

Section 54 recommended for chastening Law Commission suggestions need application

THE Law Commission's recommendation that a person charged under Section 54 of the CRPC or Section 86 of the Dhaka Metropolitan Ordinance (DMP) has to be released within 72 hours unless specific charges are brought against him is very welcomed.

Section 54 has always been an excuse to haul in someone who is suspected of some wrongdoing and its application has been the highest in case of discriminatory arrest especially against political adversaries.

The Law Commission has also suggested that torture and abuse during remand should go and the police must produce a detainee within the prescribed time when demanded by the court of law.

That the Law Commission has found it fit to respond on these issues underlines a disturbing fact. That as well as being illegal and arbitrary the debasement of the arrested in remand is violation of law but common in Bangladesh.

One of the worst victims of such violation is a child especially the street kid whose experiences under Section 54 have been quite exhaustively documented. Another area of violation is the Children Act 1974 under which no child can be sent to prison.

Ultimately, this becomes a matter of political will and it's important that it should be recognised as such before things can improve. The recommendations of the Law Commission ought to be viewed from that standpoint.

We welcome this extremely positive recommendations and hope that the government will ensure that these become realities, something that has eluded us for so long.

Kashmir bleeds again

Civilian killing can support no cause

THEIR ears were glued to the radio as men, women and children in a mainly Hindu slum in Jammu listened to an Indian cricket history in the making thousands of miles away at the game's spiritual home -- Lord's.

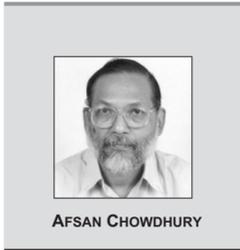
The Indian government was quick to put the blame on Pakistan for the worst attack in disputed Kashmir since a May raid on an army camp that left 34 people killed and stoked war fears between the bitter South Asian neighbours.

It was indeed. After an alarming escalation of tension following the May attack, which induced fear in the international community of an all-out Indo-Pak war and prompted many Western governments to warn their citizens to leave the two countries, there had been a relative calm in the disputed region of late.

The incident is not only deplorable for the killings of civilians but also for pushing India and Pakistan close to another confrontation. Hopefully, both are prudent enough to comprehend the consequence of a military conflict and would, therefore, keep open the peaceful option to resolve the Kashmir crisis.

Of immunity, arrogance and accountability

The World Bank claims (false) immunity



AFSAN CHOWDHURY

IT was one of those meetings where I was present with my supervisor representing my former organisation. It was presided over by one Sudhakar, an Indian bureaucrat then working for the World Bank.

I am sorry for what happened. It's probably called Donoritis. I have rarely seen such display of pure arrogance. That is unless you meet another World Bank official.

I understand they are now seeking 'immunity' from being sued. "I am going to pee on you but can't complain."

A couple of weeks back I read in the papers that some hired hand of the Bank had written in the IMF website-- give us a break guys --that the ex-Chief Economist of the World Bank Steiglitz is a very arrogant man and had once asked if the US Federal Reserve Board Chief was as smart as "one of us."

I fully believe him. Having met some WB officials of the local variety I am in no doubt that Steiglitz is worse. Steiglitz's more memorable assessment of World Bank staff

runs in this general tone. World Bank staff are mostly first grade students from second rate universities. Or was it second grade students from the third?

JOURNALISTS get sued all the time. That's how the system works. Most laws in spirit are meant to protect the indigent and if need be serve as the tool of the affected to seek justice in the court through suing. One of the great rules of

chance again? Most well educated -- read foreign university -- developing world kids join the Bank because it's the best paid job they can get by putting their conscience and brains to sleep.

The World Bank earlier appeared in Court and filed an objection claiming immunity of the Bank from legal process. While a Court's decision on the matter is still pending after the hearing held on June 01, 2002, the WB violated the order of injunction by giving appointment to a staff member who was

was what as it advised the government to go for tubewells and like the namby-pamby lot they are, were confident that this was good for children. They never bothered to check. But what it and others did terribly wrong was to systematically destroy the other alternative sources of safe water and spend money to change habits so that people would only use tubewells.

They, did you know. "You can't sue the Bank."

And I suppose you can't sue God too.

I hear that they have actual proof against corrupt journos. Please. Everyone knows how many and who are corrupt in the profession. It's only a silly WB twit who would think that this was going to be news. But come out with it and show you have courage.

they aren't even a part of. And then the bank becomes a kabuliwallah.

WHEN I was working for the Panos Institute, the World Bank had sponsored a discussion on line jointly with Panos. A success for the Bank, it had become a debate inside PI though Panos made it clear that they had refused World Bank money. It was a shock to the Bank to find out that most people had joined because of the Panos name, which had more credibility than the Bank's.

STRAIGHT FROM THE HEART

Should we discuss the World Bank? It has actually gone from being powerful to the pathetic if it has to seek immunity after being scared of a disgruntled staff member. It's the Adamjee Jute Mills of the development-lending world. Hanging to countries like Bangladesh that mean nothing, it has already been overrun by the WTO. If they don't let you into the team you better stop dirtying the floor. You may have to wash it up yourself.

modern society is that no one is above law. Unless it seems you work for the World Bank or the UN agencies.

If you are immune how will you be accountable? How do you protect people from decisions arising out of bad policies, errors, silliness, arrogance, stupidity and plain ignorance of development agencies and their partners?

It's society's check and balance. But the World Bank is demanding that it be considered above all this. Even when it recommends that as a pre-condition for loans.

"Mama, I won't wash but you can't say I stink."

LAST week a letter arrived on our desk. It was a press release from lawyer Md. Rezaul Islam.

It says: World Bank violates court order. The World Bank has violated a court order of injunction issued by the First Assistant Judge of the District Court against a case filed by a terminated staff. In this connection a violation case has been filed against the World Bank the same day to show cause by July 15 as to

earlier holding the post.

It may be mentioned here that the legal opinions of two successive learned attorney Generals, former Advisor for Law, Justice and Parliamentary Affairs of the caretaker government and the Law Minister have provided that the World Bank does not enjoy immunity from legal process according to articles of agreement signed with Bangladesh. (partly edited)

I have very little sympathy for the position of the terminated and the new staff member now filling the post because they have wilfully gone to work for an organisation that has been documented as being involved with more economic crimes against humanity than any other.

It pays bloody well, does it? Conscience motivates neither of the local staff involved but lost opportunity. But they aren't even clogs in the wheel, they are dead grass willing to live on if paid mega bucks to sing along. It shows how easy manipulation is. One leaves and another comes in. Will the terminated staff refuse to join the Bank if given a

The new arsenic mitigation programme is stewarded by the Bank and when they were going around meeting various groups including activists like us they kept harping on one theme.

They had the answer and it was deep underground water. Everyone has parroted them because WB has the money.

Are they claiming immunity from this policy as well when they were warned that deep tubewells could also be contaminated?

Are they claiming immunity from mass poisoning?

But what about corrupt World Bank officials? Open your gates lad, and let us in. Stop talking about immunity and be transparent and we shall see how clean the lot is.

GIVEN the salary that you get, that itself qualifies as corruption of sorts.

The Chief of Transparency International once told me in an interview that the main objective behind launching TI was to reduce corruption in WB procurement system.

And all this is a secret?

THE only people who will never speak against the Bank are the bureaucrats and the consultancywallahs. Or are they the same? A senior bureaucrat's ultimate prize is a posting in the Bank. Developing the stake holding is so simple, just a job to the right or his cousin who thinks he must feel he owes himself a fancy car and a lot of excuses for raising his incompetence level. And governments who can't make two ends meet find the Bank a willing if not a smart lender.

And the people have to pay for the lending and borrowing of which

Reshuffling two empty packs: The hard right takes over

PRAFUL BIDWAI writes from New Delhi

ARE the reshuffles of the Vajpayee Cabinet and the Bharatiya Janata Party astute moves to infuse youthful enthusiasm and strengthen the National Democratic Alliance? Or do they deepen their crisis of legitimacy, intensifying an internal power struggle which could lead to the BJP's weakening?

Even pro-BJP commentators don't exult over the reshuffles. But not many BJP critics argue the second position. This Column does exactly that.

The essence of all the changes in the BJP consists in its ultra-conservative Right wing consolidating its grip over party and government. The signals are unmistakable: Mr L.K. Advani's elevation as Deputy Prime Minister and M. Venkaiah Naidu's as party president, with Hindutva zealots like Sanjay Joshi, Bal Apte and Rainath Singh in key posts.

Crucial here is Mr Vinay Katiyar's appointment as Uttar Pradesh president, and Ms Uma Bharati's likely appointment in Madhya Pradesh.

Mr Katiyar stands to the right even of the Vishwa Hindu Parishad. He leads Hindutva's street-fighting lumpens called Bajrang Dal. He once resigned as BJP MP because he thought the party "betrayed" Hindutva. It is in his house that the Babri mosque conspiracy was hatched in its minutest detail. Mr Katiyar's appointment repre-

sents the Modi-fication of UP. The biggest Cabinet change is Mr Advani's elevation. This doesn't merely "formalise" his de facto rank. It also changes the balance of power within the BJP/NDA.

Mr Vajpayee has had a unique hub-and-spokes relationship

1990 rath yatra.

The way Mr Advani became Deputy PM is different from the Charan Singh-Devi Lal routes. But all Deputy PMs had one thing in common: they ended up destroying governments. Mr Advani's intentions matter less than the balance of power that

Even more hollow is Mr Advani's "moderation". A year ago, he tore up the India-Pakistan Agra draft after Mr Vajpayee approved it. Recently, he ended "limited" kar seva at Ayodhya (disallowed by the Supreme Court), and repeatedly gave clean chits to Mr

gatekeeper. The VHP's latest temple volte face and swadeshi attacks on privatisation must be seen in this perspective.

Partly, the partners are themselves to blame for this. They capitulated to the BJP on Mr Modi's dismissal. They also helped it reduce the NDA to an assembly of Cabinet ministers by excluding regional heavyweights from its meetings--e.g.

Mr Venkaiah Naidu says he isn't "apologetic" about marching with the NDA agenda in one hand, and the Hindutva trident in the other. The BJP wants to fight the 10 state elections due next year with the trident. If it doesn't win at least half the states, it feels it will be left with no bargaining capacity vis-à-vis the NDA.

There lies the rub. Sticking to the NDA's unconvincing agenda means carrying the weight of misgovernance. But selling Hindutva means greatly narrowing the BJP's electoral appeal. Internally, the BJP is divided between those who stand for the shop-worn Jana Sangh agenda, and those who (e.g. Messrs Jaswant Singh and Pramod Mahajan) want to promote rapacious capitalism through predatory privatisation.

Mr Advani's elevation would have been unacceptable to NDA allies even one year ago. It happened because they allowed the BJP to dictate terms. Gujarat shifted the balance of power.

This is related to the BJP's own Jana Sanghaisation. The RSS has increasingly seen the BJP as a flabby, corrupt cabal which has lost election after election. It wants the BJP to return to the Hindutva "trident" Ram temple, Article 370 and Uniform Civil Code.

The RSS has again shown it is the BJP's ideological-political master and organisational

There lies the rub. Sticking to the NDA's unconvincing agenda means carrying the weight of misgovernance. But selling Hindutva means greatly narrowing the BJP's electoral appeal. Both spell trouble--in the absence of a windfall event such as a war-like crisis with Pakistan. Internally, the BJP is divided between those who stand for the shop-worn Jana Sangh agenda, and those who (e.g. Messrs Jaswant Singh and Pramod Mahajan) want to promote rapacious capitalism through predatory privatisation.

with the BJP's allies. He mattered to each of them more than they mattered to one another. This has changed. Mr Advani will now supplement and substitute for his role.

Mr Advani is not only the PM-in-waiting. He will probably lead the BJP into the next elections.

A hard Right-winger, Mr Advani is also the most important bridge between party and government. It is through him that the sangh parivar, comprising big organisations like the VHP, Swadeshi Jagran Manch and Bajrang Dal, and 200-odd other RSS fronts, conveys its critical decisions to the government.

Unlike Mr Vajpayee, Mr Advani knows key party functionaries state by state. It is he who has infused the killer instinct among them since his

put him where he is. His Deputy PM's Office could rival Mr Vajpayee's.

Some analysts argue that Mr Advani's ministerial performance has been good, and he has "positioned" himself as a "moderate" half-"liberal". Both propositions are specious. Mr Advani's record as Home Minister is embarrassingly bad--witness Kashmir, the Northeast, the empty bluster about a White Paper on the ISI, citizens' register, and countless security breaches.

Mr Advani watched as Gujarat burned. He didn't bother to visit his Gandhinagar constituency for the first 100 hours, during which most of the killing happened. Meanwhile, corruption, communalisation, and declining law and order have accelerated under the pseudo-Sardar.

Narendra Modi. Mr Advani remains hawkish on crucial issues: Hindu primacy, "cultural nationalism", Kashmir, dialogue with Pakistan. His philistine thesis, opposing Amartya Sen, that military expenditure, not health and education, holds the key to development, makes nonsense of "moderation".

Other Cabinet changes reflect ineptitude: e.g. putting Mr Jaswant Singh, who has invested heavily in external affairs, in charge of Finance; entrusting Health to a C-grade Bollywood actor; charging a B-grade actor with Culture; and giving Rollback Sinha a portfolio beyond his depth.

The reshuffle was executed without consulting the NDA's allies. This shows the BJP's

DMK's Karunanidhi, Akali Dal's Badal, BJD's Patnaik, and to a large extent, TDP's Naidu.

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

Hamida Ali's removal: Street politics is not the solution

I fully sympathise with the parents, students and teachers of Viqarunnisa Noon School. The government in a pathetic attempt to defend itself has gone for the typical snide allegations of corruption, impossible to prove, but hurtful nonetheless. That is a despicable way to try and cover up their own blunder. Hasn't BNP ever heard of a focus group?

However, equally disturbingly, I see in the paper that the parents, students and teachers blocked traffic on four intersections for eight hours. If these students are the legacy of Hamida Ali, then she is a failure.

The aggrieved parties yesterday blocked traffic and disrupted the lives and work, not of the PM or her government, but of ordinary people. It wasn't a hartal in name but one in effect. Whatever may be the grievances as long as we claim to live in a democracy street politics has to stop.

If they need to protest then have a sit-in on the steps of the parliament or even better in front of the PM's office. Write to your MP, the PM, Tarique Rahman, the press, even Sheikh Hasina. But do not resort to economic sabotage just to make your point.

Take a look at The Daily Star letters page today. There are only two letters on this issue. The anger at the government's high handed behaviour should have been such that The Daily Star should have had to print a full page on this issue, just as they did for the channel ban and the resignation of Badruddoza Chowdhury. Why weren't there more letters? Because the parents and teachers of the girls of Viqarunnisa are teaching their wards that street politics is the just way to express your grievances.

My sympathies are with the students of Viqarunnisa not with future JCD/BCL thugs.

Joyonto Dhaka

It's now Viqarunnisa's turn

Mrs Hamida Ali is not surely one who is to be endured till she or God desires otherwise. I think she has

served as long as a Justice can serve. More so, she is an M. A. in Bangla. Had she been an M. A. in English, a subject the government wants to give preference to in view of the dearth of the clan, hue and cry could be raised.

Now that she is being eased out, I don't think there is any reason for clamour. What did you do when a dedicated teacher like Mr Faizur Rahman was disgracefully eased out of the Ideal School, an institution he built up with his sweat and blood? Surely Mrs Hamida Ali cannot claim to have been associated with the founding of V.N.S. So why is it so difficult for every one accept that it is time for Mrs Hamida Ali to hand over her duty to someone else?

Dr. Z. Zaman On e-mail

We can still remember how the immediate past Awami League's (AL) political party destroyed the Ideal High School of Motijheel. And it's now Viqarunnisa's turn to embrace the same.

AL is no longer in power. So what? BNP is there. Thanks to BNP government. Carry on. Politicise everything. After all, we have given you the mandate (!)

ER Dhaka

Kamal Ataturk

In the last couple of days I have seen a few letters debating on the 'greatness' of Kamal Ataturk. I am really puzzled about this type of debate in a Bangladeshi newspaper. We have so many pressing issues such as sick politics, corruption, extortion, poverty, crime, women's subordination and so forth at this moment. Instead of pondering on these vital issues, the readers are simply wasting their valuable energies and time debating on the most unproductive issue.

Does the debate on Kamal Ataturk really matter to us, to shed light on our vexing problems confronting the nation? I don't think so. Rezaul Mahmud Al-Ain, UAE

About AIDS

According to UN reports majority of the world's young people still have very little idea of HIV/AIDS transmission and the protective measures that must be taken. Though this disease does not seriously affect our country yet, we must grow awareness among

people about AIDS. And with India as our next door neighbour, one of the world's major HIV positive countries, we must be cautious and start taking precautions.

The government must take initiative to aware the young people of the country. Parents and guardians should also provide the young generation with necessary information about HIV. Rafiq Bin Hai Mymensingh

Recently an international convention on AIDS took place in Barcelona. The Western media is very vocal on this topic. They are depicting very grim pictures of this disease and are also trying hard to warn about the long term demographic and economic damages this devastating ailment would bring.

But I am surprised to note that no one is mentioning the root cause of this disease, which is sexual immorality. Once upon a time when the codes of sexual morality were very close to our hearts there was no epidemic of AIDS. The media instead of encouraging to practice sexual morality are promoting safe sex. The poorest continent of Africa is the worst sufferer of this disease

where sexual morality seems to have almost evaporated. If we want to fight AIDS there's no other way but to encourage sexual morality. Akbar Hussain Toronto, Canada

Water crisis in DOHS Mohakhali

DOHS Mohakhali area has been facing acute water crisis for the last one year. WASA authorities have been assuring the residents of the area for the last one-year that a third deep tubewell would be installed in the area which would solve the problem quickly.

But so far there has been no progress towards installing any tubewell. Recently they also assured the local people that there is budget provision for installing a deep tubewell in the current year's budget. But it seems that things are moving at a snail's pace and God only knows when the sufferings of the people will come to an end.

I therefore appeal to the LGED Minister to look into the matter and direct WASA head office to take immediate steps to install a third deep tubewell in the area to relieve

the sufferings of the residents. Mrs Mantaz Jahan DOHS, Mohakhali, Dhaka

Economic mistakes could undermine Bush presidency

When Bill Clinton became the President of the United States, he promised to concentrate on the economy like a laser and he can claim success in his effective handling of the economy. One of his first steps was to raise taxes (on wealthy Americans). Clinton's "soak-the-rich" tax increase of 1993 - passed over republican objections - triggered the longest economic boom in recent history.

How could a tax increase work such wonders? The Republicans always believed that only through massive tax cuts, the economy can be stimulated. But all independent observers would agree that the tax increase at the time was necessary to restore federal finances, after President Reagan transformed the United States from the largest creditor nation into the largest debtor nation through his massive across-the-board tax cuts and greatest expansion of military

spending during peace time. The decrease in government borrowing following Clinton's tax increase reduced long-term interest rates, encouraging firms to borrow more and invest in capital. As a result, when President Clinton left office in January 2001, he left behind a surplus budget and the expectation that America would pay off the entire federal debt of \$4 trillion within a decade. The resulting interest savings could have gone to tax cuts or increased spending on health care and education or both.

Bush is now facing two enemies. On the global front, the terrorists are yet to be beaten and in the domestic front rogue corporate bosses are increasingly threatening the economy and the public confidence in capitalism. Rogue CEO's have swindled thousands of small shareholders by stealing billions of dollars through fraud and accounting malpractice.

Mr. Bush, like his father, may win the war against terrorism but lose the peace if he fails to tackle the economy.

Mahmood Elahi Ottawa, Ontario, Canada