

A law only 'new' in name

Problem is with the intent and not the law

A new law titled the Law and Order Disruption Crimes (Speedy Trial) Act, 2002 has come into force replacing the recently annulled Public Safety Act. This is the third law of its kind brought about by as many successive governments-BNP, AL and BNP, in that order. Each came into force when political needs demanded scrapping the old version. However, the basic objectives remain identical as the reading of the situation remained the same. Since governance doesn't improve, the need for such laws remains as strong as ever.

There is some degree of disappointment with the present regime because having suffered till recently under the PSA one would have thought that the memories would be fresh enough to deter another venture into the same lane.

One had been quite energised by the present government's stand when it declared that a black law like the PSA would be repealed. The government had seemed at that point to care about what kind of law was in operation but now it is dropping the pretences to replace it under a new name.

What the government by enacting this particular law is saying is that they are unable to manage the state without the support of such an apparatus in it hands. In many ways, it's an admission of failure to govern according to the rules of normal laws.

Had the government made an analysis of why the previous attempts failed then perhaps it would have realised that inadequacy of law is not the issue, but inadequacy of implementing existing laws is where the problem lies. Our police and its associate branches are not adequately equipped or trained to enforce the law properly. They are generally ill paid and poorly financed. The frequent use of police as a political weapon of the ruling party also hampers their real duty. Without changing all that, the new law will not be able to deliver justice.

The present piece of legislation is inherently political in nature and defeats the purpose of establishing rule of law. Ultimately this law may too be doomed as were its earlier incarnations because the intent has always been the same.

Queen Mother's demise

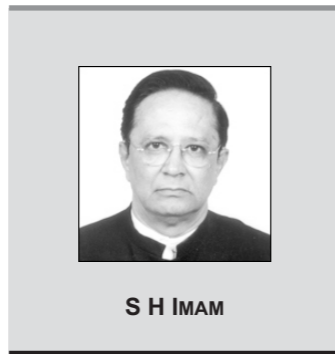
We partake the British people's grief

She has died at the ripe old age of 101. So, there was a mental preparation of the British people for her passing away, made the rather more inevitable by the last bout of illness she had had only sometime ago. But that hardly lessened the degree of grief the British felt when she eventually breathed her last. On the contrary, they were so overwhelmingly saddened by it that life seemingly came to a standstill, all roads leading to the Windsor Castle where she lay in state, or the Westminster Abbey where the funeral took place. Before she was laid to rest by the side of her late husband George VI, there had been state mourning from Friday last through to the following Tuesday. An unending human chain formed day and night on a relentless drive to pay homage to the Queen Mother as she lay in state at the medieval castle bearing marks of history and continuity of traditions. The effort the people made to wait for long hours to file past her earthy remains unravelled the deep affection and esteem that the people of Britain held her in.

There was hardly any 'unexpectedness' about the grief that engulfed the popular spirit, for she merited all of it. Her caring wartime role for a people who needed cheer from somebody they profusely adored remains a beacon to the royal family members. She was young when British life and politics had been divisive and she has had the contentment of leaving it in fairly stable conditions. She had been a witness to and sometimes pro-active in events that shaped modern Britain over the last century. The war veterans' turn-out at her funeral testified to the hands-on role she had played even as the spouse of King George-VI. Her jest for life and sense of humour added to her endearment with the people.

We are saddened by the passing away of such a wonderful person. We share great Britain's grief over her demise. May her soul rest in peace.

A light from Queen Mother's funeral



S H IMAM

It was uniquely British. Far from a deification of a personage or institution, it has been an expression of affection for Queen Mother whose death has touched the deeper chords of three to four generations of Britons. The royalist and the republican alike perhaps looked at it as a test of nostalgia for the monarchy, if not its durability, provided by the long life of Queen Mother, lived eventfully, jestfully and sympathetically for others. But not from a position of power. Her memory could have hardly provoked any anti-incumbency feelings.

Anyone falling in queue to pay his or her last respects to the Queen Mother lying in state from Friday till Tuesday was told by a policeman on hand it would take eight hours to reach her mortal remains. Undeterred by the long wait in prospect, people from four corners of Britain and all walks of life filed past the pier pouring out

affections to bid a highly emotional farewell to the Queen Mother. These inspired the queen to say in her funeral address: "Sadness should be blended with thanksgiving" for the long life her mother lived.

Queen Mother's was a state funeral but Princess Diana's was not, technically because perhaps 'there had been talks of her divorce'. Yet it turned out to be a very 'special funeral' for Princess

Dianna. In fact, what appears typically British is that the funerals of both Queen Mother and Princess Diana made the public equally sensitive to what was going out of their lives for good. Both, in their own different ways, tried to put smile on the faces of ordinary British people. But overwhelmingly, the spontaneous attendance at the funerals reflected British love for both symbol and legend, royalty and commoner origins notwithstanding.

France and Spain. This was to seal the fate of Napoleon. Atop the Nelson statue at the Trafalgar Square, a place-name commemorating that historic victory, reads a plaque inscribed with this exhortation from the British hero: "England expects every citizen to do his duty." The exact wording could be slightly different, but there can't be any ambiguity about what Nelson meant.

Although it was most probably an early nineteenth century wartime (maritime) exhortation by

country, or patriotism to be precise, that every citizen is called upon to do his or her best whatever be his or her station of life.

But the citizen's duties toward the state or the country cannot be seen in isolation from the state's responsibilities towards the citizens. Basically, it is a social contract between the state and the people that, democracy more than any other system enjoins on the government of the day, to fulfil. Actually, in a Westminster-type parliamentary democracy, gov-

ernment of the day and the opposition are both constitutionally representative of the state and, therefore, ought to be held collectively responsible for redeeming the social contract. So, together they have to create an enabling environment for the citizens 'to do their duties'.

If politics is wrong, everything else goes wrong -- that is an axiomatic truth not unfortunately quite dawning on us as yet, but which we can only ignore to our peril, to be sure.

To use a pun, the British parliamentary democracy was not built in a day. There was Oliver Cromwell, the Church-anointed Protector of The British Isles, who governed the mid-seventeenth century Britain by military dictatorship. Furthermore, there had been clashes between the Church and the King or Queen on the one hand, and that between the Monarchy and the Parliament on the other. 'Taxation only with the consent of the parliament' marked

JUST ANOTHER VIEW

Somehow our political parties are apt to think that opting for dialogue and consensus-building could signal an end to their party politics. They seem fixated on a notion, even though they won't admit it openly, that if broad understanding is reached on fundamental issues and principles of the state they might be left without any ammunition to fight each other. That is remiss.

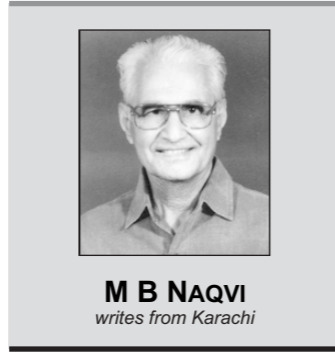
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The arithmetic of Pakistani politics



M B NAQVI writes from Karachi

It is now official. General-President Pervez Musharraf will hold a referendum in early May. The question he is likely to ask is going to be straightforward: In case most Pakistanis --- there will be no voters list --- agree with the proposition that the General should stay on for implementing his reforms and vote 'yes', they will be deemed to have made Musharraf the elected President of Pakistan for the next five years. Since there will be no opposition candidate, with or without a question of his own, Musharraf hopes to win. Although two opposition alliances have appealed for a boycott of the Referendum, he is thought likely to become a non-civilian but elected President with effect from May's first week.

But this is not the only political battle that Musharraf is to fight. It is only the first. Whether this will result in a victory or whether it will satisfy his urge for legitimacy is hard to say. Historical precedents are discouraging: three military dictators had come before Musharraf and two of them sought legitimacy the referendum way. All three are excoriated today as dictators without legitimacy, no matter what electoral gimmicks they indulged in. Today the political field appears crowded with parties that are supporting Musharraf.

They are getting ample projection on official media. But impartial observers think that few of them are expected to win even a few seats in the National or even Provincial Assemblies. And a general election is still six months away.

On the other hand, there are said to be two mainstream political parties that have alternated in forming government since 1988 a couple of times each: PML(Nawaz) and PPP of Benazir Bhutto. Since Punjab is the political heartland that holds majority of seats in the

its performance remains the same. There is the Jamhoori Watan Party in Baluchistan which is sure to send two to three deputies on past form and at least one other deputy, again from Baluchistan, would be the secular Pushtoon nationalist leader Mahmoud Khan Achakzai, son of famous Balochistan Gandhi Abdus Samad Achakzai.

Then there is the Islamic Right that has been so shrill and exhibitionist. Traditionally, religious parties together have never gone

and would cause much trouble. But if this does not happen --- and the chances are that it may not --- then, for practical purposes, the religious Right is a toothless tiger.

But the point of all this is what are Musharraf's electoral chances, given the lay of the political land? It may be that he will soon sport the title of an elected President. But he will still have to face a general election. A certain sophisticated technique of rigging of election results in marginal constituencies

election, will remain a moment of truth for a ruler who is determined to retain the decisive say in national matters. The President is sure to make important changes in the Constitution as he has made it known for long. He has said he will not change its main features. Lately a new option is said to have been added that amounts to rewriting the whole Constitution by an expert body outside the Parliament and then present the Parliament with a virtually new organic law and

a triumph of the commoner's cause and the Bill of Rights secured the foundations of liberalism, justice and fair-play in the British society. The 1920 general strike was the most divisive watershed in British politics. But it is Britain's relentless pursuit of 'government by consent', that has provided the life-blood to their parliamentary system. Without a written constitution they have proved to be one of the most constitutional nations of the world. Somehow our political parties are apt to think that opting for dialogue and consensus-building could signal an end to their party politics. They seem fixated on a notion, even though they won't admit it openly, that if broad understanding is reached on fundamental issues and principles of the state they might be left without any ammunition to fight each other. That is remiss.

Our only hope of switching from destructive competition to the constructive variety lies in our ability to settle differences on some fundamentals, once and for all. If we need to put a national reconciliation commission in place for the purpose, so be it.

SH Imam is Associate Editor of The Daily Star

PLAIN WORDS

There is a political alliance called Alliance for Restoration of Democracy which brings PPP and PML(Nawaz) together on a platform of confronting Musharraf, despite their mutual hostility. Both are opposed to the idea of referendum and Musharraf remaining the President for the next five years. The entire opposition is demanding free political activity. Will Musharraf continue refusing to allow free political rallies and public meetings?

national Parliament, any party that wins Punjab and some more seats in other provinces, is sure to re-emerge as a power to contend with. These two parties were confirmed in four general elections between 1988 and 1997. There are also second rank parties, mostly regional in nature. The third largest party is the MQM of Altaf Hussain. But it is confined to Sindh, and indeed to two major cities of the Province. But it held just under six per cent of the National Assembly seats --- but was way ahead of all other smaller parties. It is at the moment sitting on the fence and wants to be wooed. There are three other regional parties that are likely to get into Parliament, with ANP of Wali Khan in the lead. It had six seats in a House of 207, which strength would amount to about 9 seats in the new enlarged House if

beyond 5 to 8 per cent of the national vote with 4 or 5 seats in the Parliament between three major parties: Jamat-e-Islami, Jamiat-e-Ulema Islam of Maulana Fazlur Rehman and Jamiat-e-Ulema Pakistan of Maulana Shah Ahmed Noorani. If they can win even 10 per cent of the parliamentary seats in the Assemblies, it would surprise nearly all observers. Islamic parties have been feared and this fear was not unjustified. They are a fierce kind of tiger. But it so happens that its teeth are available to it part of the time. They are actually lent to it by Pakistan's famed establishment --- penultimately by the Army. The real threat was that some rogue elements of the Army might, in opposition to quasi- or even quarter secular policies of Musharraf, go over to the Islamic Right, especially its Jihadist outfits,

is a hoary tradition going back all the way to 1988. The intention has been to tilt for one a little at the expense of the others. It will be odd if it can be done wholesale and as crudely as might become necessary now. It is unlikely that in the internationally-watched polls the voters can be prevented from voting or any other crude manipulation of the ballot boxes is done. Possibly only a certain numbers can be added to the tally of the officially-favoured candidates in the backrooms where computers are whirring that results can be marginally improved. But going against clear national trend and making those candidates win that do not get even 4 per cent of the cast votes is probably not possible. All said and done, a certain amount of transparency will have to be observed and the election, being

present it with a painful choice: either take it and live or reject it and stand dissolved. In any case it would be a first-rate political Crisis.

Why will it be a Crisis? As it happens, no matter what official media say and no matter how much they project non-entities, the likelihood of PML (Nawaz) and PPP running away with a large chunk of the national Parliament, as also the provincial Assemblies in Punjab and Sindh and maybe also NWFPP is being taken as nearly certain. The mutual dislike between these parties as also between the President and these two does not need to be emphasised, although the PPP leader has been anxious to strike a deal with Musharraf. But the General is so sure of himself that he thinks that by keeping the top

leaders of PPP and PML (Nawaz) out of the country and of the election fray, he is sure to carry the day. Maybe he knows better. But not many objective observers think that he can actually achieve the results he wants --- certainly not insofar as a reasonably freely elected National Assembly is concerned. But there may be other Crises even before the election results are in. As it happens, religious parties were among the first to be lobbied by Musharraf. They have formed a new religious parties' alliance. The alliance has made known its demands. They are all political and constitutional in nature and none of them concerns Islam or Islamic provisions. It has also opposed the referendum as have the two largest parties. All major forces oppose the continuation in office of Musharraf. There is a political alliance called Alliance for Restoration of Democracy which brings PPP and PML(Nawaz) together on a platform of confronting Musharraf, despite their mutual hostility. Both are opposed to the idea of referendum and Musharraf remaining the President for the next five years. The entire opposition is demanding free political activity. Will Musharraf continue refusing to allow free political rallies and public meetings? As the political temperature goes up, and uncertainties grow, the possibility of Crises occurring even earlier than the October polls is assessed as likely.

MB Naqvi is a leading columnist in Pakistan.

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

As history repeats

By passing the new repressive law, the BNP government has only proved the old adage that governments, by inherent nature, especially in Bangladesh, exist to shift power from the individual to the state. Even the name is so ridiculous-Law and Order Disruption Prevention Act: Can anyone tell me what criminal activity is actually NOT a disruption of law and order?

As for the Awami League, do they know how incredibly funny and comic they look when they self-righteously criticise 'black laws' and 'one-party rule'?

ES Missouri, USA

Bangladesh: A cocoon of terror?

More of a fiction story sketch than a plot-driven observatory report, published in the Hong Kong based Far East Economic Review, is at turns towards Bangladesh, a developing nation, amiable but angry, religious and moderate, communal and realistic. The report and its motivations are purposefully vague; the fundamentalists are undoubtedly outnumbered clergymen, merely educated, and they are seemingly affiliated with the religious schools and cultures. Their plans are short-sited and often

selfish, and it is not a preference until its democracy where everyone has a right to voice his/her opinion; even it paved the way with the sacrifice of human tolerance.

Despite of its reliance on a few references, the report is not an uplifting nor even realistic. Reports of this type of contemptuous. The report is disgraceful and derogatory and full of fabrication and disdain. It is neither journalism nor an economic view but instead the reporter's tale of a country that is trying to survive its turmoil socio-economic structures endearing and conflicted way that will undoubtedly remain in the mind of the world.

Shabbir Khan
MN, USA

MIG's and helicopters

I would like to reply to Mr Samee's regarding Dorji's letter.

Where does Mr Samee see Dorji calling MIG's helicopters? He said that MIG's are not relevant in our defence scenario and more helicopters might be.

Somewhere in Mr Samee's convoluted letter he seems to be suggesting that we need to throw up our half dozen operational MIG's against India and Burma. It would appear that his justification is that they have MIG's too as Singapore and the US have F 16's.

Just for Mr Samee's information,

the Indian Air Force can field at any given time, 700 combat air craft, including the SU 30 (superior to the MIG 29), Mirage 2000, MIG 29s and Jaguars. Not to mention that their Navy has Harrier Jump Jets. This is just the combat aircraft then there are more than 20 MI- 25 and MI- 35 Attack Helicopters and several hundred transport aircraft as well as the rest of the Naval Aviation Wing.

The only viable defence against such a force would be with mobile SAM Batteries and Shoulder Launched Anti Aircraft Missiles that could deny the IAF free flying zones over Bangladesh. Did I mention that SAM batteries are about one-third the price of a MIG?

In asymmetrical warfare, you do not try to go head on with a superior force.

In the case of Burma, actual numbers are hard to come by. The Air Force mainly has Chinese F-7s and A-5s and is now buying MIG 29s. According to defence analysts it will be years before Burmese pilots can handle the MIG 29s and the purchase is being considered in light of the squadron of F -16s bought by Thailand.

Now in regards to Mr Samee's example of Singapore, the defence scenario is completely different. I read a paper a few years ago regarding Singapore's defence posture. There are not too many regional threats to Singapore

except Malaysia. And the bulk of the Singaporean military is directed towards a possible assault, if Malaysia were to turn on their ethnic Chinese, on the Johor Peninsula of Malaysia.

Funny that Mr Smaee compares the MIG29 to the F-16, there are NO confirmed or unconfirmed reports of any MIG29 kills in ANY theatre of conflict, while at least 6 have been shot down by other fighters.

No one wants our Air Force to be weak Mr Samee, but nor do we want an Air Force that lasts all of 30 minutes in any conflict.

Biggles
Dhaka

Please proof-read

On a couple of occasions I have found your newspaper used the term 'fatally' injured for a person who had not died yet.

One example: "A fatally injured Mockbul was rushed to the Dhaka Medical College Hospital. Doctors stated his condition as critical, hospital sources said".

As far as I know, you use the term 'fatally injured', when the outcome of the injury is death.

Shameem Hasan
Dhaka

Let us move forward

31 years after the Liberation War we are at each others throat trying to

make and remake that glorious part of our history which can be inspiration for generations to come to make this country of ours something to be proud of. The squabbling is turning the bravery and heroism of our valiant freedom fighters and martyrs into a tainted myth. Is this what we want our future generations to remember us by that our freedom was given to us on a golden platter one fine morning?

The world in general and our country in particular is going through a difficult time when it is time for all to work together a little harder to pull through the 'depression'. We cannot allow the luxury of turning the clock back to become 'a basket case'. Because there is no one to feed us anyone. We have to move forward and become self-sufficient. It is not that we have not achieved any feathers in our hat in the last 31 years. Look at our farmers, they have made it possible for the country to become self-sufficient in food production. Look at the education sector, the number of literacy has jumped up tremendously. Yes there might be some debate about the quality but that can be overcome with concerted effort by all. Our dependency on foreign aid has definitely decreased. Our health and nutrition sector has improved. The family planning has not been a total failure. For the third term we have a democratically

election government. We have come a long way since 1971 but the journey continues to be uphill. We have still a long way to go but for that we all must ask ourselves "What have I contributed to achieve the success story of Bangladesh". This is our country each and every citizen of Bangladesh has the constitutional rights and responsibility to a better life.

Akku Chowdhury
Banani, Dhaka

Law and (dis)order in Bangladesh

'Arrested people being denied fundamental rights' by Zayedul Ahsan (April 06) is to say the least distressing to read.

The notion of the government "teaching its critics a lesson" (as expressed by an unnamed legal expert) is, to say the least, deplorable. Whilst Bangladesh is a nascent nation, it should not be an excuse to engage in such prehistoric acts. The reporter states that "the three accused were allegedly tortured inhumanly" which immediately gives rise to questions concerning torture as a means of extracting information.

Rather than imitate previous rulers (the mistreatment of the anti-Apartheid luminary Steve Biko, Gerry Conlon in an UK prison, not to

mention countless and nameless others currently languishing in jails around the world) Bangladesh should learn from the lessons of others. Since the High Court should be commended on demanding a show cause notice (30th March 2002) be issued regarding why Mahiuddin Khan Alamgir's detention would not be declared null and void, it is seems somewhat illogical to give 15 days to see if he has been tortured. Does this not simply give ample time for the accused to undergo additional torture and also provide enough time for lacerations and obvious signs of repressive treatment to subside?

In the light of this as well as Odhikar's recent report regarding the treatment of women prisoners in Dhaka's Central Jail, it is apparent that the case of the aforementioned is not a dreadful oversight, but simply further evidence indicating a malfunctioning legal system. Whilst it may be honourable for Law Minister Moudud Ahmed and Attorney General AF Hasan Arif to admit to the misuse of these sections and highlight the fact that they should be amended, it is apparent that deeds and not just words are called for.

Anita J. Brady
Oakland, CA

Sedition Case

The BNP is on an open witch-hunt for all those Civil Servants it sus-

