

## Doubts about Election?

ANWAR Hossain Manju has made us sit up with the talk he gave on *State of Politics in Bangladesh* in Meet-the-Reporters programme organised by Dhaka Reporters Unity (DRU) on Saturday. It is highly noteworthy that a man who has scrupulously distanced himself from any big controversy staying quietly focused on his ministerial job for the last four years has chosen to speak out. The sudden unburdening of his mind has yielded some disquieting thoughts as well as sparkling insights.

Let's first compliment him for the refreshing candour with which he has shared his inner thoughts with the media. When these days a government minister or insider goes the whole hog supporting every action of his ilk Anwar Hossain Manju has beaten a different path. He has minced no word to say what needed to be said and that too not with any customary design to curry favour with the opposition. He has spoken of a stifling situation lamenting that the head of the government and the principal leader of the opposition are not on talking terms and refuse to face each other even in social programmes. He regrets that many leaders have created suffocating situations in their respective areas by 'backing terrorists'.

We could not agree more with his diagnosis of the political ailment but for a government leader of his standing to cast doubts on the staging of the next general election is something we cannot take with any amount of mental equanimity. It is a highly disturbing thought. We express our concern over it. Why must Anwar Hossain Manju see an 'apprehension' like that persisting because of what he sweepingly regards as our failure to establish constitutional politics in the last 50 years? For is it not after the derailment of constitutional politics under military or semi-military rule for a long spell that we bounced back with the fall of autocracy and restored democracy in 1991? Then on we have had two general elections on time under caretaker governments working well as a constitutional safety-valve that remains intact to facilitate the holding of the next elections. Doesn't it?

Manju's doubts about polls calls for an immediate assertion from the government that we are firmly on the election path and there cannot be any wavering from it. As citizens we believe election is a constitutional mandate that cannot be trifled with under any circumstances whatsoever. It should be held, it must be held and anybody tinkering with it should have no place in the politics of Bangladesh.

## Are the Jets Necessary?

WE understand that the matter relating to the procurement of a couple of executive jets, for use by the President and the Prime Minister of the country is still at a very preliminary stage, but we would like to see the idea nipped in the bud in the greater interest of the state and the people of the country. Very few Third World government leaders have the luxury of having executive jets for their exclusive use. They normally travel by their national carriers.

Why do we need it? Don't we have anything better and pressing to spend our money on? The thought of an executive jet sounds nothing more than an ego trip and a fancy for empty and despicable grandeur far out of proportion with economic and political imperatives of the day. The whole idea is not in sync with the country's development priorities. It neither makes political or any economic sense. The President hardly travels and the future incumbent is likely to have similarly limited itinerary for foreign trips. It is only the Prime Minister who does most of the travelling as the head of government. But to maintain a fleet for both the Prime Minister and the President, however limited in size it may be, cannot make any economic sense; simply because of the fact that its maintenance and upgradation requirements will call for a sizable diversion of resources at the expense of pressing social priorities. The government must know that discretion is the better part of valour.

## Bring the Bangladeshis Back

THE story of six thousand Bangladeshi nationals, mostly workers, languishing in foreign jails, makes sad reading. In less than three years' time the number of such people has doubled. According to a detailed report in Bangla daily *Prothom Alo* on Thursday these people remain in captivity in 33 countries of Asia and Europe. There may be many others who are not accounted for. Among the imprisoned are those who had entered the foreign lands without valid documents or have stayed in those countries beyond the period mentioned in their work permits. But bulk of this number is likely to be genuine people who landed in trouble because of the machinations of recruiting agents at home. There are manpower businessmen who trade on human misery under the nose of the authorities but hardly any action is taken against them. Even the recruiting agents' association (BAIRA) has demanded punishment against such fake agents who are responsible for the misery of so many poor, innocent people who sought employment abroad and got thoroughly cheated in the end. Thousands of job-seekers have been made into paupers by these villains.

The process continues unabated and the culprits do it without any fear of law or punishment. There are instances where three, even four times more than the normal fees were charged from the job seekers as has been admitted by the general secretary of BAIRA. There is a lot of movement of job seekers across the world, especially from the underdeveloped countries to the developed and developing ones. It is no crime for people to seek employment outside their own countries. Lack of employment opportunities at home is the primary reason for such labour migration. We should feel obliged to keep the fake recruiters at bay, if necessary in consultation with host governments.

The government has responsibilities towards its citizens wherever they are. Our missions abroad could do well with a little more motivation to look after the interest of their fellow citizens overseas. The fact that many of them had gone there illegally does not dilute our basic responsibility towards them. The foreign ministry must get a move on to secure the release of the imprisoned Bangladeshis abroad. Let us bring them back on humanitarian grounds and at the same time take punitive measures against those agencies which were responsible for their misfortune.

# Who is Misleading the Prime Minister?

by An Observer

**It is not fair to suggest that the Judges are releasing criminals, while the police department is doing a bad job. This sort of utterance has misled not only the Prime Minister but also the people of this country. After hearing a complaint from the people of Magbazar, the Home Minister should have initiated an investigation to find whether the police are doing their job properly.**

area if Shubhra is allowed to move freely. Convinced by what they said, the Home Minister immediately asked the Inspector General of Police to arrest Shubhra again. But the Inspector General of Police informed him in five minutes that the High Court had not only granted him bail but also issued a directive not to arrest him again. The Court also warned that if Shubhra was arrested again, it would take action against the Home Ministry. The Home Minister further referred to an accused in a murder case named Nurunnabi who was granted advance bail by the Court. He felt sorry when he saw that one Nurunnabi involved in the bomb attack that killed several people at Uddichi Conference in Jessore, got advance bail from the Court.

The finding of a court during a contempt hearing on Home Minister's statement in the Parliament, mentioned that although, (as reported in 52 DLR 16) "two instances have been given by the Home Minister in the Parliament, one with regard to granting of bail to a terrorist named Shubhra of Magbazar and another Nurunnabi, as accused in a bomb case, yet those instances are not correct inasmuch as that Nurunnabi of Jessore is still in custody and the Shubhra of Magbazar was not granted bail by the High Court Division in any case." From the judgment of the writ petition no 1607 of 1999, "it appears that Shubhra was first detained under Special Powers Act and the order of detention was challenged in the High Court Division in a writ petition."

After hearing the High Court Division made the Rule absolute, declared the detention illegal and directed the respondent to release him. Thrice detention

order was passed and on three occasions the High Court division declared the detention of Shubhra illegal and directed the respondents to release the detainee. But it appears from the judgment that as soon as the detention order was issued, every time he was served with the fresh detention order and kept him in custody on the selfsame grounds and reasons. Similarly, for the fourth time a similar detention order was served upon Shubhra at the jail gate and under that order he was kept in custody and this fourth detention order was challenged in the above-mentioned writ petition.

After hearing the Petitioner and the Government, the Court delivered the judgment making a (reported in 52 DLR 16) "detailed discussion about the arrest of the detainee Shubhra for the fourth time one after another on similar grounds. In disposing of the detention case the High Court Division held that only for frustrating the judgment of the High Court Division successive orders of detention were given which is nothing but interference with the course of justice. Further, the High Court Division directed the detaining authority not to repeat such illegal detention order in order to frustrate the judgment" of the Court. "A copy of the judgment was sent to the Secretary, Ministry of Home Affairs for information and for taking necessary actions for such repeated illegal detention orders on the selfsame grounds to a citizen of this country."

It is clear from the above facts that the Home Minister's statement in the Parliament was totally wrong. In fact, he misled the Parliament, the Prime Minister and the people

of this country. He proudly claimed that on hearing the local people of Magbazar he immediately asked the Inspector General of Police to arrest Shubhra. Is this the task of a Home Minister to ask the Inspector General of Police to arrest someone? Under what authority he did so? He is a public representative and that means he is the representative of the people who lodged the complaint against Shubhra as well as the representative of those who are being accused. People of Magbazar went to him, if at all true, not to get an immediate arrest order from him but to seek his intervention in making the police department more effective in terms of providing social protection.

The police evidently failed to bring any formal allegation or criminal charge against Shubhra during the period of his detention or prior to that. It could be because Shubhra is innocent or police are not doing their duty. The Special Power Act can be abused by the Executive Branch to detain an innocent person, but it will be difficult for the Judiciary to hold them. For argument's sake let us consider that Shubhra is not innocent. Then, the question arises as to why the police did not act to bring charge against him. Considering Shubhra as a big terrorist, one may argue that as long as he is free no one would dare to testify against him. What do we find here? A witness cannot be provided protection by the government. We find the state's failure to provide adequate protection to the people.

What is a state function? Is it just the Executive function? I believe not. It is a combined function of the Legislature, Executive and Judiciary. Legisla-

ture makes law and policy. Executive applies it and the Judiciary monitors whether the law and policy made by the Legislature is implemented properly. It is not possible for the Judiciary to drift away from the law created by the Legislature to accommodate failure or irregularities of the Executive. It is Executive's responsibility to maintain law and order and provide protection to the society without infringing upon anybody else's right. The Judiciary maintains neutrality and independence in safeguarding everybody's right. Indeed, the accused are included among the everybody. The rights of the accused, as formulated by the Legislature and judicial precedent, refer to various aspects of criminal procedure designed to safeguard the innocent from harassment and conviction.

Basically, these rights are nine in number, starting from the original arrest to the final appeal. They are as follows in the order in which they usually occur: (A) Rights prior to first court appearance: (1) Arrest or search only where there is substantial likelihood of guilt. (2) No involuntary confessions or self-incrimination. (3) Rights from first court appearances to trial: (4) Release pending speedy trial. (5) Right to a lawyer at trial or before. (6) Formal notice of charges. (7) The trial stage: (8) Impartial trial. (9) Right to cross-examine and summon witnesses. (10) Post-trial: (11) No excessive fines or punishment. (12) No double jeopardy and right to appeal. By granting bail the Judiciary is dealing with only one right. It is a right to which the accused is entitled and not a mere favour. To deprive a person of his liberty is something very serious. A judge just cannot put someone behind

the bar because the Home Minister wants it. In order not to grant bail the court must be satisfied on materials placed before it that prima facie the offence of that grave character is shown to have been committed by the accused under arrest.

It is not fair to suggest that the Judges are releasing criminals, while the police department is doing a bad job. This sort of utterance not only has misled the Prime Minister but also the people of this country. After hearing a complaint from the people of Magbazar, the Home Minister should have initiated an investigation to find whether the police are doing their job properly. The investigation may reveal that the police are incapable of doing a proper job because of the inadequacy of its resources. When we had a population of 50 millions, we had a little over 450 thanas (police station) and now we have over 124 millions people, but still have a little over 450 thanas. The number of police force has not increased much. Even with 99 per cent good people, we may have 1.24 million criminals in the country. By ordering the Inspector General of Police to arrest a person, the Home Minister would not do any good to this country.

Coming back again to the point with respect to misleading the Prime Minister in terms of the Judiciary's role, we believe someone with little knowledge of law is involved. The Prime Minister is now on and off, referring to the Section 514 of the Criminal Procedure Code. We know she is not a lawyer, but she has advisers who know law very well. The Section 514 talks about the procedure on forfeiture of bail bond and we wonder why is she referring to this section while talking about role of Judiciary. Did the government ever approach any court, which refused to implement this section on any person bound by a bond? We are not aware of any such incident. Someone must be misleading the Prime Minister. Who that someone be?

# Kashmir: Back to Square One?

**It appears that the short truce has given birth to bigger source of animosity. The faltering of talks without giving a meaningful chance to make at least some progress is a blunder by both sides. We in South Asia deplore that a chance -- no matter how delicate and difficult -- is lost as both sides conducted the whole exercise in haste and also without much sincerity. It may be difficult to revive such an opportunity.**

Since 1989 it claimed at least 25,000 lives in the valley.

During the interregnum of the announcement of the cease-fire and beginning of the talks, there occurred the tragic killings of more than 100 civilian people. The government in New Delhi blamed the hard-line groups opposed to the ceasefire and peace process for the massacre to derail the dialogue while India's arch enemy Pakistan said the killings might have been a ploy by New Delhi itself to create hatred against those opposing the peace talks. Whatever was the real situation, two sides went ahead with talks and this was quite significant in the sense that positive intentions had prevailed over the negative occurrences. The dialogue has started but floundered only after the first round and the process of peace collapsed as the Hizb called off the talks blaming India for not including Pakistan in the tripartite talks by a certain deadline. The organisation resumed fighting. So did the Indian forces.

It goes without saying that the news of ceasefire and positive response from India had come as a big development surrounding a major international crisis which is belying any sentiment for many years. After the resolution of many an international crisis, the Kashmir

tangle certainly remains possible the major problem that continues to act as intractable affliction the relations not only between two neighbours - India and Pakistan - but also battering the political atmosphere in the region. The two countries fought two of their three wars over Kashmir and were on the brink of another war about a year ago centering Kargil.

Kashmir is divided between

Kashmiri organisations are carrying out violent activities in the Indian Kashmir which they call their struggle for independence but New Delhi describes as 'terrorism' fomented by Islamabad, which denies the charge, saying it only provides political and moral support to the Kashmiris. Independent observers are less inclined to buy the contentions of either side. This is a common belief that is-



India and Pakistan since 1948 - a year after two nations emerged independent from British India with the former controlling two-thirds. Both lay claim to the portion controlled by the rival and the problem is a thorn in the flesh for two countries. 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 for talks but India opposed inclusion of Kashmir in the agenda but Pakistan says it is the crux of whole problem. Side by side, several

It appeared that both sides moved rather too hurriedly in holding the discussions and making comments that have queered the pitch of peace efforts which must have been assiduously built up in backstage efforts. The insistence of the Hizb to include Pakistan, and remarks of the Indian government that talks have to be within the parameter of the Indian constitution might be the main factors that led to the ending of the dialogue. It may seem to many that both sides engaged in the dialogue for face-value kind of exercise instead of making serious bid for peace. The Hizb should not have cancelled the truce so early when it was meant for three months and should not have also insisted inclusion of Pakistan within so short time knowing full well that it was difficult for New Delhi to accept this at this stage. At the same time, Indian government would have done well if it had not mentioned firmly about the possible solution only within the constitution after the talks had begun although it is a common knowledge that New Delhi cannot easily budge from this position. It was understood and as such there was no need to assert on this point and this contention to the failure of the talks.

Arguably, both sides have compulsions and they are under

pressure from different quarters which are difficult to avoid. This situation notwithstanding, the spirit of accommodation is must in settlement of thorny issues where parties concerned adopt diametrically opposite positions. Otherwise, things cannot move. Only some kind of flexibility can help reach somewhere. After all, seeking to own positions blindly would lead nowhere. India despite its vast military power is definitely suffering because of Kashmir problem since it is losing both men and material. Likewise, the militants are losing their men everyday. Islamabad, as a party in the whole scene, should have allowed the Hizb to carry forward discussions at least for some more time than fixing a short deadline for its involvement in tripartite discussions.

As it happens in such cases, the attitude of the parties concerned hardens. The Indian military has resumed its operations in full intensity and the Hizb has carried out car explosions in Srinagar. It appears that the short truce in a way has given birth to bigger source of animosity. The faltering of talks without giving a meaningful chance to make at least some progress is a blunder by both sides. We in South Asia deplore that a chance -- no matter how delicate and difficult -- is lost as both sides conducted the whole exercise in haste and also largely without much sincerity. It may be difficult to revive such an opportunity as the imbroglio is beset to witness greater ferocity now and it is unknown when again the peace process can be launched.

## To the Editor...

### A prescription for dengue

Sir, Dengue fever can be very successfully treated with Homeopathic medicines.

The following medicines are prescribed:

- (1) Fever with severe pain and aching - Eupatorium Perfoliatum 30.
- (2) Fever with cerebral congestion and conjunctivitis - Belladonna-30.
- (3) Fever with skin rash - Rhus Tox-30.

Dr. Ali Ahmed (Homeopath)  
M.B.H.S. (KAR)  
Younan Homeopathic Clinic  
B-411, Khilgaon  
Choudhury Para, Dhaka

### Life-in-danger propaganda

Sir, 'Life-in-danger' is a well-documented and an ancient political propaganda ploy, to extract sympathy and generate crocodile tears through orchestrated mass demonstrations of party workers and sympathisers.

Another reason is that two extremist fundamentalist parties are also being targeted with the 'country-in-danger' ploy. Therefore, the vested party concerned have to provide sufficient credible evidence to the public to the effect that these ploys are not being employed, specially during the pre-election period. It is a tough exercise, world, and highly competitive. Nowadays, politics is a hard-

sell commodity; and it is not enough to be glib. Even the most super power is facing credibility gaps in its twisted and tangled foreign and international policies.

Another outdated tactic is being used in Dhaka, namely 'by hook or by crook'. There is no originality in our politics at the local or national level. Sneaky campaigns may be ignored. We are too imaginative and tend to live in dreamland. We Bengalis are really soft and sentimental at the core.

Hard-core Citizen  
Dhaka

### Judiciary under fire!

Sir, Our Prime Minister has recently said that the government is failing to control the law and order situation in the country and for it she has blamed the judiciary for granting bail and the police for recruiting pro-opposition personnel earlier.

What the government can do to generate administrative confidence in the people? It is supposed to take all necessary action for possible solutions, without blaming any agency. A government is not supposed to offer excuses for non-doing. It is all the more surprising when such statements emanate from the PM. She should guard her sharp tongue when speaking as the head of the government.

Abul M Ahmad  
Dhaka

## OPINION

Hassan Abdul Hye, in his article *Remaking Dhaka* published in *The Daily Star* on the 11th August, has dwelt on the subject of making the Dhaka City Corporation (DCC) more efficient. The gist of his suggestions is that the present DCC should be bifurcated into DCCII and DCCIII over which there will be a newly created Metropolitan Authority for the purpose of ensuring coordination of their activities and functions.

Hye has been a long time Secretary of the Local Government Division. Moreover he is reputed to be an expert on local government. Hence his writings are bound to evoke interest among the stakeholders and others interested in local government affairs.

The basis of his suggestion for bifurcating the present DCC is that the size of the area and population under the jurisdiction of the DCC is too big to administer municipal services efficiently. What will be the logical conclusion of this proposal? We all know as well as we see with our own eyes that the frontiers of the city are expanding almost every day and the size of the population are swelling by leaps and bounds. The demographers and city planners have consistently been predicting that Dhaka city will continue to grow at a very fast rate and it is unlikely that this trend will slow down or stop. This growth will occur in the area and population. If Hye's prescription is acted upon, we will have to allow the process of fission to operate as the city continues to grow. Within not too long a period of

## "Remaking Dhaka"

M.Hafizuddin Khan

time the DCCII and DCCIII will turn inadequate to provide municipal services efficiently. Consequently, DCCIII, DCCIV will have to be created and this process of proliferation will continue.

To cope with the ever-growing trend of Dhaka city the DCC was divided into ten zones with necessary complement of staff in the year 1990. The problem is that the DCC Heads of the Departments did not welcome the creation of these zonal offices. Hence devolution of power and authority along with necessary logistic support have not taken place and the zonal offices are not in a position to discharge properly whatever responsibility they have been entrusted with. If the zonal offices are strengthened with adequate power and logistics instead of being mere offices doing their duty with any amount of sincerity? If the answer is 'yes' then we see the question comes: why do we see garbage stockpiling everywhere? When a road is dug by T&T or WASA or DESA full

payment towards cost of repair as calculated by DCC is paid by these organizations in advance. Why then we do not see prompt repair? Who is monitoring the repair work and to whom the persons responsible for repair are answering? Instances are not wanting when foot overbridges were erected at wrong places and then dismantled after some time for want of users at those wrongly selected locations. Has anybody been identified and taken to task for this infructuous expenditure and causing loss of corporation money? We have seen how tendering for work and supplies in the DCC is handled. It is a matter of common knowledge that any group cannot dare to take up position in the Nagar Bhaban with arms unless they have the backing and support of some godfathers within the DCC. All these instances lead to the conclusion that the basic problem with the DCC is not its size, but lack of governance.

There is a total absence of accountability and transparency on the part of the DCC administration. And the problem of governance cannot, perhaps, be addressed by creating more than one DCC. This will rather increase the overhead cost of the corporation. Furthermore, widespread corruption and deep-rooted vested interests are plaguing the DCC and are major causes of its inefficiency. Bifurcation of the DCC will not, for sure, have any impact on

combating corruption. Only good governance can solve all these problems.

Why governance has failed in the DCC? The answer is not far to seek. In our lifetime we have seen municipalities or other local government institutions absolutely free from political affiliation and political activities. But nowadays the elections are fought on political party lines and the local government institutions remain busy promoting the interest of the political party the head of the institution belongs to. When we pass through roads we find writings on the walls or banners hanging covering the entire breadth of the roads with all political slogans by contesting candidates, commissioner, ward members, nearly written beneath the slogan. Is it the function of a municipal commissioner? Of course he is free to do it as an individual, but not as a commissioner. On top of it all, if the corporation can, at the expense of the corporation, erect 'Mancha' no wonder its commissioners will follow the suit and municipal services will continue to suffer from utter inefficiency.

Hence it is suggested that the DCC and the government should jointly make all-out efforts to improve the status of governance and to introduce transparency and accountability at all levels of DCC administration instead of creating a number of DCCs in place of the present single one.

The author is Ex-Comptroller and Auditor General.