

Trust in Banks

THE banking system is endangered from within. It is a case of brain-rot setting off bodily decomposition. In layman's language, gatekeepers have become poachers. As many as 143 directors on the boards of 23 private banks have borrowed Tk 780 crore from their own banks. They have grossly flouted the rules on two counts: first, by contracting loans quite a few times over and above the limit of 50 per cent of their paid-up share, they have played foul with depositors' money; and secondly, as if that was not enough, several of them defaulted on repayment schedules. With nine per cent of those loans termed as 'classified', one can quite imagine the scale of readjustments and reschedulings otherwise taking place reflecting the general mood of reluctance on the part of the indebted directors to repay their loans.

With the depositors' money siphoned off almost to a point of piracy, the liquidity position of the banks dries up into a dysfunctional state. For the argument's sake, if the top ten per cent among bank depositors were to try and withdraw money from the banks being hollowed out by their directors' borrowing these would certainly crumble like a house of cards. So fragile is their financial health.

The cruelest joke making rounds has been that the easiest way to get rich quick is to open a bank, be its director, rob its vault of the public money deposited in it and throw the repayment schedules into the waste paper basket.

This hits at the fundamentals of the banking system whose corner-stone is public trust. People put money in the bank by way of 'banking' on it for the safe-keeping of their savings as well as for dividends in the shape of interest accruals. To the extent that banking is business, it is business for the clients, the institution and the national economy and not certainly for the extended personal coffers of directors.

Those private bank directors have committed an actionable breach of public trust by abusing their position which is tantamount to defrauding their given role. All of them should be stripped off their directorship along with a review made of the logic behind the bank directors' entitlement to borrowing up to 50 per cent of their paid-up share which is honoured but only in its breach.

More Activity than Result

AS we see it, special drives to arrest "listed criminals" and recover illegal arms essentially mean that normal police operations have proved inadequate in accomplishing the twofold task. In that vein, one extraordinary law enforcement exercise after another - special, combing or whatever - come actually as a reminder to the citizenry that the police have been outnumbered, and perhaps outgunned by criminals, terrorists and their godfathers. Therefore, these drives scarcely inspire any increased sense of safety and security amongst the law-abiding and protection-seeking citizens. These operations even look tainted when the police are reported to have, in some cases, arrested innocent people and let them off allegedly in exchange for 'eas' money.

The police will definitely point to the record books and cite figures to justify the enforcement exercise. Since launching the drive, the police claim that 27,219 people, including 17,416 "wanted" criminals and 75 "terrorists", have been arrested. A major success such as this should have had a palpable impact on the overall law and order situation. Ever increasing incidence of crime and terrorism across the country clearly shows that overall improvement in terms of civic security remains a far cry.

The police score-card is not all in the negative but the basic public feeling is that despite the police hype nothing seems to change on the ground. So long as criminals slip through our fingers and the rate of conviction of the arrested and the accused keeps as low as it does special drives can only mean more activity with little result.

Anti-Corruption Measures

THE impact of corruption on our economy is being increasingly revealed by the international organisations these days. The World Bank recently suggested if the level of corruption could be significantly reduced, the rate of growth in Bangladesh's GDP would have been 7 per cent. Transparency International, Bangladesh (TIB) on Sunday revealed that corruption has drained out Taka 11,535 crore of national wealth adding that this not merely involved financial loss but also infringed the rights of citizens. TIB put forward a number of recommendations for curbing corruption in the country such as strengthening the Bureau of Anti-corruption; action on the basis of newspaper reports; ensuring transparency and accountability of individual government functionaries; curbing discretionary power of government officials; scrapping the Official Secrecy Act to establish right of people to know government activities; strengthening vigilance of C&AG; and strict implementation of anti-corruption law.

Although these recommendations are good, we would still like to add to them drawing upon our own list of suggestions. First, there should be an anti-corruption commission which will function independent of any control from the office of the head of government. This will be in line with what the US, India and some European countries have had with extraordinary powers vested in the agency charged with the responsibility of investigating allegations of corruption regardless of who is high and mighty and who is not. Secondly, the adherence to the instructions of the C&AG by all government departments, autonomous and semi-autonomous organisations must be made compulsory. Furthermore, the parliamentary standing committees dealing with ministries and public undertakings must play a stronger role to ensure that corruption and malpractices in their areas of jurisdiction are curbed. The system of periodic inspection in government offices has to be revived. Last but not the least, the system of annual declaration of the assets by government officials and public representatives will have to be enforced.

Golam Azam and the Trial of War Criminals

A period of 30 years is never too late when considered in the backdrop that even after 55 years of the end of the World War II Nazi war criminals are still hounded and put to trial. Crimes against humanity are never pardoned and accorded amnesty.



HEART OF THE MATTER

Mansoor Mamoon

regret for what he did and that if he was to be born again he would unhesitatingly repeat criminalities of his past life.

Golam Azam told a blatant lie in course of his interview with the BBC. He said that he and his party had not taken any side and no Islamic Party had supported the War of Liberation. It is said that in Bangladeshi public memory is proverbially short, but it is definitely not as short as Golam Azam thinks and that the people of Bangladesh have forgotten the role he and his hordes had so abominably played as auxiliary forces like Razakars, Al-Badr and As-Shams in the genocide, rape, loot, plunder and destruction perpetrated by the Pakistan occupation forces. Golam Azam as the then Amir of the erstwhile chapter of East Pakistan JI several times met General Tikka Khan, the Martial Law Administrator and issued statements in support of army action on the unarmed people. JI had also representation in the civilian administration of Governor Abdul Malek and alleged to have masterminded and carried out the brutal extermination of the intellectuals, the best brains of the country.

History of Jamaat is replete with such contradictions and exploitation of religious sentiments of the people. Moulana Abdul Al Moududi, the founder of the JI, opposed the creation of Pakistan. Subsequently, however, JI became the custodian of Pakistan. The same strategy was repeated as regards its role in the emergence of Bangladesh. After opposing Bangladesh's independence the party is now posing to be the sole protector of its sovereignty and geographical integrity. What an anomaly!

After the people of Bangladesh emerged victorious Golam Azam's citizenship was cancelled and religion-based parties including JI stood banned in difference to the public demand. Golam Azam had earlier escaped to Pakistan from where he continually indulged in anti-Bangladesh canard directed to the Muslim countries in general, and the Middle Eastern countries in particular, in a bid to block the country's recognition by them. In 1980 with a Pakistani passport in his possession he came to Bangladesh with the plea of seeing his ailing mother. Since then he continued to stay in Bangladesh

without renewing his visa. Ziaur Rahman was then in power and the ban on the religion based parties was lifted. JI started functioning under a different name and Golam Azam became its de facto Chief. During the movement against General Ershad JI came closer to both the Awami League (AL) and the BNP-led fronts. Alongside the AL, the Jamat also took part in the parliamentary elections in 1986 which legalised Ershad's Martial Law regime, and two years later when AL resigned en masse from Parliament JI also followed suit.

In 1991 Golam Azam threw away his camouflage and came into the open. Despite the fact that he was still a foreign national he formally assumed the post of the Amir of JI, which is contrary to constitutional provision. This infuriated the freedom fighters and members of the civil society, who under the leadership of late Shaheed Janani Jahanara Imam formed the Ghatak-Dalal Nirmul (root-

ing out of the collaborators and killers of 1971) Committee and held a 'people's court' (Gono Adalat) at Dhaka's Suhrawardy Udyan, where Golam Azam was awarded death sentence for his war crimes substantiated by documents and testimonies. The 'court' also convicted other war criminals for their collaboration with the occupation army. To appease mass sentiment the government of the then Prime Minister Begum Khaleda Zia was compelled to haul Golam Azam into the Dhaka Central Jail. In the meantime the higher court in a verdict declared the cancellation of his citizenship as null and void. Golam Azam came out of prison with the dividend of lawfully holding the reins of JI as its Amir. Meanwhile, the Awami League, which patronised the formation of the Ghatak-Dalal Nirmul Committee, openly wooed JI for its support in its movement against the BNP government of Begum Khaleda Zia. This was nothing but politi-



Jahanara Imam of Ghatak Dalal Nirmul Committee declaring verdict of "Gano Adalat" against war criminals at Suhrawardy Udyan on March 26, 1992.

-- Photo courtesy: Ekatturer Jatree /Pavel Rahman

cal expediency and duplicity on the part of AL. After the June 1996 polls the JI tactfully changed its strategy and has aligned with the BNP.

Reacting to Golam Azam's comment in the BBC Prime Minister Sheikh Hasina said on the following day that he (Golam Azam) should be tried for committing war crimes. She, however, did not specify how Golam Azam's trial could be held. The questions that naturally crops up in the mind are (a) had JI been supporting the AL what would have been the attitude of PM towards Golam Azam and (b) why she is calling for the trial at the fag end of her five-year tenure as Prime Minister? Had she been sincere enough in this respect she would have moved much earlier. Mentionably it was Sheikh Mujib Rahman, who had granted amnesty to the collaborators, and Ziaur Rahman went a step further and annulled the collaborators Act thereby blocking their trial. Under the tri-partite arrangement among Bangladesh, India and Pakistan as a sequel to Simla Agreement between Indira Gandhi and Z A Bhutto in 1972 as well as due to international pressure Sheikh Mujib Rahman had to abandon his plan of holding trial of 195 Pakistani war criminals. Sheikh Mujib was candid enough to publicly admit his failure in this regard. The leaking out of the interim report of the Hamoodur Rahman Commission set up by Bhutto for investigating into the causes of the defeat of the occupation forces in 1971 by an Indian weekly (India Today) gave horrendous account of the atrocities committed by them in Bangladesh. The report identified several persons by name. It stirred the conscience of the people and fresh demands for the trial of the war criminals have been voiced by different quarters. The Prime Minister also raised the demand in course of her interview with CNN in September 2000 when she was in New York in connection with the UN Millennium Summit.

Albeit the clemency declared by Sheikh Mujib and Ziaur Rahman's overtures to the collaborators, the Constitution of the country has clearly laid down provisions for the trial of those guilty of genocide and other crimes against humanity. Article 46 (3), incorporated and added by Act XV of 1973 states "Notwithstanding anything contained in this constitution, nor any law nor any provision thereof providing for detention, prosecution or punishment of any person, who is a member of any armed or defence or auxiliary forces or who is a prisoner of war, for genocide, crimes against humanity or war crimes, and other crimes under international law shall be deemed void or unlawful, or ever to have become void or unlawful, on the ground that such law or provision of any such law is inconsistent with, or repugnant to, any of the provisions of this Constitution." This shows that there is no bar in holding the much-vaunted trials of the war criminals including that of Golam Azam. If the Prime Minister really means business she should invoke this provision in our basic law and ask the Law Ministry to arrange for the trial.

A period of thirty years is never too late when considered in the backdrop that even after fifty years of the end of the World War II Nazi war criminals are still hounded and put to trial. Crimes against humanity are never pardoned and accorded amnesty. Two separate international courts were set up for the trial of the war criminals in Rwanda and Yugoslavia. Preparations are almost complete for the establishment of International Criminal Court (ICC) under the auspices of the United Nations to give it an institutional shape. Both Bangladesh and Pakistan are signatories to the Charter of the ICC. Though the ICC is authorised to try cases which take place after its establishment, attempts are being made to file specific cases of genocide in Kampuchea committed in 1975. Pakistan has at long last agreed in principle to publish the Report of the Hamoodur Rahman Commission. If Bangladesh creates international pressure Pakistan may one day agree to hand over those named in the report before the ICC for trial. Good sense may one day prevail on the Pakistanis. The government should therefore act in two directions hold trial of the war criminals inside the country and start flurry of diplomatic activities for Pakistan to agree to put to the dock of ICC 195 identified war criminals who may be still alive. This the government owes to the martyrs and victims of rape as well as loot and plunder in 1971 and also to all freedom-loving Bangladeshis.

OPINION

Reform and Fundamentalism in Islam

by Ali Ahmed Ziauddin

RLOTS of the present wave of Islamic fundamentalism across the world can be traced to the early days of Islam and later against several reform movements spanning over a millennium. Prophet Muhammad (pbuh) and after him his close associates in their lifetime developed a concrete structure of an Islamic theocracy combining the temporal and the divine in the office of the *Khalifa*.

World history has enough evidence that no temporal power is free from the laws of science of history. Islamic states proved no exception. Political rivalry within half a century of the Prophet's death led to the *Khalifate* turning hereditary contrary to the practice of election by *Ummah*. The *Khalifa* then began there.

For all practical purposes religion and politics got separated by late 10th century during the time of the latter Abbasids. The once powerful *Khalifate* turned into a religious figurehead of the Islamic *ummah* and the reigning sultan in different Islamic State's wielded the real political power. Imam Ghazali, the famous jurist and mystic, in mid 11th century merely recog-

nised this compromise and gave it a legal, theological approval. Others after him went even further. Open discourse ensued on the nature of state, politics and religion in Islam.

In late 13th century came Ibn Taymiya, sharply contradicting these deviations. By then moral decadence in the Arab world reached such a low ebb and the society overall had become so much complex that his ardent call to go back to the simplicity of the early *Khalifas* fell on deaf ears. Islamic heartland was still reeling from the shock of Baghdad's sacking by the Mongols. With the rise of the Ottomans the already nominal *Khalifas* virtually became head of the government's religious department. In such an atmosphere, political scientist of late 14th century Ibn Khaldun's theory of *Siyasa Aqila*, the concept of power-state, appeared very relevant. Yes, his ideal remained *Siyasa Diniya* or the early *Khalifate* but he was practical enough to realise its implausibility and proposed a government based on human reason. It was a revolutionary idea long before Machiavelli that transcended the Islamic world and influenced the

latter day western concept of nation state. However, Ibn Taymiya was not forgotten entirely. In late 18th century in Saudi Arabia Abd al-Wahhab resurrected his ideas. Later, his followers established a kingdom through a militant armed movement. Most of the modern day militant Islamic outfits trace their root in both Abd al-Wahhab and Ibn Taymiya.

All these historical evidence lead to three broad conclusions.

One, reform of the ideal state structure of Islam and adapting to changed circumstances is not unheard of as some of today's so-called militants would have us believe.

Second, fundamentalist movement within Islam is not a new phenomenon either. It has appeared from time to time opposing reform and adjustments with of course very little success, nonetheless has remained as an orthodox current within the Islamic body politic.

Third, both these opposing schools have been at loggerheads over nearly the whole of Islamic history. It has trickled down to the present day with an overwhelming allegiance in favour of separating religion and politics, though the battle line is not yet

clearly drawn.

The institution of *Khilafate* functionally long dead was finally abolished in the early twentieth century. The last symbol of unity of the Islamic *ummah* was gone. From here on the Islamic world had to trek on a completely uncharted territory. The glory of Baghdad, Cordoba or even Delhi under the Moguls was ancient history. Islamic world was not yet ready to come to terms with its theocratic past, disarray present and a hazy future. After a long slumber when ambition for modern living like any other nation finally provoked the Islamic world to wake up, the world was already polarised between two contending camps. While the reformist trends within Islam led to embracing modern democratic values and a secular approach to life and society, the orthodox trends led to autocratic formations. Attempts by the Islamic world to catch up with the west in the framework of nation state resulted in three different types of state formation over the past six or seven decades.

In the first category, there are the kingdoms, fiefdoms and the principalities of the Arab world. They neither practice theocracy

nor modern democracy. Second come the so-called Islamic revolutions that claim adherence to the fundamental teachings of Islam as a state, politics and society. The fact is, within twenty years of the revolution Iran is rapidly realising that it cannot do away with the west. With popularly elected Ayatollah Khatami at the helm, dismantling of the revolution has already begun. And the Taliban have all the potentials of turning into the Islamic brand of another Pol Pot regime. Both these experiments seem to be more interested in the letter of the *Sharia* instead of the spirit.

In the third category we have the countries of Central Asia, Turkey, Egypt, Pakistan, Bangladesh, Malaysia, and Indonesia. In different scales all these countries are still open to both the influences of the orthodox brand of Islam and their numerous militant outfits and a huge number of middle-of-the-road population who would opt for a secular society without having to discard their Islamic identity. Turkey has already been a stable secular society for long. The countries of Central Asia having recently come out of the Soviet hold are yet to decide. Though Egypt is often hacked by militant Islamic groups it seems to prefer its secular credentials. Pakistan dreams of a secular society as well as an Islamic state. As a result it remains volatile. While Indonesia has a secular society, decades of autocracy have created space for fundamentalists to appear as a threat. Democracy is only unfolding. That leaves Bangladesh and Malaysia. Both are going through vigorous and living experiment of practicing modern day democracy.

While Malaysia is economically secured and can afford a lengthy discourse Bangladesh finds itself as the frontline state in the struggle between orthodox Islam and modern democracy while nourishing its Islamic tradition and also to progress economically. Only in this light the ongoing struggle between moderate secular politics, however weak, and forces of orthodoxy even in the garb of democratic politics becomes so relevant. Coming days, months and years will set an example to rest of the Islamic world whether modern democracy and Islamic values can coexist.

To the Editor ...

"Hopes cruelly belied"

Sir, The above quoted part was the caption of a photograph front-paged on *The Daily Star* of 5 November. It describes how a widow of Comilla district after returning from the Middle East lost all her savings which she earned through hardship in the desert of Abu Dhabi. The said woman found her suitcase cut and the purse where she kept about five thousand Dinar, missing.

The hapless woman was ruined within an hour after returning to her sweet motherland. This incident is sufficient enough to shake the conscience of the citizen, but alas, the authority concerned is remains completely unmoved.

Very often, our print media stress on the need of proper actions against the miscreants at ZIA International Airport but those seem to be fallen into deaf ears. Is it really difficult for the authority to free ZIA from the offenders? We hope, after this incident, the authority will become conscious, find the culprits, compensate the poor woman and take necessary steps

so that no such incidents occur in the future.

Enayetur Raheem
Dhaka

Gangsterism reigns in Bangladesh

Sir, We had read about the gangsters operating in Chicago centuries ago and the tall tales of the Western cowboys. Now Bangladesh is ruled by the gangsters who are sparing none. The situation was not so vulnerable even five years ago, specially considering the daily killings, road robberies and hold-ups.

The politicians specially the ruling party have failed to live up to the expectations of the people of this hapless country. It appears that some more time is needed for the politicians and democracy to rule the country in the normal manner. Now it is total un-rule everywhere, without any effective control. There is no place for the daily killings, road robberies and hold-ups.

It has taken more than seven years to approve a big project for the expansion of telephones in the metropolis, and the government has been acting like a *late Latif* on telecom policies, shielding the public sector from the private business marauders. Now it has to explain to the public what is the fare during this 3-year waiting period.

Why we cannot make up our mind, time and again? Dhaka is suffering from telephone and road traffic jams due to the queer mindset of the administration. The voters' verdict at the next general election should give a fitting response to the pathetic

connections. It is not clear if this Wordtel fixed service will be a wireless network, as the traditional wire system is out of date and costly (capital and maintenance). Then there was an earlier report in the press about bringing in the outdated Japanese Handiphone system to dump it on Bangladesh. The proposed telephone billing machines (cash memos from private telephone booths are not yet operational perhaps some group put a spanner in the works!

The official policy on telephone services is deplorable, inadequate and misunderstood, when fast solutions are available in the market. India also passed through this lingering phase for many years due to bureaucratic tangles, until some expert Indian came from the US and breezed along new projects one after another.

A Mawaz
Dhaka

Give women their rights

Sir, Nothing can justify the discrimination that takes place against women from the time of their birth. Social customs and practices are one thing, but when such blatantly discriminating practices are incorporated into law, a society cannot survive long without damaging its collective conscience.

I am referring to the fact that according to our law, women are entitled to inherit only half of what men are entitled. They will receive half only because they are women, they are of the so-called weaker sex. If this is