

Make the anti-corruption body independent soon

TIB report deserves serious consideration

THE work of Anti-corruption Bureau which functions under the supervision of the Prime Minister's Office is coming under increasing scrutiny. And why not? For one thing, successive governments have utilised it to rake up a plethora of corruption cases against one another without bringing these to any logical conclusion. For the other, interest in the politically high profile cases has been disproportionately larger than that in pure and simple corruption related complaints that far outnumber the former variety. On balance therefore, a vast majority of corruption complaints go unheeded. Such a scenario naturally raises a number of questions about the bureau's performance.

Findings of a survey put together in a report recently released by Transparency International, Bangladesh (TIB) portray a dismal picture of the anti-corruption bureau's track-record. The average rate of 'settlement' of complaints is 41 per cent and that of pending ones 59 per cent. Only four per cent of the accused are convicted, 5.2 per cent acquitted and the remainder 90.8 per cent of cases hang fire for years together. Many cases are ruined through transfer of investigating officers, lack of witnesses and evidence, administrative interruptions and political or VIP influence-peddling.

Admittedly, while the BAC has to do the bidding of the government of the day and to that extent its neutrality is open to question, the bureau has had professional weaknesses of its own that should not be overlooked either. Much of its operational ineffectiveness stems from poor planning, negligence of officers at the inquiry and investigation stages which culminate in weak charge-sheeting and flawed prosecution. As it is, reputed lawyers are not always found for prosecution purposes.

There is no denying the need for imparting specialised legal training to BAC officials in a order that the cases they put up are fool-proof in legalistic terms.

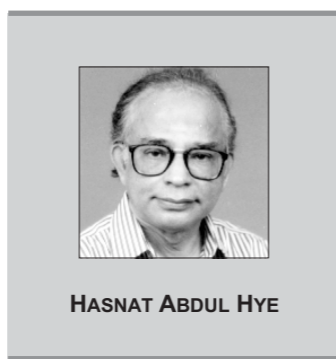
Unsurprisingly, delay in obtaining permission from higher authority caused deadlock in 77 per cent of the corruption cases while apparently permission to start cases against ministers and MPs of outgoing governments, both in the past and contemporaneously, came in a jiffy, so to speak. Whatever the rapidity in the issuance of green signals to the BAC for starting such proceedings, 151 cases against VIPs, including ministers, MPs and high government officials, have been pending for eight years.

All these make out a very strong case for an independent anti-corruption commission as part and parcel of a transparent and accountable democratic system. The fact that we have not had it so far is baffling, to say the least. The USA and India have it and that makes a whole lot of difference in the way they handle their corruption cases compared with how we have been doing. We tend to forget that mishandled or miscarried cases have a way of perpetuating corruption.

We have seen how at the national level a change of guard is invariably followed an expression of resolve to clean up the old mess, end corruption, so on and so forth. Important decisions will also be taken initially in this behalf but somewhere down the line the incumbent will beat a retreat. Our hope is that the BNP will not flinch from the commitments it has made to the nation which they are also in the best position to implement because of the electoral mandate they enjoy. BNP having adopted an anti-corruption plank in its election manifesto, is obligated to live up to it. In order to rise to the occasion it has to avoid treading the beaten track of ticking off its important pledges towards the end of its tenure and feigning that these have been implemented after all. As for constituting an independent anti-corruption commission this approach cannot do.

Such a commission will have to be set up with sufficient time in hand so that it is properly nurtured, developed and matured to be able to handle its writ effectively. Just flagging it off won't do; BNB has to make sure the proposed independent anti-corruption body has acquired an institutional shape within its term of office.

Greetings for human rights



HASNAT ABDUL HYE

THIS may turn out to be a landmark year for human rights in Bangladesh. Two conventions are slated to be held, one under the auspices of the four-party alliances constituting the government and the other by a citizens' group backed by the main opposition party. By virtue of origin, the scope of these two conventions are somewhat limited, the object being to expose human rights violation by the political parties when in power. The numerous other cases of violations that take place without political motive are likely to be underplayed or remain conspicuous by their absence. Though the causes behind some of the grossest and cold-blooded violations are political, the social and political motives are no less pernicious. Unlike political motives, the social and economic considerations behind human rights violations are diverse, all encompassing and also most persistent. It is because of the multi-faceted nature of human rights that the news published on the first day of the new year about the setting up of the National Commission on Human Rights by the government appears as a significant development. The National Commission, when established, will tower above and embrace all the existing institutions and mechanism overseeing the human rights field. Its importance therefore, cannot be overemphasized. The Commission has been on the anvil for a long time and if it sees the light of the day any time soon, a major step towards protecting human rights will have been taken. The news is therefore, nothing short of New Year's greet-

ings for human rights. There is now little confusion over what are the various human rights inherent to the lives of individuals and the communities they belong to. These have been enshrined in international conventions and national statutes. Information about the manner of their violations and the consequences arising out of them are also well documented. The more widely shared is the knowledge regarding these conventions and laws, the greater is the chance of preventing the violations.

two national conventions, however polarized, will go some way in achieving this goal of awareness and information dissemination. The setting up of the National Human Rights Commission will be a permanent institutional mechanism for the protection of human rights steering clear of political rhetoric and polemical debates. Human rights can be protected on the basis of understanding, conscientious conduct and good will among people. Consensus on justice and fair play sanctioned by

there is laxity in respect of the first and less than due diligence regarding the latter. Sometimes, there may also be conflict of interest involved in the enforcement of human rights laws at least temporarily. For this reason judiciary has been the last resort for protection of human rights. But to be effective courts should be sufficient in number and with adequate staff. More importantly, courts should be easily accessible to the affected people majority of whom may be poor and disadvantaged. A way out of this

never replace nor diminish the safeguards inherent in comprehensive and effective legal structure enforced by an independent, impartial, adequately resourced and accessible judiciary." Amnesty International goes further and states: The creation of such a Commission should be simultaneous with a thorough review of existing institutions and legal mechanisms in order to make them more effective instruments of human rights protection. In order to be effective the pro-

(iii) requisition any public record or copy thereof; and (iv) other matters. The Commission should be empowered, for the purpose of conducting any investigation pertaining to enquiry, to utilize the services of any officers or investigation agency of the government. But to be independent and impartial the Commission should be, as far as possible, self-sufficient in staff for the purpose of investigation and enquiry.

The National Human Rights Commission may take any of the following steps on completion of an enquiry held: (i) where the enquiry discloses the commission of violation of human rights or negligence in the prevention of the same by a public servant it may recommend to the government the initiation of proceeding for prosecution or such other action as the commission may deem fit; (ii) in respect of a member of public the Commission may after recording the facts constituting the offence and statement of the accused forward the case to a court having jurisdiction to try the same; (iii) recommend to the government for the grant of such immediate interim relief to the victim as the commission may consider necessary; (iv) approach the Supreme Court for such directions, orders, or writs as the Court may deem necessary; (v) publish the enquiry report together with the action taken on the recommendation of the commission; (vi) publish an annual report on the human rights situation in the country along with the activities of the Commission and other organs of the state.

The above is a summary of the major functions that the proposed National Human Rights Commission should have. In formulating the roles and responsibilities it is important to see the Commission as part of an integrated structure and procedure. Just as human rights violations don't take place without a socio-political context, the Commission designed to protect those rights also should not be seen functioning in a vacuum.

Hasnat Abdul Hye is a former secretary, novelist and economist.

IN MY VIEW

While public will continue to have recourse to courts and law enforcement agency of the government with complaints of human rights violation, the human right Commission should be mandated to receive complaints directly from members of the public. It should also have the powers to take up cases of human rights violation suo moto. In both cases the Commission should have all the powers of a court to (i) summon and enforce the attendance of witness and examine them on oath; (ii) ask for the production of any document; (iii) requisition any public record or copy thereof; and (iv) other matters.

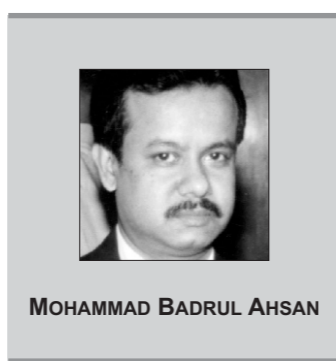
The media and concerned NGOs have come to play important roles in this regard through awareness creation and wide publicity given to human rights issues. As a result of the vigilance by the civil society, including media, government has also become more alert. But it is one of the paradoxes of modern life that socio-political progress does not render human rights superfluous or less urgent. No country in the world, however developed it may be, can claim to be a completely safe haven for human rights. It will not be any different in future. This is because of the asymmetrical distribution of power in society and failure of governance in redressing this imbalance through laws, regulations and absence or inadequacy of the implementation mechanisms. In spite of heightened awareness and commitments made internationally and nationally, human rights are destined to remain endangered. The civil society and the media will have to be on permanent alert to ensure compliance with international conventions and national laws. The

tradition can be the basis of such an ideal state. In a small community with close-knit relations this may be a reality. But in a large society with many communities, divisive forces working along ethnic, religious, economic and political lines this consensus breaks down or fails to work satisfactorily. In the circumstances human rights are best protected by laws and regulations within the framework of state. These instruments have both preventive and punitive aspects and for both to prevail the various organs of the state have to play their parts. The legislature should pass laws required for protection of human rights of every description in order to have comprehensive coverage of all spheres of life across class, gender and other divides. The executive branch i.e. the government should enforce these laws and regulations diligently. While the government has the responsibility of prevention of human rights abuse through enforcement of laws as well as prosecution for punishment when violation takes place very often

problem of accessibility has been found by higher courts of law through public interest litigation under which *suo moto* cognizance of violation of laws are taken. This form of judicial activism has enlarged the role of courts for the protection of human rights. But cases of human rights violation are so many and they take place so regularly that it is not practical for courts to try to redress grievances or injuries over human rights violations through this procedure. It is in this context that the need for a National Human Rights Commission becomes paramount and urgent. A National Human Rights Commission should not be conceived as substituting the other organs of state viz. legislature, judiciary and the government. Nor is its role to compete with these powerful organs. As has been observed by Amnesty International in its recommendations for basic standards, "the creation of a National Human Rights Commission can be an important mechanism to strengthen human rights protection. But it can

posed National Human Rights Commission should be independent which can be ensured if it is established under a law and comprises chairman and members with constitutional status. The Commission should be adequately resourced and staffed. First and foremost, the Commission should be responsible for overseeing the enforcement of various laws for protection of human rights. In this respect it will act as the watchdog over the activities of the government agencies that impinge on human rights. While public will continue to have recourse to courts and law enforcement agency of the government with complaints of human rights violation, the Commission should be mandated to receive complaints directly from members of the public. It should also have the powers to take up cases of human rights violation *suo moto*. In both cases the Commission should have all the powers of a court to (i) summon and enforce the attendance of witness and examine them on oath; (ii) ask for the production of any document;

Pride and prejudice



MOHAMMAD BADRUL AHSAN

THE French don't want anybody to be superior to them and the English want everybody to be inferior to them. According to Alexis de Tocqueville, the French historian and politician, there is pride on either side although its expression varies from man to man. The Frenchman constantly raises his eyes above him with anxiety, while the English lowers his beneath him with satisfaction.

Thus pride and prejudice are two faces of the same beast that lope in the corners of human conscience. Pride is conceit, while prejudice is canonical. Pride ignites the soul with the fire of self-aggrandisement, while prejudice adds fuel to the same fire and keeps it going. Pride is behaviour, and prejudice is belief.

Pride has a fall, but prejudice never rises above itself. The Roman Emperor Elagabalus had gloated that the amount of cobwebs collected from entire Rome was the evidence of what a vast empire he ruled. His fellow emperor Nero built a palace, its columns and cornices inlaid with gold, and then entered it with the proclamation that at last he was going to live like a human

being. Imelda Marcos kept 3000 pairs of shoes in her closet as a fetish of her power and affluence. All of them eventually fell from power, but their examples kept repeating throughout history. The world has no dearth of people who are either proud or prejudiced, because between arrogance and ambivalence, their minds always wobble between confidence and diffidence. Proud men develop a kind of prejudice about their own superiority, and prejudiced men

blinding as they shut out the lights of one's soul by sealing off its openings. Pride is inverse of humility and prejudice is predominance of homily, each capable of rudeness that is humiliating for good sense. Marie Antoinette, the queen consort of Louis XVI, remarked that people should eat cake if they had no bread. Often pride will detach a person from reality and turn that detachment into his prejudice. In Henry VIII, Shakespeare laments the vain pomp and glory of

clothes. He used to get confused between his socks from time to time. People can be proud of their jobs, education, wealth, intelligence, clothes, house, children and so on, and they can be prejudiced about their religious faith, social intercourse and intellectual discourses. English poet William Blake writes that the pride of the peacock is the glory of God like the lust of the goat is His bounty, the wrath of the lion His wisdom and the nakedness of women His work. Pride pervades

throw her pieces into a river instead of giving her hands to an unsuitable boy, pride rings its voice in his haughtiness. On the other hand, a Muslim and a Hindu would hunt down each other under the influence of prejudice that inebriates their mind with inordinate pride that turns into rage. Pride and prejudice had a deadly mix amongst the Australian aborigines, who used to take a dead enemy, and then roast and devour his flesh as a ceremony of respect

Supreme Being. Prejudice itself is not a sin, but can play mother to many deadly sins including pride, lechery, anger and envy. The Nazis killed the Jews in Europe because they wanted to create a superior race of men. The Muslim men raped Hindu women because the racial hatred had aroused their sexual appetite. The Ku Klux Klan lynched Negroes in America, because they believed in the racial supremacy of white men. Needless to say envy was an accompaniment in each of this incident as the oppressors and victims must have tried to weigh their respective positions.

Which of the two is then worse than the other? The proud man boasts, while the prejudiced man busts. One swaggers, another sabotages. Hegel, the great German idealist philosopher, said that the first formal condition of achieving anything great or rational in life and science was to be independent of public opinion, which in due course is destined to make it one of its own prejudices. Frederick the Great, King of Prussia, wrote in a letter to Voltaire that if one would drive out prejudices through the door, they would return through the window.

Sir Walter Raleigh capped it all with his own observation. All the farfetched greatness, all the pride, cruelty and ambition of man, he concluded, would be covered by two narrow words, *Hic Jacet* or Here lies.

Pride or prejudice, man does not know his limits until he meets his end.

Mohammad Badrul Ahsan is a banker.

CROSS TALK

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often justify their inferiority with insensate pride.

Thus pride and prejudice are two sides of the same coin. People, who are unable to cope with their minds, embark on one of the two extremes. In other words, pride and prejudice are two symptoms of the same psychosis. Adolf Hitler, the luckless Austrian who had failed to get himself admitted to masonry school twice, joined the German army, and then brought havoc upon the whole world in the outburst of a bizarre psychosis. The psychotic killers often resort to murder in order to get attention or let out repressed emotions.

Both pride and prejudice can be

in the tenacity of each creature to stand out in the concourse of God's creation. It exists at the threshold level in the self-respect of every human being. Prejudice compounds that self-respect with a sense of crude arrogance when a person approaches his dignity with closed mind. So a fanatic approaches his prejudice with pride, and a fop approaches his pride with prejudice. Speaking against the Falklands War in 1982, conservative British politician Sir Anthony Meyer questioned whether it was right for national sovereignty "to burn its children to save its pride." When a father vows to cut his daughter and

elimination. Thus each of these two is a consummate passion: pride arising from every man's desperate need to be different from others, and prejudice founded in the gravitational pull of the collective will. Together, these passions roil in the minds of men as they strive at once for recognition of individual superiority and collective supervision.

Pride is, however, considered to be one of the seven deadly sins. Some angels are believed to have fallen from a position of proximity to God—such as Lucifer (after his fall called Satan by early Church Fathers) in Judaism, Christianity, and Islam, because of pride or for attempts to usurp the position of the

better to take public consensus by the government before taking final decision on this critical issue. Once positive response is achieved, the government should take utmost care for the following vital factors:

i) To get best possible prices for export/sale of gas.
ii) To invest the gas export earnings in the long term projects as described earlier.
iii) To guard against any sort of brokerage in the gas export deal.
iv) To take special care against pilferage of gas from pipeline.

Finally, the present generation require better living, more industrialization, more education, more socio-economic development, higher per capita income and poverty alleviation also for the future generation. As we are living in a democratic country it would have been even

Engr Nurul Amin is an MS in Petro-Chemical.

OPINION

Gas: It's better to have public consensus on its utilisation

ENGR NURUL AMIN

TRULY, the natural gas of Bangladesh can change the fate of the nation provided right decision is taken at right time. Many countries of the world possess valuable mineral hydrocarbon like natural gas, but only a few of them could achieve optimum benefits out of such resources. Our country is one of the most fortunate that holds quite significant reserve of natural gas.

Now as we have resource we should take proper steps to ensure maximum utilization of the same. Natural gas of Bangladesh is a hydrocarbon compound which contains about more than 96 per cent methane. At present this gas is being used normally for power generation, fertilizer manufacturing, substitution of gasoline (as fuel for gasoline engine) in the form of

CNG. At present the country is using about 0.23 TCF of gas yearly for catering to the existing need. So in order to maximize the usage of this resource, the country needs to increase and develop infrastructure where gas can be used. As such more gas based power stations, more fertilizer industries and more technology for CNG utilization and facility for household use are to be developed. But all such initiatives require investment fund. No fund no maximization of gas utilization. After maximization of usage, the yearly estimated consumption will be about 1 TCF. But now the question arises "where will investment come from". In other words, we have sufficient resources but we do not have money to (a) explore it and (b) get maximum benefit out of it.

Under the circumstances what should we do with our resources: unexplored for a long time. Moreover, timely exploration may result in increase of predicted volume. Practical experiences of world wide mineral gas exploration exhibit higher recovery than forecast reserve. So, initially Bangladesh can easily try with exporting/selling gas at least 3 TCF i.e. the predicted reserve of Bibiyana for generating the initial fund in order to implement the gas based projects. Once we talk about gas energy (reserve) for next 50 or more years we should think about the future form of energy development. It may so happen that keeping natural gas reserve for long time will not prove worthy specially for an underdeveloped country like ours where poverty alleviation, mass education and massive industrialization is the crying need of the hour. Hence it's a better idea to sell or to

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