments, and we start with the second. We think that the Law Minister or whoever did it has moved in the right direction. This paper repeatedly urged the government to undertake a cleaning of its own house. We all know how corruption ridden the whole prosecution process has become, starting with the arresting officer to the thana officials to the public prosecution offices. We also know how the hands of the magistrate can be tied by the efficacy of the pre-trial process. This is definitely not to say that the lower judiciary is beyond reproach.

There is also the question of the lawyers themselves as the servant of the law. Are they really working to uphold the highest standards of our legal norms or are they more interested in using the loopholes or the inadequacies of our legal system to serve fat fee paying clients regardless of every other consideration? We know that lawyers will say that every accused has the right to the best legal services regardless of his or her antecedents. We understand and recognise all that, and yet we say that lawyers could do far more than they are doing now to improve our legal system.

All these need to be looked into. But for the whole process to take an effective shape the government must start with itself first. If the necessary reforms and support — in terms of training, equipment and resources — were made available to all the relevant agencies first, and only afterwards was the judiciary put in the dock then the whole debate generated by the PM's comments would have served us better.

Though late we welcome the formation of the committee and ask the government to give it all the assistance and the freedom (we underscore this point) to complete its work speedily. At the same time we urge this committee, especially its head, to do a real soul searching job and not be pressured into covering up essential flaws just to please this or that coterie or the powers that be.

As to the PM's persistence in publicly speaking out against the judiciary, the kindest thing we can say is that it will defeat her very purpose, assuming that her purpose is to reform the judiciary and rid it of all its corruption and flaws and NOT to intimidate it. PM repeatedly claims that what she is saying reflects the public sentiment. How is public sentiment formed? Through publicity and information. The judiciary is NOT and SHOULD NOT be in the information and publicity game.

And on the other hand if the elected PM repeatedly speaks against them then of course public opinion will have a negative image of the judiciary. So now the judiciary will have to either come out in the open and start speaking out for themselves — and by implication against the PM — or keep quiet and get blamed for every flaws of the executive branch. Will it be wise, or serve any national purpose if that were to happen? There are some things better done by making public statements. And there are others, which are far better done by keeping silent. In the case of the judiciary the wise course to follow — and we have said this before — is to discuss the problems with the Chief Justice, senior judges, the lawyers and their representative bodies and undertake serious reforms.

If the PM is really serious about reforming our legal system, then she should immediately desist from the course of public denunciations of the judiciary and engage them in a substantive dialogue on reforms. She should learn about the sensitive and respectful nature of the relationship between the Executive and Judicial organs of the State from the recent Indian example where the PM forced his own Law Minister — Ram Jatmalani, a highly respected lawyer in the country — to resign for an oblique remark on the Higher Judiciary.

## An Aborted Opportunity

A n opportunity for peace in South Asia which flickered the other day has disappeared as quickly as it came on the horizon. The excitement and hope generated a fortnight ago when the Hizbul Mujahideen, a pro-Pakistani militant group, made its ceasefire offer in Kashmir are no more. The militant outfit has called off its ceasefire, ascribing their change of stance to the Indian government's refusal to include Pakistan in the proposed talks. Expressing "regret" over the announcement the Indian government, not wanting to bow before the Hizb condition, stuck to their earlier stance of not "entertaining" anything outside the Indian constitution. Pakistan, on the other hand, has said that "negative and transparently insincere responses" by India have destroyed the prospect for peace.

However, the ceasefire and consequent Indian response were something of a break and a good augury for the region at large. It almost presaged the breaking of new grounds or melting of the ice on an intractable problem. We think a new beginning has been made to address the problem through a new window and hope it will lead to the resolution of the crisis in due course. One thing is sure. Militancy cannot solve the problem; and even if a single group wishes to offer unilateral ceasefire, it represents a radical change on the outlook of things. This spirit needs to be carried forward by those who have taken up arms. Insofar as the governments of India and Pakistan are concerned, their stakes lie in finding a peaceful solution to this five-decades-old Kashmir imbroglio, which has proved attritional to both the countries.

If we look back to the 53 years of our achievements since independence, we come to realise how difficult our response has been to the challenges we faced. People were willing to snatch even the moon from the sky and place it at the feet of the leaders at their bidding.

Why has that enthusiasm evaporated? Why the disappointment with the system is so deep that the very word politician is an abuse? Where did we falter? The countries which threw off the yoke of foreign masters, more or less at the same time, have been brisker in pace and quicker in development? India has at present a larger population of poor than it had when it won freedom. The middle class has expanded but the economic benefits have not. In fact, the yawning gap between the haves and the have-nots has widened further. Even among the states, there is a growing hiatus which is telling upon the feeling of equality and unity in the country.

True, India can raise its head high when it comes to free institutions it has nourished. The countries which have had faster growth have generally lost democracy, at least in content.

The judiciary is timid and their society, although open, is not free.

This does not in any way lessen the stigma of poverty and destitution attached to India. Jawaharlal Nehru talked about the trust with destiny on the Independence Day. But what went wrong when the time came to redeem the pledge and free people from want? Mahatma Gandhi said that political freedom had no meaning without economic freedom. Many expla-

nations are available. But there is no doubt about the economic and social backwardness of the country. Many things went wrong and priorities got distorted. Being a soft state, to use the phrase of Swedish political economist Gunnar Myrdal, the tackling of problems was not decisive. Above all, those who fought for independence wanted to cash in on their sacrifices. Almost overnight they became a squabbling crowd of self-seekers, jostling each other for office or reward.

Nehru, a democrat to the core, built up institutions. But he failed badly on the economic front. He was probably wrong in changing the agenda that Gandhi had set for the country: self-sufficient village republics. After wandering many years, the nation has come back to the point of restoring them in the shape of panchayats. But too much time has been wasted and too many vested interests have developed to defeat even a modicum of authority to people at the grassroots.

Impressed by the industrial growth of the West, Nehru tried to duplicate it in a society which has had no renaissance, no reformation and no revolution. In fact, the situation was opposite. The society was ridden with superstitions, castes and religious division. His dream of a socialist society could not come true because he failed to motivate people to rise above their personal greed. He

had to make them work in unison for a system which would ask each one of them to give according to his capacity and get according to his needs.

But how? Gandhi prescribed "simple living and high thinking."

much affection from his countrymen that he did not have to take stern measures. They would follow him blindly, so he imagined. If he could have only educated them!

Eighty per cent of them were in

## BETWEEN THE LINES

Kulip Nayar writes from New Delhi

Nehru too said: "At all times there should be due stress on the moral, human and spiritual values which give meaning to economic progress." Transformation by spiritual means meant rebuilding the individual, making him or her to adhere to right methods to achieve the right ends. This indeed was a daunting task.

Nehru was, somehow, confident that the excitement to change the face of India would involve people who had waited for decades to see the dawn of independence. Indeed, they were in that mood. But the fervour got buried beneath the government's preoccupation with the relief and rehabilitation of refugees from Pakistan. Lenin had to change the people before he could force communism down their throat. Nehru thought he commanded so

villages. Agriculture was their lifeline, while Nehru's socialism emphasised industrialisation, less dependence on land. He did not even effect drastic land reforms which would have benefited the countryside. But it is an open secret that he was let down at every stage by his own colleagues who had no faith in his ideas. The bureaucracy, used to the colonial way of working, was the biggest impediment in the path of progress. Even work culture was not allowed to develop. Still Nehru's rule he died in 1964 provided the synthesis of scientific and technological civilisation of the modern world with India's contemplative spirit. He was able to spread the message of democracy, pluralism and public participation.

Lal Bahadur Shastri, Nehru's successor, did not live long

enough to translate his dream, which coincided with that of Gandhi's simple living and high thinking. He tried to consolidate the gains of the Five Year Plans by declaring a 'holiday' to the regulated and disciplined way of development. Again the bureaucracy turned out to be too strong to pursue his own methods.

Things deteriorated sharply during Indira Gandhi's time. She swept the pols by coining the slogan: *Garibi Hatao* (oust poverty). But when she failed to make any dent into the pitiable plight of people, she used the state machinery to suppress discontent. She put pressure through police and income-tax officers on her opponents in her Congress Party and in the Opposition. She believed in authoritarian ways. Mrs Gandhi did not mind splitting the party for her own ends and used all methods to stay in power, even after she was disqualified for six years by the Allahabad High Court. If there is a watershed in the country's politics, it is the emergency she imposed in June 1975 to suspend even the fundamental rights. She detained more than one lakh people without trial and gagged the press.

The bureaucracy, which was negative during the days of Nehru and Shastri, became a willing instrument of tyranny in the hands of Mrs Gandhi. Obediently, it broke rules and circumvented

the institutions to let her, nay her son, Sanjay Gandhi, have a field day, without occupying any office under the constitution. Authorities behind the scenes developed in those days. The institutions got weakened. The rule of law collapsed. It was survival of the sycophants. Politicians and bureaucrats joined hands to lay the rule of law. Criminals too became their partners. It took no time for them to realise that they could quell the people's protests with the well-oiled network of police and security forces. This has been the pattern for nearly two decades, despite the qualms of conscience on the part of a couple of Prime Ministers. Still, India has made progress. Whatever the quantum, the credit goes to the people. They have gone ahead in spite of government bungling. In the first speech Mohammed Ali Jinnah made after partition, he said: "One of the biggest curses which India is suffering ... is bribery and corruption. That is really poison." All the three countries in the sub-continent India, Pakistan and Bangladesh have a system which is seething with corruption. It is increasing by the minute. How can the system be cleansed when politicians and officials are themselves involved in taking money for 'doing work'?

With the politics of coalition, now in its 10th year, the governance of India has become still more difficult. Woefully, it has been reduced to the art of possible. There is no fixed goal and no idea of where to go. The rulers have a one-point programme: clinging to power by hook or by crook.

## National IT Policy is a Must for Development

by M Shahjahan Khadem

*It is unfortunate that in spite of repeated instructions from the Prime Minister herself since 1998 to develop at least 10,000 computer programmers per year, no effective measures appear to have been taken by the relevant authorities.*

Now serving in different govt./autonomous/private organisations are eligible to take such training programmes and thus prepare themselves as IT professionals at different costs varying generally from Tk 25,000 to Tk 85,000 depending upon the course contents and duration of the courses which are vendor-specified. The reputed vendors are Oracle, Microsoft, Sun Micro System, IBM, Novell Inc., Cysco, Comp Tia all USA based, ICII Ireland and WWW, Switzerland. The faculties must be vendor-certified. Authorised training centres of respective vendors must have provisions to get the Online Training Exams either by Sylvan Prometric, Australia or Virtual University Enterprises, USA. In this category, the successful IT professionals with about at least 6-9 months experience in a software industry are eligible for HI-B Visa for USA.

A study by the Information Technology Association of America reveals that 3,46,000 IT jobs are currently vacant in different US companies alone apart from BUET, Dhaka University, Rajshahi University, Khulna University and Shahjalal University of Science and Technology, Sylhet (Tk 3 crore for each university), the authorities concerned for the last two years failed to prepare a national policy to develop programmers of international standard. We approached the authorities but without any result till today. We made it clear, it is possible to develop at least 10,000 programmers per year, no effective measures appear to have been taken by the relevant authorities. It is ironic that in spite of prime minister's commitment to allocate Tk 15 crore for development of IT professionals by 2002 from the graduates of BUET, Dhaka University, Rajshahi University, Khulna University and Shahjalal University of Science and Technology, Sylhet (Tk 3 crore for each university), the authorities concerned for the last two years failed to prepare a national policy to develop programmers of international standard. We approached the authorities but without any result till today. We made it clear, it is possible to develop at least 10,000 programmers per year, no effective measures appear to have been taken by the relevant authorities. 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