

A move in the right direction

Let's have the judicial service commission soon

It appears the government is responding to a key element of the Supreme Court's 12-point directive for separation of the judiciary from the executive as envisaged in the Constitution. Deadline-bound to comply with the directions of the SC by May 30, the government braced up the most sensitive and crucial imperative of delinking itself from the lower judiciary taking a step forward. The cabinet committee formed to implement the highest court's verdict has finalised a draft law for a separate judicial service commission to be in place. So far we have seen the Public Service Commission being entrusted with the wide responsibility of recruiting for different cadre services of the Republic, including the administrative and judicial ones. The magistrates drawn from the administrative cadre and the judicial cadre officials themselves have been subject to executive control extending over transfer, posting, performance evaluation, promotion and the like. Even though magistrates and judicial officers formed the crucial operational baseline for handling and adjudicating very large number of criminal and civil cases, the Supreme Court, ironically, has had no administrative control over them.

The long-standing anomaly is sought to be set right now. When this is done it will have a benign far-reaching impact on the judiciary as a whole. Not only will it secure the lower judiciary against executive *diktat* of any kind, this will also help the institution to grow along professional lines in keeping with international standards.

The composition of the proposed judicial service commission will be pivotal to its efficient and independent functioning. The commission is envisaged to be a seven-member body chaired by a judge of the Supreme Court Appellate Division. Besides the chairman, two other persons will be drawn from the judiciary a judge of the High Court and a member of the judicial service cadre. The remainder four members of the commission, it is understood, will be law secretary, a member of the Public Service Commission, the dean of law faculty, Dhaka University and an official from outside the judicial service. The President who appoints the chief justice and judges of the high judiciary will also appoint the judicial commission members.

The Head of the State being the epitome of neutrality in the country, those appointed by him to the commission would be persons above reproach with impeccable credentials.

Mission Saddam Hussein

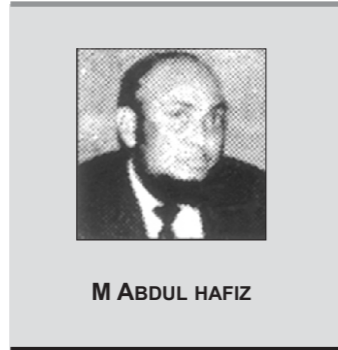
Possible strike on Iraq poses grave threat to world stability

THE United States and its special ally the United Kingdom appear caught in their own squinted definition of terrorism. Washington and London also seem inclined to hop from one issue to the other without resolving any. The outcome of the recently-held summit in Texas between President George W Bush and Prime Minister Tony Blair only reinforces such a view. Mr Bush, like his predecessors at the White House, strongly believes that Iraqi President Saddam Hussein is the root of all evil in a world where the assertion of American ascendancy -- economic, military and political -- brooks no challenge, however feeble it maybe. Mr Blair does not seem to have any problem with the American president's view. Coming out of the summit, the British prime minister, on a note of assurance, told scholars and politicians that there would be no "precipitous action" against Iraq but "if necessary the action should be military and again, if necessary and justified, it should involve regime change". In other words, both leaders are convinced that the Iraqi president must go and it is now only a matter of time.

Such a Saddam-centricity of American policy spells danger to world stability. With apprehension of an imminent Anglo-American adventure in the Middle East, the Bush-Blair declaration also sends a wrong signal to the Arab world, especially because of the west's apparent insensitivity to the happenings in the Palestinian territory. The Bush administration has publicly endorsed Israeli incursion into the West Bank and the Gaza Strip, saying the Israelis have a right to protect themselves from terrorist attacks. Although it backtracked later and called for Israeli withdrawal from the Palestinian territory "without delay", Washington has already lost credibility in the Arab world. Now the Anglo-American plan for a strike on Iraq would only reinforce the Arab world's fear that its very sovereignty is under threat from the United States and Israel.

Whether it admits or not, the Bush administration has been rushing things to a dangerous extent. It says that peace is the ultimate goal of its war on terror. However, unless Washington plays a decisive role in bringing lasting peace to the Middle East, its intentions would be open to question, resulting in resentment, which the world has already witnessed, and resistance to American plans from the Arab countries. Should that happen, peace would definitely be costly, and Mr Bush and Mr Blair would have to count the expenses.

The Gujrat carnage : An ominous pointer to a looming doom



M ABDUL HAFIZ

IRONICALLY the communal divide in secular India was seldom bridged up, not withstanding the country's enlightened leadership -- at least in the wake of its independence -- a highly conscientious civil society and vibrant tradition of multi-culturalism. None of them could stop the nation's communal frenzy. Hindu India's indignation over its mediaeval defeats in the hands of Muslims and the Muslim India's failure to complete its mission of conquest even after eight hundred years of rule over India have been a constant source of agony for both the communities pushing them to a state of despair for their inability either to alter the situation they are thrust into or the facts of the history. Grows from it a never-ending friction between the two that burns like smouldering fire capable of exploding into devouring flame.

This was not, however, only problem for nation-building in vast diverse India. The numerous ethnic and tribal groups with primordial allegiance to their groups and equally large number of linguistic groups divided into a plethora of caste and sub-caste make it far

more complex and challenging. Added to these are umpteen regional and class interests making national integration and assimilation an uphill task. So at independence when the nation's founding father adopted a secular constitution for India it was hardly a matter of choice. They genuinely thought the creed to be the only binding glue for a multi-ethnic-religious and linguistic India and as a matter of compulsion put the edifice of Indian statehood on its rampart. Jawaharlal

1992. During post -- Nehru era the successive governments -- both Congress and non-Congress -- followed a policy of expediency with regards to secularism. Now with an inexorable rise of Hindu Rights for more than last one decade the rampart on which the India's statehood rests is clearly under threat. It's Hindutva plank aiming at establishing a Hindu Rashtrya in a fascist mould pierces its strident through the soul of the nation. The horrific communal carnage perpetrated in

of neutrality. It was unmistakably a pogrom, a systematic, targeted massacre of Muslim minority with the "full complicity, consent and direct involvement of the state and a good chunk of Gujrat's power elite". In cruelty and horror it surpassed all other communal incidents of the past. Even the riots perpetrated after Babri Mosque demolition a decade before did not witness the ghastly scenes of Gujrat carnage which is still going on. As the government led by BJP

willing to defend the Gujrat government's role in the worst communal carnage of the decade Vajpayee did not find it prudent to avail of this support. Instead he engaged himself with the more scrupulous elements including the deeply disturbed politicians in the opposition. A joint appeal for calm was crafted with the participation of main opposition and on the third day of the pogrom Vajpayee denounced the riots in Gujrat as a 'disgrace' and a 'scar on nation's conscience'. Even

Prime Minister Vajpayee and Home Minister Advani realised where the origin of the cycle of violence and retribution lay and called upon the VHP to suspend its agitational programme at Ayodhya it was too late and the damage was already done. Unfortunately initially it was not about to abandon the project on which it had built its constituency over the last decade. The muted response of the BJP's secular allies to the developments in Ayodhya and Gujrat also, in a significant way, emboldened the BJP to dismiss the opposition's demand for the removal of Gujrat's Narendra Modi government which, it is now abundantly clear, was behind the carnage in the state.

The looming disaster was writ large on the background that was building up since September 11 and especially since December 13. The increasing harassment of Muslims since then, their maligning as the principal perpetrators and sympathisers of terrorism, the growing communalisation of Gujrat's otherwise congenial society, the disparate tactics of the BJP and its associates in the Parivar in launching the incendiary temple building campaign in Ayodhya just as the party faced an ignominious electoral defeat in four states, accounted for, in no insignificant manner, the communal orgy which was, according to most observers, avoidable.

LK Advani condemned the carnage by saying that the 'riots that claimed hundreds of lives were as reprehensible and as base an act of terror as the event which ostensibly triggered it'.

Yet they are the ones who have been appeasing the VHP in organising a symbolic act at Ayodhya for last few months presumably to avert an election disaster in UP. The VHP clearly coerced the government when 'not in connivance with its designs to institute a new means of problem solving which threatened to undermine the accepted institutional processes of a secular and democratic society'. When both

PERSPECTIVES

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Nehru, the visionary first prime minister of India was acutely conscious of a multiculturalism to be promoted in the country to avert a possible disintegration of the nation. In spite of the fervent profession and ardent promotion of secularism by the leading lights of Indian polity the inter-community relations remained far from savouring in free India. Even during the long rule of Congress, the most ardent promoter of secularism, the country was repeatedly scarred with communal violence. The Congress was ruling at the centre when the five-centuries old Babri mosque was pulled down by Hindu zealots in

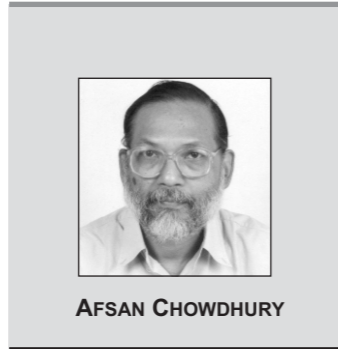
Indian state of Gujrat that prides itself as the birth place of Mahatma Gandhi, India's prophet of non-violence who gave his life for communal harmony, is an ominous pointer to the looming doom. The communal riots are not infrequent in India. Whenever it is staged the both sides play them to their best, bicker and bruise their noses and at a time stop and forget it like any other episode of life although with a bad taste persisting. But what happened in Gujrat in its weeklong carnage since 28 February was neither a communal riot in ordinary sense nor just 'violence' as the media prefers to call it with an air

kept rationalising the carnage 'as natural reaction' or 'backlash' to an earlier carnage at Godhra the pogrom apparently unleashed by the trained cadres of the 'Sangh Parivar' in a pre planned manner took its further toll. However a degree of sobriety was visible on the part of the government due mainly to one factor: a profound sense of public revulsion that was stirred up by the carnage. Moreover the government could not be oblivious of the international public relation disaster that can be produced by this most serious blood bath of 'ethnic cleansing'. Even as the obsequious allies of the NDA were

against your throat for a number of hours and then having it shoved inside the mouth isn't a thrilling experience exactly. But I had to see worse. And yet we didn't lose hope. WE survived that period but then came a series of coups and it was finally followed by martial law. Having protested the imposition of that we weren't exactly welcomed. It was also a time when it became clear that barricades were going to be drawn and it was. Some

Brig (ret'd) Hafiz is former DG of BIIS.

Who's afraid of FEER? Days of remands and roses



AFSAN CHOWDHURY

SO there the government goes again. We, the national media, criticise the government and say everything against them but they end up banning the Far Eastern Economic Review for a story that has nothing original in it. If anything is proven, it is that the authorities don't pay us enough attention but only care about foreign media. I don't know whether to be insulted or relieved. I mean it means we don't matter that much. All the stuff on various issues printed in the national media mean nothing to them but as soon as the FEER publishes something, and not too good one at that, everyone takes notice. This is an attack on journalistic integrity. Media colonialism and all that.

Isn't it? DO you remember the arsenic crisis when it first hit us? Well, in the later part of the 1990s we were at the forefront. We were everywhere and talking to everyone. The international media even took an interest and we wrote and spoke regularly and were even reported upon. We were on the front page of most newspapers on many days. And you know what? Nobody paid any attention. This was particularly the case with the international development agencies. They just went and contracted a few NGOs to do media and advocacy work, hired a few journalists and it was all very nice.

And then the CNN did a special. And all hell broke loose. People were confessing their water crimes, the World Bank went on chat shows explaining how they would save Bangladesh and the Unicef shed

copious tears and the world came to know the matter as we know it now. For a few months it was very painful for all those who were thought to be responsible for arsenic poisoning of groundwater. And then the CNN dropped the issue. The world dropped the issue. All the points that we raised were also dropped.

THE World Bank has recently published a report on the Bangladeshi media calling it cor-

rupt, incompetent and a host of other things. I still haven't had a copy of the report but I am not surprised. Much of the donor world thinks of Bangladeshis that way. Given that the WB and its affiliates have so many fingers in so many corrupt pies I wonder where the linkage begins. I know that the WB lies and there are numerous examples of that but that has been possible because so many of us cooperate with them, seek favours from them. Nobody asks why the great defender of participation and other qualities never bothered to discuss the report before releasing it, full of wholesale accusations, part of which they later withdrew. Given the education they get and the salaries they draw, this would be inexcusable incompetence but then who is asking.

Let's ask ourselves if the media has not played into the hands of economic and political lobbies. Partisan journalism is now considered a matter of pride. There is such a thing as "our journalists" and "their journalists". I wonder how clean are

the bigger fishes elsewhere but our dirt is a fact of our life.

All of us aren't dirty but some of us are. And they have become the platform for such accusations. If the World Bank can be so silly and shoddy in the report making, permanently damaging relationship with the media, it can only mean they don't care or don't have to. So who cares about us?

I think the DGF does, the intelligence branch does, and the police

STRAIGHT FROM THE HEART

Far Eastern Economic Review has been banned and for whatever reason. If my intelligence is correct, we have something between 500 to 1000 readers... the magazine is a serious one and not exactly an exciting reading. So the number of readers has remained on an even keel for years... But almost all of us have read this story on the net. We were bombarded with the story and many from outside and inside have e-mailed me a copy. Now the ISPs in Dhaka are rather slow so each downloading took almost three minutes... They have minted as we helplessly downloaded the story again and again including notices that this copy was banned in Bangladesh.

well. You have to talk to someone, you just can't talk to me alone. Now whoever calls can't figure out if this is tapping or taping.

How do they know who's saying what if so many people are talking on the phone at one time? Surveillance requires decent phones.

I meet so many people nowadays who have no memory of the first Awami League government from 1972 to 1975. This was a period when nothing was certain. Just about anything could happen. Having just finished the war year where everything did happen and then expecting peace and honey after that and not getting it, those years were a bit of a rude shock. A force called the Rakhi Bahini was there who picked up and vanished people at will. Being a dissident whether voluntary or professional was a hazardous life.

One of the more memorable phases was a search at a gunpoint of our home on suspicion of hiding arms. To have an automatic rifle

joined the other side and the rest joined the other. But a few didn't join any sides. And I think that made a big difference. Those who joined neither side - people like us - were forever condemned to be forlorn. In trouble we could find no support. We have become the constant enemy of the power.

A society that defines people through the colours of their *gamchha* tied around the head and fluttering in the partisan wind can never be safe. And now after so much of life is over, we see it so vividly. We may have seen it late but we saw it.

But we wouldn't have it any other way. THERE is a baby-taxi stand in the neighbourhood. It is owned by a group, which always manages to be in power. Every taxiwallah has to give Tk 2 per trip. The supervisors are very efficient and never miss an auto. The other day my auto man and the stand man had a fight.

"This is official. This is government approved business."

LET'S return to the subject of the Far Eastern Economic Review. It has been banned and for whatever reason. If my intelligence is correct, we have something between 500 to 1000 readers. I believe Kamal bhai - Syed Kamaluddin - is still the correspondent. And while his stories are great the magazine is a serious one and not exactly an exciting reading. So the number of readers has remained on an even keel for years.

But almost all of us have read this story on the net. We were bombarded with the story and many from outside and inside have e-mailed me a copy. In fact, as I write this I counted 14 copies of the same story.

Now the ISPs in Dhaka are rather slow so each downloading took almost three minutes. That is 42 minutes into Tk 1.8. That is almost 75 taka in Internet bill.

Yes, of course there is a conspiracy. It's the conspiracy of the ISPs. They have minted as we helplessly downloaded the story again and again including notices that this copy was banned in Bangladesh.

I know there is an irony somewhere but will somebody please explain that to me?

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

TO THE EDITOR TO THE EDITOR TO THE EDITOR TO THE EDITOR TO THE EDITOR

Mohakhali flyover

I am glad to see that the work for the Mohakhali flyover has started. The site office is up and the placement of the pillars seems to be done. However this is a massive undertaking and will take quite a while to finish. During that time, Mohakhali already a bottleneck will only get worse. The logical thing to do in such a case is to have a temporary alternative route for all or most of the traffic. I would suggest that the military allow free access through the Cantonment for all civilian traffic for this period at least, if not out of civic duty then out of pity for those of us who would otherwise be inconvenienced everyday. Don Quixote Dhaka

Political self-survival tactics

Public condemnation is increasing more and more against bad politics and incompetent leadership (March 17, "Seminar under BUP"). The momentum will pick up, as the

citizens are already disillusioned after six months of poor governance by the newly elected regime (even with two-third majority). Why cannot Bangladesh produce genuine leaders who are above sycophancy and petty ideologies? The Awami Leaguers are taking the nation on a ride, as its achievement during its tenure is nothing remarkable, except eroding established institutions and enforcing brand names. Today we need the right type of catalyst for purging the weaknesses and major vices in the present debased political culture. Ajja Dhaka

"Where are our leaders leading us to?"

I read The Daily Star Editor's commentary and I fear for our nation's political stability. Awami League will continue to try and stir up communal disharmony and try to project BNP internationally as a government trying to promote Islamic fundamentalism in Bangladesh. While BNP will continue its repres-

sion of any dissent and blindly fall into every AL trap possible all the while with the economy floundering and crime rates rising. Then I turn to the business page and I see more madness. The government is thinking of propping up the frozen foods industry. Why? The first rule of entrepreneurship is the possibility of failure and bankruptcy. The government has no place to try and bail out any enterprise or industry. Just look at the jute sector to see how well that works or beyond our shores to the nationalised industries in the UK under the old school Labour governments. Even Reagan's bailout of Chrysler in the early 80's didn't help. What a government can do and should do, is create and maintain an atmosphere that promotes business and trade. Chief among them would be cutting red tape, resolving the law and order problems, a reasonable and modern bankruptcy law and a host of other policies. Not a taxpayer funded bailout. Further down the page, I see even more news for gloom. I am not an Economist, but when I read that the PDB is planning to seek private sector financing for its power plants

I see trouble. No economy will flourish where the state swallows up the liquidity available for private sector investment. My God have mercy on us. MA Dhaka Great article by Mr Mahfuz Anam ("Where are our leaders leading us to? Part 1: The blueprint syndrome", April 5). I wish we all saw these points just being a Bangladeshi and not being affiliated to any party. Abul Sarwar, on e-mail

Requiem for the elephants

It is a pity that at least ten elephants have fallen victims to the lust of the poachers in the Chittagong Hill Tracts during the past four years. Yet another elephant has been declared a "rogue" and is waiting for the death sentence to be carried out. Elephants are known to be very compassionate and caring animals. They greet their long lost friends and mourn their dead, which is

unheard of in other animals. It's unlikely that such gentle giants, as they have been so called, would run amuck for no reason at all. The broken piece of chain around the legs of the "rogue" elephant is itself an indication that it was provoked into a rampage. It should be remembered that with their shrinking habitat, the elephants are no less insecure than the people living there. The Asian elephant has already been declared an endangered species, and with our dwindling wild life resources, shouldn't the concerned authorities rethink their decision to have the so-called rogue elephant put down? Lulu Ahmad Dhanmandi, Dhaka

ETV and your editorial

So we talk about rule of law! The Daily Star being a leading newspaper has gone to the extent of writing a long Editorial in ETV's favour! I do not understand the logic behind your stand on this issue. If you find

something wrong in the process of the judgement, you can ask for remedies for that. But appeal for leniency for a fraudulent act is unbelievable for a reputed newspaper. I think upholding rule of law is more important than the survival of a TV channel. Azad Iqbal USA

Let the High Court decide the fate of ETV

Let the High Court decide the fate of ETV. Let's not hear anything more on that issue. Nobody is above the law, and ETV is no exception. If bringing in foreign investment were the only criteria, showing disregard to the law of the land, then we would have many 'investors'. Masood Rahman, on e-mail

prefer and largely depend on ETV for its neutrality, good presentation and quality entertainment. Shutting it down all of a sudden would be a great disappointment for us. We know law has its own limitations but the hand of law some times can be stretched to the benefits of the society and nation and there lies the nicety of the law. Kabir Hossain Taposh Elephant Road, Dhaka

Justice delayed, justice denied

The killing of Shihab, an innocent boy of twelve, is the latest act of atrocity. The killers or rather butchers, five of them, in very cool brain kidnapped the boy for ransom and then killed him. How can any sane person kill and cut the body of an innocent child into pieces? The Home Minister says, "Let law take its own course". What course? Each of you, including the Minister, put yourself in the place of Shihab's parents and then try apprehend what these poor parents are going through. When the killers have been

identified and confessions made what remains? These creatures (they are not even fit to be called animals) should be, without any delay, hanged in public. If justice is delayed, it is ultimately denied. Anjali Akbar Azimpur Road, Dhaka

PSA and the new black law

BNP has revealed its duplicitous face again with the scrapping of the PSA and imposition of another medieval provocative law. Will they ever understand that if you have to become a police state to enforce your laws, then your laws are wrong? A well-informed populace is the best defence against tyranny and now with BNP set to outdo that of their predecessors, our only hopes lie with the press and possibly the

NOTICE

A full-page reaction of the readers on the report on Bangladesh that appeared in the recently banned issue of Far Eastern Economic Review will be published on the Letters page of Wednesday April 10.