The Daily Star
Founder-Editor : Late S.M. Ali
Dhaka, Thursday, January 25, 2001

Black Law and its Black Application

Why has the country gone from bad to worse in terms of law and order? Why has the government failed to provide the basic rights of the citizens, to protect their life and property, despite having assigned this issue its first priority immediately after formation of the government four and a half years ago? The answer is simple. The ruling party has neither the ability nor willingness to redeem its pledge.

Currents and Crosscurrents

by M M Rezaul Karim

THE Public Safety Act 2000 has again come into focus in a big way. Attempt to round up an Opposition stalwart, M. Morshed Khan M.P., and his son has since been overtaken by instituting cases under the PSA against 16 Supreme Court lawyers and the same Morshed Khan, who happened to be there for his case, again.

The black law was enacted in record time of 17 minutes in unnecessary haste

and, in Awami League style, without allowing discussion in the Parliament and making officials work round the clock on weekends. Even the Hon'ble President had reservations about the law, specially regarding its non-bailable section, and did not affix his signature till the last day.

Objections to this black law are many. In short, it is anti-constitutional, undemocratic, discriminatory and highly repressive. Over and above, it was superfluous due to the fact that the offences covered under this Act can be dealt with well under the existing laws of the land. It became necessary, as it transpires, only for the ruling party to intensify and perpetuate the reign of terror unleashed by them against the opposition political parties. This apprehension constituted an important element of the objection to the enactment of this law by all political parties, without exception and including partners of the so-called consensus government. With successive events, this has proved to be correct.

The major difficulties faced by the people, besides the anti-human rights character of the law, is the discriminatory nature of the application of this law by the law enforcing agencies, albeit at the behest of the ruling political party. The ostensible purpose of the law was to suppress the rising spate of terrorism in the country. Yet, top terrorists, like members of the notorious Five Star Group and Seven Star Group, have not been touched, except by themselves in order to settle their own internecine scores. Murders have taken place on the premises of the court of law within the hearing distance of the Magistrate and in front of the police. Bombs were being hurled on peaceful political rallies. The latest example was set by killing half a dozen unsuspected participants in a peaceful meeting staged by the Communist Party in Paltan Maidan on 20 January. The demand for instituting a judicial inquiry has been completely ignored by the government without reason. At the same place, some three years ago bombs were thrown to disperse a BNP political rally in which its Chairperson narrowly escaped. The Udichi crime in which several people lost their lives still remains unresolved. Opposition leaders are called from home to be killed by terrorists and lack of proper investigation by the police severely jeopardizes citizen's right to pursue peaceful political vocation. On most instances, the police filed cases under the PSA against the aggrieved opposition leaders and workers beaten up and wounded by the ruling party members and their supporters. Even the case relating to the discovery of bombs before and after Prime Minister's meeting at Kutlipara has not progressed and the deliberate silence about the report of American bomb experts appears shrouded with mystery. To sum up, political and non-political crimes both have reached the record level. At no other time since the creation of Bangladesh have ordinary people suffered so much from a sense of lack of total security of their life and property.

Why is it so? Why has the country gone from bad to worse in terms of law and order? Why has the government failed to provide the basic rights of the citizens, to protect their life and property, despite having assigned this issue its first priority immediately after formation of the government four and a half years ago? The answer is simple. The ruling party has neither the ability nor willingness to redeem its pledge. Such a serious accusation, no doubt, needs to be backed up with both facts and logic. With the exception of the commendable action of rounding up the well renowned terrorist, Shiraj Shikdar, in the south-western region of the country, the government's drive against known criminals has at best been lukewarm. People suspect that many government leaders have been patronizing some of the notorious groups of terrorists to serve their own purpose and will continue to do so till the election. As a result, any police action against the latter is thwarted by way of intervention from their benefactors. A section of the police consequently get the indulgence and feel encouraged not merely to revert but also to accelerate their traditional way of doing things.

The latest application of the PSA against the lawyers took place as per ruling party's demand voiced publicly by the Law Minister following staging of demonstration in front of the chamber of the Chief Justice by a large number of Supreme Court lawyers protesting appointment of two judges in the Appellate Division. These two judges were promoted on the basis of mandatory recommendation of the Prime Minister, thereby superseding two other at least equally good and efficient senior judges. Prime Minister's preference to the two junior judges has given rise to a spate of speculation. The demonstrating lawyers considered the action as gross injustice to the superseded judges. Their method of holding demonstration may have hindered the Chief Justice from carrying out his normal functions for some time. As a result, their apparently justifiable case was weakened and questioned by people from the opposing camps. But the offence could normally be tried under the existing laws of the land yet the PSA was invoked at the insistence of the government.

The lawyers in question subsequently protested vehemently, challenged executive's authority within the premises of the highest court of judicature and demanded investigation by order of the Chief Justice. The government paid no heed to those demands nor the Supreme Court chose to exercise the legitimate authority of the Judiciary. Meanwhile, five eminent and respected lawyers of the country sought a compromise and called on the Hon'ble President and, it is understood, offered a formula by promoting the other two Judges also to the Appellate Division. But it requires recommendation of the Prime Minister, who is now travelling abroad. Conscious citizens would, therefore, expect the Prime Minister to accede to the compromise formula in the interest of the much sought after peace, understanding and harmony in the nation.

The author, a former Ambassador, is Member of BNP's Advisory Council.

LETTER FROM AMERICA

It is Difficult to Accept President Bush as Legitimate

Dr. Fakhruddin Ahmed writes from Princeton

Six hundred and fifty-five law professors from all over the country published the following full page ad in The New York Times on January 13: "...We are Professors of Law at 134 American law schools, from every part of the country, of different political beliefs. But we all agree that when a bare majority of the US Supreme Court halted the recount of ballots under Florida law, the five justices were acting as political proponents for candidate Bush, not as judges."

MORE demonstrators than supporters greeted President Bush on his way to the swearing-in ceremony on January 20. At several points along the parade route the presidential limousine had to speed up, as protestors drowned out the Bush-supporters. Displaying derogatory signs such as "Hail to the Thief" the protestors outdid the previous biggest demonstration at a presidential inauguration in 1973, when President Nixon was sworn-in for his second term. This is a huge difference between now and then though. In 1973 the protestors were demonstrating against the Vietnam War. On January 20 they were challenging George W Bush's right to be inside that presidential limousine!

Just as George W Bush was being sworn-in as the 43rd president of the United States, a parallel demonstration in front of the Supreme Court mocked the five Justices, or shall we say "Injustices," who had anointed Bush the President. "Bush has been elected by popular vote of five people" read a placard. As Chief Justice William Rehnquist administered the oath beseeching George Bush to protect and honour the "constitution of the United States," snickering could he heard all over America. Had not these two individuals conspired to soil the constitution of the United States beyond recognition?

The five justices demonstrated that mere wearing of a justice's gown does not necessarily curb one's partisan instincts. Justices Thomas and Scalia should have disqualified themselves from the Florida case, because Thomas's wife and Scalia's son are heavily involved in Republican politics. All the five conservative justices are buddy buddy with Dick Cheney, the Vice President and the plaintiff, and Princeton graduate James Baker, who prosecuted the Bush's judicial onslaught. Al Gore had to be an extraordinarily big man to concede defeat in the face of certain knowledge that the cards were so unfairly stacked against him.

Comedians have come down hard on Al Gore: "Here is a supposedly smart guy (Gore), one of the duo responsible for heralding unprecedented prosperity to America, going up against a not-so-smart opponent (Bush), who had admitted to drug use, was arrested for drunken driving, and received 540,000 less votes than Gore, and still Gore lost!" Muslim organisations in America had endorsed Bush, because Republicans are perceived to be less friendly to Israel. Muslims say that their vote, about 60,000, made the difference for Bush in Florida. Poor Gore! All he needed to do was to Arabize his name (al-Gore) to nail down the Arab vote!

Although Al Gore has won 540,000 more popular votes than George Bush, it would have been easier to accept Bush as President, had he not employed his scheming brother Jeb Bush, the Governor of Florida and the Supreme Court to forcibly forestall the recount of the validly cast votes in Florida to preserve his "victory." Bush people figured that once he is sworn in, people would forget how he got there. Not likely. President Richard Nixon too had predicted that the break-in at the Democratic headquarters at the Watergate complex of Washington, DC in June 1972 by Republican operatives would be dismissed by voters as mere "politics." Instead, it led to Nixon's resignation in the face of certain impeachment and removal from office, two years later.

Astonishingly, Bush people still talk of Bush's "mandate" to nominate whomever he wishes to his cabinet, such as right-winger John Ashcroft as Attorney General. How can Bush talk of a mandate when he received 540,000 fewer votes than his opponent? If anyone has a mandate, it is Al Gore! By emulating the Bush strategy, all the losers of elections all over the world can claim a mandate to govern! Presses worldwide are beginning to question the legitimacy of the Bush presidency. British press has already expressed the view that Bush has not been elected in a truly democratic manner. A dark cloud of illegitimacy will hover over George W Bush as long as he is the President.

Signs are that Bush administration will be inward-looking. Bush will rely heavily on Secretary of State Colin Powell and National Security Advisor Condy Rice on foreign affairs. Both are well known for their dislike of intervention. There will not be much humanitarian intervention a la Clinton administration's engagement in Bosnia and Kosovo. Tensions with Russia, which the Bush people view as an enemy, will be ratcheted up one notch. Son Bush will attempt to finish up Daddy Bush's unfinished business with Saddam Hussain of Iraq, although he will find little cooperation from Arab allies of ten years ago. In a departure from the Clinton administration, which favoured direct talks between the Israelis and the Palestinians, Bush administration will try to engage Saudi Arabia, their trusted friend, in the Middle East diplomacy. Surprisingly, Colin Powell is taking unusual interest in Africa. The Bush administration will be more sympathetic towards Pakistan than the Clinton administration was.

If anyone believes that America has forgotten how Bush became President, he/she should think again. Six hundred and fifty-five law professors from all over the country, from Harvard, Yale, Columbia and Cornell to Chicago, Stanford and Berkeley (Princeton and MIT do not have law schools), including over twenty from Texas, George Bush's home state, published the following full page ad in The New York Times on January 13: "655 Law Professors say, by stopping the vote count in Florida, the US Supreme Court used its power to act as political partisans, not judges of a court of law. We are Professors of Law at 134 American law schools, from every part of the country, of different political beliefs. But we all agree that when a bare majority of the US Supreme Court halted the recount of ballots under Florida law, the five justices were acting as political proponents for candidate Bush, not as judges."

"It is not the job of a federal Court to stop votes from being counted. By stopping the recount in the middle, the five justices acted to suppress the facts. Justice Scalia argued that the justices had to interfere even before the Supreme Court heard Bush team's arguments because the recount might "cast a cloud upon what (Bush) claims to be the legitimacy of his election." In other words, the conservative justices moved to avoid the "threat" that Americans might learn that in the recount, Gore got more votes than Bush. This is presumably "irreparable" harm because if the recount proceeded and the truth once became known, it would never again be possible to completely obscure the facts."

"But it is not the job of the courts to polish the image of legitimacy of Bush presidency by preventing disturbing facts from being confirmed. Suppressing the facts to make the Bush government seem more legitimate is the job of propagandists, not judges. By taking power from the voters, the Supreme Court has tarnished its own legitimacy. As teachers whose lives have been dedicated to the rule of law, we protest."

Expect the initial rumblings of protest to rise, over time, to a crescendo. By so eagerly courting a tainted Presidency, George W Bush cannot run away from its illegitimacy.

Lest We Forget

Mohammad Hossain: Rediscovering a "Saogat" Talent

by Dr S M Munzur Murshed

TODAY is his 100th birth anniversary. It's him Mohammad Hossain (1901-1960), a well-known poet and writer of the first phase of "Saogat". Very rightly he had won the esteem of renowned editors, critics and literature-loving readers in those days. But surprisingly enough, researchers and historians of Bangla literature of later days have never come at him. I have gone through a number of research and history books on Bangla literature in an attempted quest. Unfortunately, none of those books, published either in the then East Pakistan or in Bangladesh, has ever disclosed the literary life and works of Mohammad Hossain. It is however to be noted that a book entitled, "Mohammad Hossain" will be published soon by Bangla Academy under "Jiboni Granthamala" (a series of literary biographies).

I am by no means connected with Bangla literature, nor can I claim to be a connoisseur of art and literature. It's only due to the call of my childhood and the desire for preserving his memory, have I looked back and drawn out his literary treasure out of the abyss of oblivion. I had been with him from my birth to boyhood. I was born about sixteen years after he published his book "Shishu" ("The Child"), published in "Bhorer Benu", comes to my mind,

"The first light in darkness, thou art the greatest gift of God.

Pure and beautiful as the first look of the dawn.

O naked saint with no sense of discrimination.

Devoid of deception, O sinless! Thou art the symbol of concrete virtue."

I cannot but become a child at this age, in my late fifties. And it seems as if, he wrote this poem on seeing me at the lap of my mother. This is how my identity mingles with that of the poet.

He has written profusely all through his life. I have seen a number of his manuscripts in my boyhood, but I had no idea about his literary identity until recently. In this context, let me remember a few lines of his poem "Kabi" ("The Poet") published in "Masik Mohammadi" (Falgun 1349, p. 229),

"I remain ever-buried within myself

As great ocean remains dormant in itself

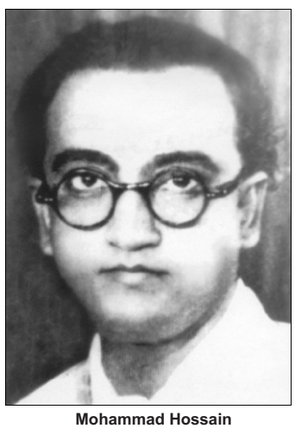
With own sleep and wakefulness

It brings to my heart a hundred streams with torrents of a new era."

It is due to this introversion, he was reluctant to give publicity to himself. His lack of interest in self-publicity was so strong that never had he uttered a word about his literary life even casually to me. As such I had no idea about his literary identity so long.

Mohammad Hossain was born on the 25th January 1901 at village Salar under PS Bharatpur in the district of Murshidabad, West Bengal, India. He came the middle class family of Munshi Abdul Ali. Not only in Salar, he was well known as a brilliant student all around.

He got his appointment as a Sub Deputy Collector on the 13th July 1925 after he was selected for Bengal Junior Civil Service (BJCS). During partition of India in 1947, he opted in favour of the then Pakistan and was posted at Bagerhat as a Class I magistrate. He came to Kushtia on transfer in 1949 and had permanently settled there. Throughout his service life, he earned name and fame as an honest, sincere and efficient government officer. On the 18th March 1960 he breathed his last in his own house "Khatun Munzil", Courtpara, Kushtia.



Mohammad Hossain

His first poem was published at the age of only 18 years in monthly "Saogat" (Baishakh 1326, p. 434). Not only in poetry, Mohammad Hossain put his mark in prose writing too (Mohammad Nasiruddin, "Bangla Sahitye Saogat Yug", 1985, p. 1587). His poems, short stories, articles etc. have been recovered from well-known Calcutta-based literary magazines, namely "Saogat", "Bangiya Musalman Sahitya Patrika", "Moslem Bharat", "Angur", "Shishu Saogat", "Sahachar", "Masik Mohammadi", etc. It has been mentioned in the "Barshik Saogat" of 1926 that Mohammad Hossain had translated the book "Al Faruk" of Maulana Shibley titling it as "Hazrat Omar" ("Sahityik O Sangbadik) Parichai", "Barshik Saogat", Bangla 1333, p. 192). In 1928, he published a book entitled, "Bhorer Benu" containing some of his poems, an article and a tale (Mohammad Hossain BA, "Bhorer Benu", Bangla 1335, p. 3+30).

"While studying at a college", he drew the "particular attention of literary circle" by presenting "a number of beautiful poems to the readers of Saogat" ("Sahityik O Sangbadik Parichai", op. cit. p. 192). In 1926, Abul Kalam Shamsuddin, the renowned critic of Bangla literature, in his famous article, "Kabya-Sahitye Bangalee Musalman" gave Mohammad Hossain a special status as one of the rising poets of Rabindrik era on having recognized the "sweet touch" in his poems. Four other rising poets whom he attributed special status were Jasimuddin, Bande Ali Mia, Fazlur Rahman Chowdhury and Humayan Kabir. The critic, Abul Kalam Shamsuddin, offered special honour for these rising poets including Mohammad Hossain by saying that "without mentioning them", the discussion on the Muslim poets of Rabindrik era "will remain incomplete" (Abul Kalam Shamsuddin, "Kabya-Sahitye Bangalee Musalman", "Saogat", Agrahayan 1333, p. 423).

"Saogat" editor Mohammad Nasiruddin, the creator of an era, had no doubt believed that a "Saogat" talent named Mohammad Hossain lost his identity in the passage of time. That is why he wrote a few words about the literary life of Mohammad Hossain (Mohammad Nasiruddin, op. cit., p. 1587). But Mohammad Nasiruddin was presumably not satisfied with such a meager exposure for him. And therefore, he put him in the list of foremost writers of the first phase of "Saogat" and thereby gave recognition to his literary genius. Of the 790 Muslim writers of those days Mohammad Hossain was placed among the top 26 whom "Saogat" editor regarded as the most notable writers. The other notable writers were Abdul Karim Sahitaya Bisharad, Poet Kaikobad, Mozammel Haque (Shantipuri), Syed Emdad Ali, Syed Ismail Hossain Shiraji, Sheikh Fazlul Karim, Mohammad Wazed Ali, Abdul Monsur Ahmad, Dr Mohammad Lutfor Rahman, Dr Abdul Gofur Siddique, Dr Muhammad Shahidullah, Shahadat Hossain. Golam Mostafa et. al (Nasiruddin, op. cit., p. 182-183). Mohammad Nasiruddin had also made special mention of the contributions of our National Poet Qazi Nazrul Islam to "Saogat" in a separate paragraph (Mohammad Nasiruddin, op. cit., p. 183).

The writings of Mohammad Hossain are sometimes bright in secularism, sometimes great in Bangalee sentiment. They sometimes are shining as the light of dawn and sometimes brilliant with his social consciousness. His writings are sometimes dazzling with optimism and sometimes ornate with childish simplicity and innocence. The number of his writings that has been recovered during the quest is certainly small, but they all are indeed self-luminous in literary value. When Bangla literature was not only bifurcated in Hindu and Muslim streams but also was shadowed by religious dogmatism, his non-communal consciousness rose much higher than religious emotion through choice of ideas and words. Perhaps this was a proud feeling of his life and an ornament of his literature. And this is where he was strikingly opened hearted and bearer of progressive ideas.

The broadness of his outlook, the depth of his ethical and social consciousness and profundity of his artistic mind will perhaps pervade his reader's mind with the concentrated purity of dawn-light, by making him non-communal, society-conscious, Bangalee-minded and optimistic. These words were not taken from the judgement of any critic this is my final realization out of interaction mixed with good and bad feelings while reading his literature as a common reader.

Only inquisitive mind and sincerity do not ensure completeness of a quest on the literary life and works of a writer. It needs scholastic knowledge on literature and a lot of experiences and facilities. In my quest for the literary identity of Mohammad Hossain at a personal level, I have, at every moment, felt the limitations of my knowledge on the subject as well as the lack of facilities. Therefore I have no hesitation to acknowledge that my salvage attempt has undoubtedly remained incomplete.

In fine I like to say only this much that the researchers of Bangla literature will come forward and show interests in doing research on literary life and works of Mohammad Hossain and his contemporaries who have still been left undiscovered. I strongly believe that their lofty attempts will be added to this unostentatious one of mine and therefore, tomorrow or day after tomorrow, the identity and heritage of the then Muslim Bangla literature are to be fully revealed.

The author is Professor and Head, Department of Agricultural Economics, Bangladesh Agricultural University, Mymensingh.

To the Editor ...

Sanitary Inspectors

Sir, The government is claiming that it is opening more and more clinics for our rural people. But clinics are not of much use if people are deprived of minimum health care and protection. For example, we, the people of Kaliakair *thana* under Gazipur district have been suffering a severe sanitation problem. There are innumerable users of open latrine and there is no provision for a hygienic sanitation system. As a result, the healthy environment of this area has been destroyed.

We have an *upazila* hospital, a few doctors and a sanitary inspector. As far as I know, the sanitary inspector should investigate all the open latrines in their area. But the sanitary inspector at Kaliakair thana is totally inactive. Is he not on a government salary? Are not they government service salary?

We would like to request the authority concerned to please look into the matter otherwise all the efforts of the government will vanish on the issue of the health sector.

Md Nurul Islam
Boliadee, Gazipur

Party Favours

Sir, One notices regularly in the print media that Press Supplements in favour of ruling party personalities or anniversaries are inserted for publicity, and the expenditure is met from the budgets of one or more government departments, as is clear by the advertisements appearing alongside.

The question is, where is the line that separates party interest from government public interest? Why can't the party pay for full-page Supplements from its own funds or through voluntary sponsorships?

The problem with our leadership is that they do not know (or care) where to draw the line. Discretion is not practised by most of those who wield power and influence the temptation cannot be resisted. How can one have confidence in leadership like this? As a voter one finds it very difficult whom to vote for birds of a feather, flock together.

A Citizen
Dhaka.