

PSA on the way out but not apparently the legacy

Letting some go and prosecuting some will cause problems anyway

LET'S first congratulate the government on its tabling a bill to strike out the PSA from the statute book. The present government's position on the PSA, however, has gone from straightforward to a slightly confusing one. In the beginning, the Law Minister had said that the Public Safety Act would be repealed in full along with all the pending cases. But there has been a shift in that and now it's being stated that the process will involve an administrative review of the cases. It has been stated that while most cases were filed against BNP activists, the rest of the cases might have been against 'genuine criminals'. The government will, therefore, move for squashing a select number of cases while it will let the proceedings go on in the rest after review. This unfortunately will appear as discriminatory.

The idea that a section of the cases were filed against BNP activists while the rest against real criminals is actually pre-judging the matter at the executive level. So, what becomes crucial here is a judicial review of the cases.

If the government goes to the court and states that it will prosecute some and not others, it will be setting an unhealthy precedent, which may hit at the legal system and political governance. Unfortunately, the legacy of laws brought about for meeting political ends like the PSA continues to haunt us.

There is, however, one step before all this reaches the court and that is the parliamentary committee on the issue. The matter can be settled keeping in mind the attendant issues within the bounds of the legislature.

One recognises that many people were political victims of the PSA but how does one assert the fact powerfully enough except through an apolitical approach? One is not sure either that there is any way of ruling out miscarriages of the process by allowing some to let go while letting others stand trial.

The only way to ensure that justice is not denied is to never enact this sort of law again. One hopes that the present government is listening and will risk releasing all and set a precedent for which it will be remembered for a politically risky but ultimately beneficial step.

Submission of audit reports
Compliance rate too low to establish accountability

AS required by the Constitution, Comptroller and Auditor General (CAG) Syed Yusuf Hossain presented 73 audit reports to President AQM Badruddoza Chowdhury on Sunday reflecting the state of affairs from 1994 to 2001. Embezzlement, theft, wastage, non-submission of government revenues and surplus funds for development projects, withdrawal of excess salaries and allowances -- you name it, and it is there in the reports. The total amount involved is Tk, 14,860 crore for 24 ministries. In the communications ministry alone, misappropriation and irregularities amounting to Tk 12,600 crore have been detected. Post and telecommunication ministry does not seem a very distant second with a Tk 842 crore misappropriation sticker on it. Figures for the remainder 22 ministries ranged from as low as Tk 1 crore (shipping) and Tk 1.6 crore (agriculture) to Tk 202 crore (finance) and Tk 211 crore (health and family welfare). The irregularities riddling the Health and Population Sector Programme (HPSP) in a single FY 1998-99 amounted to a whopping Tk 170.70 crore.

Applause to the CAG's office for updating audit reports to reflect the most contemporary situation, a big change from what used to be a ludicrous wrestling with backlogs from a hoary past. In that scheme of things, wrong-doers went into oblivion eluding the grip of any accountability exercise, not to mention that of law.

But all of this remains academic so long as we do not have a public accounts committee in the new parliament to examine the reports. It is the committee which shall seek compliance of the various ministries with the requirements of the audit reports by way of ensuring corrective actions. A huge backlog of audit reports including 494 annual editions await discussion at the public accounts committee as the new series only add up to the total.

If these are not processed through the public accounts committee and appropriate remedial actions secured from the ministries, transparency and accountability of governance, which we so crave for, will remain a far cry.

'I want to go home'



AFSAN CHOWDHURY

TO enter a jail without being a prisoner is certainly a privilege. It has happened to me a couple of times in the course of discharging professional duties. Sometimes as a here-again-gone-again journalist, sometimes as a development person and once in a while as an activist. *The Daily Star* and the *Prothom Alo* have done a number of stories on life inside jail. I remember the adult faces I saw there. The haggard defeated looks that prisoners wear on their faces. The jail is bigger than the personality of individuals. The jail is also a murderer. It's a killer of souls. And perhaps this murder leaves its worst marks on children. Our jails like all jails may let the body survive but the person inside is always butchered. Especially children.

THE young girl, barely 12 years old stands scared and bewildered. She has been arrested and charged with drug trafficking. While travelling to a border town with her relatives in a bus, the police found phensydy from her parent's bag. She isn't sure that she is a criminal but nor are others. Was her family framed? Was she helping her family smuggle drugs? Is she a criminal? A member of a poor family, their world of livelihood and crime are barely distinguishable. But she has the stamp of a prisoner now on her face, her eyes dimmed by helplessness. By law she shouldn't be there but

she is. But she has now fallen into a condition where no place is safe for her, neither here nor outside. She starts to weep silently. "I want to go home" Where is home? IT is the sound of the footloose, homeless children that have haunted many. These children who have no home, no place to return. Life can be so strange that even a jail can be home. Life can be so desperate that even being arrested

staff here is kind. They like him and wish they could find a way to keep him there. "Could you find someone who would want to adopt him? If not we will have to let him go. His father came when informed, saw him, promised to return in a month and never did. They don't want him home. But you see he has committed no crime. He has no place to go except the streets." "Do you want to go home?" someone asks.

there is no appeal yet and he has spent four years already. "I didn't kill anyone. I had no fight with him. We used to play together. I don't know what he meant when he said about asking him." He offers no elaborate defence. Jail will be his home for most of his life. Yet he is not supposed to have been sentenced this way. He has none to appeal for justice because the justice delivery system has put him there. He waits to go home but who will take him home?

factories, ferry them and end up getting blown up or arrested. For all of them, this is a paying activity. Children in political violence is a criminal situation which has been encouraged by our political parties. Few if any leaders send their own kids to fight for democracy or liberate the motherland. They ask other kids. And while we can't ensure education, we can at least ensure their death, their injury or being in jail.

Save my family. I want to go home. I asked a friend of mine who was a minister in a certain party cabinet and spent some time inside. I am not sure if he was tried. In many cases, many cases are dropped and allowed to die. If one becomes politically inactive, few cases are kept alive. He is probably one of those who opted out. In his post-political and post-jail life, he would sometimes talk about it. It seemed like a remarkably civilized life now compared to the horrors many go through.

"We didn't have to do work and played badminton in the afternoon. We had our own cells. It was boredom that was the big enemy. Other ministers were also there."

He has no memory of pain or suffering and at least in his case he has been reformed. After all he isn't active in politics anymore.

I was once inside and allowed to go and see the hanging platform. It was an eerie feeling to know that many had been hung with dangling feet. It's not scary but a bit of inevitability there. An old prisoner was making hemp ropes. He looked up and smiled despite his dog eaten teeth. "That's the final home."

WHEN children go to jail, we force them to experience death. For them it's the death of innocence. It's the death of their future. For them it's a denial of justice. They have a right to a future, a right to innocence and a right to justice. In jails, we violate this sacred trust. It's a violation as violent as murder.

Afsan Chowdhury is a Senior Assistant Editor of The Daily Star.

STRAIGHT FROM THE HEART

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could be a blessing. Shakir Ali stands with a smile on his face in a Correction Centre. His father who doesn't want him anymore has left him there.

"My mother left my father and married someone else. My father married again. He married twice more. My new mother threw me out. I lived with my grandfather. He loved me. But he was old and had no income. So my uncles threw me out."

"You went back to your father?" "No I took to the streets. I worked in various places. In factories, in dockyards. But they never paid or gave me food. So I moved on." "He can act like a beggar."

We all demand that he show us. He smiles shyly then the instinct of child like showing-off takes over. He twirls his eyeballs and begs in a pitiable voice. He has a career in acting, it seems. We all laugh.

He ended up in the correction centre because he had been put there once by his father and knows the place where they want him. The

He doesn't answer but just stares without understanding. He doesn't know what home means anymore.

IN places all over Bangladesh, children are held for high crimes. We meet a young boy Adam Ali who has been sentenced to 20 years in prison for murder. We calculate his age from the record and find that four years back when he was supposed to have murdered, he was only eight years old. Under law no one can be tried for a crime if below seven years so he had just crossed the bar. The evidence was the dying confession of the other child, who had said that, he, Adam Ali should be asked. Now law also says that he should be old enough to recognize the gravity of his crime before being punished if he is a child. This law operates for children under 14 years and it would apply for him too. A Sessions court and not a juvenile court as stated in the Children Act, 1974 also tried him.

An eight year old, if he were to appeal, he would get a hearing but

With his sentence, we too have been found guilty of crime. A crime of neglect, disregard, and denial.

IT'S not easy inside the jail but even then people do have to go inside once in a while in the hope that children will be set free. In this year of democracy, as we usher in a new government in a glorious display of exercising our will, many children are inside as foot soldiers of various political movements. We glorify the participation of children in violence. In a very strange argumentative manner we say that children have a right to be "patriotic", whatever that means. So we provide examples even of 1971 when children died in the "cause of the motherland."

Adults have a way of letting children die too in their places. The one right we don't want to deny children is the right to die or be maimed. So every procession and rally has children shouting slogans, pelting stones and even hurling bombs.

Children work in Dhaka's bomb

"WE have to sleep in one room. There is not enough space for all. Sometimes you have to provide services to get a decent place to sleep. Otherwise, you have to sleep near the toilets, which is almost impossible. Food is so little. You are always hungry. And then there is just one carom board for everyone. There is nothing to do so everyone gets into mischief. It's hot, suffocating. Our rulers are the Miansahebs (senior prisoners) who decide everything. I haven't committed any crime. I was in a rally of rickshaw pullers and the police attacked the rally. They picked up many people and I was also picked up." This is jail life.

"We have come from Gournadi. We have lost our home. My father is a TB patient. I earn money and buy medicines and take it to him. If I don't get out of jail how will I earn money and keep the family going."

He breaks down and starts weeping. He weeps and wipes his tears on the clothes he wears.

"Please sir, I want to go home.

Pearl's kidnapping: Serious ramifications



M.J. ZAHEDI

LAST week the local newspapers were busy with news about the disappearance of 'Wall Street Journal's South Asia bureau chief Daniel Pearl. Based in Bombay, he had come to Pakistan about a month ago. He is untraceable since more than a week. Naturally, the local newspapers have been daily carrying reports about the progress in looking for him and, of course, about the entire case.

There are, according to an editorial in *'The News'*, several dimensions to the case. The first of course is humanitarian. Pearl is being made to suffer for no wrongdoing (or is it fault?) of his own. His wife, also a journalist, is six-months pregnant with their first child. This makes the event even more moving.

The second is professional. Foreign, particularly Western, reporters have been covering events and developments in the region, especially in Afghanistan from Pakistan, some flanked by bodyguards. Should all of them now resort to doing the same? The reports sent out of this region that feed into Western stereotypes are

A third dimension to this shocking episode is the question of why Danny Pearl was kidnapped in the first place? The ostensible reason, according to *'The News'*, is symbolic: Danny Pearl has been held hostage, as the kidnappers claim, to draw attention to the plight of Al Quaida prisoners who, according to reports, are being treated inhu-

claim falls prey to the level of incredulity with which accusations by New Delhi and Islamabad are now treated. A man named Amir Siddiqui but whose name turned out to be false, according to police and FBI agents who are also involved in the investigation, had made several calls to some people in the Indian capital. The investigating officials

has since been arrested in Rawalpindi.

According to the police, Mr Pearl was working on a story on terrorism and was particularly interested in tracing the individuals behind the e-mails to and from the 'shoe bomber', Richard Reid who is being tried in the US on charges related to trying to blow up an airliner. Reid allegedly

wrong in India is blamed on ISI and conversely anything that goes wrong in Pakistan is blamed on RAW. In the present tense standoff, however, *'The News'* thinks that such accusations are anything but a laughing matter. But, according to the paper, yet another possible cause for Pearl's ordeal could be the story that he was said to be following, that militant groups in Pakistan were still thriving despite crackdown. He had quoted Jaish-e-Mohammad representatives as saying that the police left behind enough people to keep their office running. Pearl also found a Jaish regional centre near Bahawalpur operating as well as a still-operative bank account in the name of the Jaish.

Whichever of these reasons is the real one behind Pearl's kidnapping, and whether or not he is freed, the episode has serious ramifications for media freedom in Pakistan and on perceptions about Pakistan in the world. If ever the truth comes out, that is if Pearl survives the ordeal, it would not be very palatable for Pakistan, *'The News'* editorial concluded.

M J Zahedi is an eminent columnist in Pakistan and formerly the Editor of the Khaleez Times.

LETTER FROM KARACHI

Anything that goes wrong in India is blamed on ISI and conversely anything that goes wrong in Pakistan is blamed on RAW. In the present tense standoff, however, such accusations are anything but a laughing matter. But, yet another possible cause for Pearl's ordeal could be the story that he was said to be following, that militant groups in Pakistan were still thriving despite crackdown.

countered by other reports that help create a greater understanding of the country, the region and their complexities, going past the existing stereotypes. By all accounts, said *'The News'* in its editorial comment on 'The Danny Pearl affair', he was engaged in this kind of reporting and had, through many of his reports, cast the USA in a negative light. 'The world needs people like Pearl to continue questioning authority as well as convey the mood and perceptions of people elsewhere, to choose in the United States'.

manely in US custody and Danny Pearl is being held as a hostage for their release. But *'The News'* thinks that they (the kidnappers) are doing a disservice to their cause, if this really is their aim, especially in the light of Pearl's status as a journalist.

Yet another dimension emerges with the claim of the Pakistani authorities that there is 'an Indian connection' to the episode. India, of course, has termed the claim ridiculous. However, *'The News'* says, given the ongoing tension between India and Pakistan, this

are making separate efforts to locate the people and addresses to whom and where calls were made from the mobile phone of the so-called Siddiqui.

According to local newspaper reports, Daniel Pearl was supposed to meet Pir Mubarak Ali Shah Gilani, said to be the chief of an organization named Jamaat Al Fuqra. He is said to have gone into hiding since Mr Pearl's disappearance. Police believe that Pearl was kidnapped by the people he had contacted to set up an interview with Pir Gilani. He

traveled to shortly before being caught on a plane in December last while trying to detonate his explosive-stuffed shoes.

Mr Pearl was keen to investigate alleged links between Reid and Al Fuqra, a religious organization based in Lahore. Al Fuqra was put on the US State Department's terrorist list but was taken off it after four years.

Regardless of the veracity of such claims, they tend to be tread as a longstanding joke; it is taken for granted that anything that goes

TO THE EDITOR TO THE EDITOR TO THE

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The Daily Star editorials and letters

After a considerable thought and a careful study of all the English dailies currently in circulation in Dhaka, I decided to opt for The Daily Star. There are a number of reasons behind this decision Firstly I liked the style of the language used. Secondly I was rather impressed with most of the editorials and some political commentaries made particularly by the Editor himself. Finally your Letter to the Editor columns wherein of special significance is the number of individual (Bangladeshi Expatriates) letters from abroad.

Of late however I happen to observe certain aspects of the publication which I felt I should bring to your attention. It appears there are too many letters in the print on a particular subject stretched over a period of time. For example on purdah and the controversies relating to a statement released to the Press by our Ex- President Justice Shahabuddin Ahmed and responses thereof by the leader of the opposition and a host of others. Without going into any further analysis of the issues I believe it is high time a final curtain should be drawn.

Coming to the Editorial page I would like to draw your attention to the number of articles other than the Editorial itself. Despite the fact that some of the articles are of reasonably good quality reflective of a kind of wisdom a number of articles are rather monotonous and unduly lengthy.

You have spoken against the ideas of the Holy Prophet. You should repent. Nasir Siddiqui, on e-mail

The Yankees are coming?

Now Bangladeshis are being allegedly involved in the terrorist attack on USIS Centre in Calcutta (as per press reports).

The Kashmir dispute is no longer a bilateral issue, as American electronic wizards are now working on the LOC. To control this peninsula (the former British Indian Empire), the 'West India company' seems to be taking over. Will history repeat itself? No. It is the change of change, which is unpredictable. Dhaka should be prepared for the winds of change. A citizen Dhaka

Pip-squeak Muslims?

In the letter "Does God support Muslims?" (January 29), Ms Nasreen Mustafa, made a very good point. She has very sarcastically projected the hard truth that no reader of *The Daily Star* expressed outrage about the fact that almost 500 Muslims were killed by Osama when he attacked the WTC.

I do agree with her that we have had enough debate on *hijab* and other topics which do not have a very significant role to play with our everyday lives and the real crisis (though I myself wrote a letter regarding *purdah*) whereas we

should have had a debate on what could have, should have or would have been done to resolve the problems of our fellow Muslim brothers as well as the well being of the current crisis for both Israelis and Palestinians.

In the battle between the uncontrolled terrorism for the unbearable pain for their homeland by the Muslim Palestinians, with the cornered Palestinian leader Yasir Arafat, and the undeserved support of the mighty, power of kings USA for Israel, I wonder is the Muslim world vulnerable or can they possibly be vulnerable? Don't we (Muslims) have any strength to fight to get rid of this bloody, vicious predicament together?

Are Muslims pip-squeaks? I wonder, as Ms Nasreen wrote, doesn't Allah really support Muslims? To my knowledge if we don't help ourselves Allah is not going to help us. Does our religion Islam show us the way to hit from the back like a coward like what Osama did to WTC or does it allow us to accept or compromise with all the arrogance, double standard, haughtiness, mistreatment, moral imbalance hypocrisy shown Muslims by the powerful USA for Israel?

Can't the Muslim world be united and therefore stop sanctioning deaths of not only Muslims but human beings all over the world and thus dismantle hatred for Muslims by spreading love and care for the world which is the true essence of all religions including our religion Islam?

Shahrin Hussain Tania Old DOHS, Dhaka Cantonment

Resolve Kashmir dispute

No matter how much Vajpayee and other Indian leaders claim that Kashmir is an integral part of India the fact that Kashmir is a disputed territory will always surface up. The whole world knows the reality but



The nuclear reptile

India has blindfolded itself. It unilaterally scrapped the status of Kashmir and forcefully merged it to its union.

It is laughable when Mr. Advani claim that by giving right of self determination to Kashmiri people India will be broken into pieces Is Indian union-hood that weak? How can Kashmir break India? Kashmir is not an Indian province. Pakistan never asked India to give Gujarat or

Uttar Pradesh. Reason is because they are Indian provinces but Kashmir is different.

India has been threatening Pakistan that it will ask UN to implement its resolution against terrorism on Pakistan if Pakistan doesn't return all the 20 people in the list, which was forwarded by

resources on a war which will only bring the misery for poor people of this region.

Why India is scared to talk about resolving Kashmir issue in world forum? Why their leaders are so shy about resolving the dispute? Nehru had put it very clearly that Kashmir is not an integral part of India and had committed to give the right of self-determination to them. Then why India insists that Kashmir is its integral part?

Unless Indians don't adopt the policy of reality until then thousands in Kashmir will die for the sake of ego of Indian leadership. And millions in Bombay will have to sleep on sidewalk (a sight which you don't see even in Pakistan). Their government is spending billions on nuclear missiles but fail to provide bread and butter to millions all over India. Hope the Indian mass wake up and get rid of these warmongers who have brought so much problems in South Asia. Shah Affan Ontario, Canada

Electric self-billing system

I agree with the letter "What's wrong with self-billing system?" (January 25) where the writer has requested to reintroduce (for domestic consumers) the self-billing system. I have similar complaint on the hastily introduced computerised billing system.

The latter has to pass through the teething trouble stage, and it will take some time to settle down to

reliable billing; especially the adjustment of the past payment records, as it takes time to enter millions of data into the computer database (along with human errors!).

The authorities should have started with a pilot project in one limited zone, to train up the staff at different levels. Meanwhile the previous options might have been retained simultaneously for an overlapped period. I used self-billing system for eleven years without any complaint from either side!

It must be remembered that computers do not make billing faultless and corruption-free. The database has to be tuned for normal operation. The updating system has to be fast and not subject to human errors.

Now I have accumulated several incorrect comprised bills adding up to take five thousand and odds, which I cannot afford to, pay at one time, and no part payment is allowed. I refuse to pay until the last six monthly payments are adjusted. In the electric office no one has the time to sit down with me (Lalmatia office again). The system may be explained to the consumers through the radio, TV and print media. There is a huge communication gap between the billing agency and the consumers. This is a typical example of the public sector providing customer service! Abul M Ahmad Dhaka