

Exemplary verdict in Trisha murder case

Credibility of justice system enhanced

THE Gaibandha District and Sessions Judge's Court has indeed been prompt and decisive in delivering its verdict on the murder of Sadia Sultana Trisha, the hapless ten-year-old schoolgirl who was harried to death by three youngsters on July 17 this year. Exactly 73 days after the murder, District and Sessions Judge AKM Anwar Hossain pronounced the judgement whereby the accused three are to be hanged by the neck till death. The Gaibandha police also deserve credit for expeditious investigations that helped the prosecution build up a strong case. Besides, people from all walks of life kept pressure on the administration so that justice could be dispensed at the earliest possible time. Overall, the trial and verdict in Trisha murder case should be a model of expeditious dispensation of criminal justice. In other words, it has proved that a case can be dispensed with quickly and decisively in a justice system that has recently been dubbed as anti-poor in a United Nations Development Programme report titled *Human Security in Bangladesh: In Search of Justice and Dignity*.

In recent times, the lower judiciary has reflected a certain urgency in disposing of cases and thereby won praise from all quarters. There could be reservations in certain circles about some of its recent rulings; however, by and large, the lower courts have pursued the cases with great speed and despatch. The sensational Shihab murder case and Simi Banu suicide abatement case provide two obvious examples. There has been an all-pervasive disappointment about the ruling in the latter, which, many believe, is too lenient, compared to the monstrosity of the crime committed. However, as we have commented in an earlier editorial, a "verdict is as good as the litigation and prosecution. Therefore, we need to address two major drawbacks in our criminal justice system: laws that have lost their utility in the modern-day context and patchy performance of police in investigations."

There is no doubt that our criminal justice system needs a complete overhaul to make it as accessible as possible to the poor and the marginalised sections of society. Alongside, there is the need to bring about qualitative change in our law enforcement agencies. Police play a crucial role in the criminal justice system and should therefore be provided with an operational environment to work freely and independently. Quick dispensation of justice in the Trisha murder case has set an example worth emulating. If we can ensure proper judicial and police reforms, it will become a rule.

Fatal bear hug

Ismail inks a message with blood

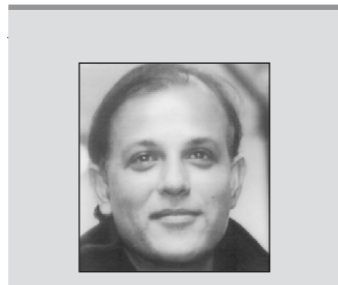
TWO black bears in an exceptional fit of ugly temper pummeled their daily food server 45-year-old Ismail to death. Bear is not the species known for killer instinct, far less any predatory pouncing; for they are perfectly peace-loving animals unless provoked. But in this case their victim did not provoke them. However, what the bears did with their benefactor with whom they had reportedly grown friendly as well, through routine contacts, must have had a scientific explanation in animal behaviour under stressful conditions.

Was there any particular lapse on the part of zoo authorities to meet the dietary needs of the animals? Is there any mechanism to monitor behavioural changes in different large animals from time to time? Given that Dhaka Zoo animals are perhaps some of the most ignored fauna there are, some of them having died through utter lack of care and negligence in the past, it was perhaps too much to expect that a tab would have been kept on the changing bear moods.

That is the finer side of management that only a modern zoo administration will have mastered. But what about the things that ought to have been taken for granted, namely, the procedures usually followed before big animals are tended or fed. Why were the animals allowed to be approached directly -- right into the cage without any bodily shield taken? Is there any supervision to ensure that routine precautions are taken in the closest proximity to animals? Why was no dart gun kept in readiness?

These questions beg answer and recital of fund constraints won't wash when it comes to maintaining just a medium-size zoo. Ismail's gruesome death should not go in vain. It should at least bring some improvement in terms of safety precautions or drills.

The Indian story



K.A.S. MURSHID

THE performance of the Indian economy is of particular interest to Bangladesh and may even provide useful insights into our own struggle to reduce poverty and achieve high growth rates. Kirit Parikh's presentation at BIDS therefore, was just the occasion to catch up on India. Professor Parikh is a well-known Indian economist from the Indira Gandhi Research Institute in New Delhi, which he heads. Let me briefly outline what he said before making a few comments and drawing some parallels from our own experience.

For much of the period after independence in 1947 up to the early 1980s, the Indian economy was stuck at what came to be known as the 'Hindu rate of growth', i.e. ambling along at a leisurely pace -- neither too slow nor very fast, at around 3-3.5 percent. The period was also marked by very high poverty levels, with 45 percent of people remaining below the poverty line in 1983. Not surprisingly, poverty alleviation was retained as the principal goal of every successive five-year plan while actual impact on poverty rates remained equally stubborn.

This was also the period when all the aberrations of an inward-looking economic policy emerged and flourished, and indeed struck deep roots. Thus, a huge public sector was created out of a desire to control the 'commanding heights' of the economy; pervasive licencing require-

ments were introduced (one needed a licence for everything -- what to produce, how much to produce, where to locate your plant, what technology may be used, and so on). To quote Professor Parikh, "...central planning created a plethora of controls, procedures, permits and bureaucratic restrictions... This was not a case of the right hand not knowing what the left hand does but of the right hand not knowing what the right hand does!" The period also saw the rise of a well-entrenched labour aristocracy that

according to Parikh, seized this as an opportunity for undertaking major economic reforms under an able Finance minister (Mr. Manmohan Singh).

The main thrust of the reformist argument was as follows: growth was the need of the hour and provided the best route to poverty alleviation; faster growth required efficient resource use, which in turn depended on competition and deregulation of the economy. A deregulated, highly competitive economy would thus lead to labour-intensive production

However, the initial gains from the economic reforms appear to have slowed down, in part because of a more hostile world climate but also because other (unreformed) sectors are now operating as bottlenecks. Actually, India has a long way to go before it can claim that the reform process has been completed. In many ways, the pace of Indian economic reforms has been slower than that in Bangladesh (which also undertook fairly far-reaching reforms in the 1980s and 1990s). Indian agriculture, for example, has re-

Bangladesh is also more open (if openness is judged in terms of tariff and duty structures) while the policy package for foreign investment is regarded as being excellent. The convenient answer has been to blame corruption and law and order for all our ills. These are doubtless of very great concern although such a focus can divert attention from other equally important considerations.

First of all, are we really entitled to compare the Indian and Bangladeshi experience using the same yardstick? Initial conditions in

exports -- a much more difficult proposition. Third, India was well placed to benefit from the boom in ICT for reasons that are well known while Bangladeshi ICT remains at a very rudimentary stage, partly because of policy failure but also because of poor educational standards. And finally, large food subsidies kept wages low thereby providing Indian industry with a distinct competitive edge over its competitors.

The Indian growth spurt however appears to have leveled off, in part due to external factors but also due to the ever-increasing drag placed on the economy by the wastages and inefficiencies associated with state enterprises, public utilities and the food and agricultural sectors. Time has come for India to address reforms in those sectors -- a task that promises to be long and ugly. We in Bangladesh are somewhat ahead at least on this front as our agriculture has learnt to survive without subsidies while our poor have learnt to live without rationing. Potentially at least, Bangladesh stands to gain enormously as the WTO moves towards removal of protection barriers from the agricultural sector of many developed and developing countries, including India.

India, so to speak, has done better with less, both in terms of growth and poverty reduction. Bangladesh achieved respectable growth rates but its progress on the poverty front has been disappointing despite extensive reforms. On the brighter side, it is unlikely that the progress made in poverty reduction in Bangladesh is in danger of reversal. In the case of India this cannot be ruled out especially as pressure gradually mounts to lift agricultural and food subsidies and privatize the huge state enterprises.

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BETWEEN YOURSELF AND ME

The question that inevitably arises is why has Bangladesh fared so badly, given that the reforms undertaken here have been in many ways more extensive and more fundamental? There is hardly any subsidy left in the food and agricultural sector in Bangladesh, for example, whereas subsidies are pervasive in India. The trade and tariff regime in Bangladesh is also more open while the policy package for foreign investment is regarded as being excellent. The convenient answer has been to blame corruption and law and order for all our ills.

in effect controlled all the critical management decisions. The story of the gardener illustrates the point: apparently the office gardener went to his boss one day and suggested that it was time now to hire a new man for his job. The boss asked in some surprise whether he was thinking of leaving, whereupon the gardener said, "No, no Sir. I have just been made permanent!"

The Indian economy faced a huge crisis in the early 1990s, soon after a new government took over in 1991. Foreign exchange reserves plummeted, enough only to meet import requirements for two weeks while inflation soared to above 15 percent in the face of an oil price shock brought on by the Gulf War. Non-resident Indians withdrew their investments at an 'alarming rate' and India's credit rating fell from triple A to BB+ with the country put on 'credit watch'. The new government,

and exports. The Government of India abolished all industrial licences, tariffs were drastically cut (it is around 30 percent on average now), the Rupee was devalued and made convertible on current account.

The Indian reforms appear to have delivered. GDP growth rates picked up quickly, averaging over 5.5 percent in the 1990s; exports and the balance of payments bounced back and most importantly, poverty fell dramatically. By the year 2000, poverty rates declined to around 25 percent, from 55 percent in 1974, 45 percent in 1983 and 36 percent in 1994 -- no mean achievement especially in comparison with the situation in Bangladesh where the incidence of poverty remains well over 40 percent. Other human development indicators have also registered very significant increases, particularly in terms of educational and health outcomes.

mained virtually untouched by the reforms leading to ever increasing piles of food stocks that have to be disposed off through export subsidies. The public sector too has remained 'untouchable', complete with all the waste, inefficiencies and system losses with which we are only too familiar in our own backyard. Financial sector reforms have been muted, held hostage in part by the dominant public banking sector, although more recent indicators of financial performance suggests distinct improvement.

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the two reforming countries were very different. India had already established a sophisticated industrial base and associated infrastructure; it had an experienced and able entrepreneurial class, a large domestic market and above all, a large pool of skilled labour. Given that all these 'right conditions' were in place, it should come as no surprise that the response to deregulation was as rapid as it was. For India it was a case of reallocating resources more efficiently in the face of greater openness while in Bangladesh it was more a case of creating the necessary manufacturing base and a commensurate physical and institutional infrastructure to go with it.

Secondly, India was able to attract large foreign capital inflows precisely because of its large domestic market whereas Bangladesh was hoping against hope to attract foreign investment for labour-intensive

Bridging the Tamil-Sinhalese divide

KAZI ANWARUL MASUD

IN a stunning reversal of policy Sri Lankan Tamils dropped their demand for a separate state after peace talks in Thailand last month with the representatives of the Sri Lankan government. The chief LTTE negotiator described his party's demand "for a homeland is not a demand for a separate state... (but for) regional autonomy and self government". He also revealed that the progress of the talks had been constantly monitored by LTTE supreme Velupillai Pravarakan. Though it was too early to talk about disarming and decommissioning of weapons held by LTTE before further progress is seen in their demand for greater say in running the civil administration in the North-East and for playing a pivotal role in the rehabilitation and reconstruction of the war ravaged areas, the Norwegians -- the mid-wife in the talks between the combatants -- announced that further three rounds of talks would be held in October-November, December this year and January next year.

In the context of the long and bloody civil war LTTE's announcement was found significant by many observers of the Lanka tragedy. Some, however, did not find the announcement spectacular. They contend that right from Thimpu in 1984 the LTTE has been maintaining that they are open to any solution offered by Sri Lanka, which meet their aspirations (*The Indian Express* Sept 19th). Douglas Devendra, Chief of Elam People's Democratic Party and an inveterate critic of Pravarakan has said, "It is too early to say anything. The proof of pudding is in the eating". Prof Suryanayan, a long time commentator on Lankan affairs said, "There is nothing to get excited about Balasingham's remarks. In fact one should be wary of his concept of a homeland and self-determination, which could in fact be interpreted as the right to secede when it is convenient for them". On the positive side are the points that it is for the first time that LTTE has talked in terms of Sri Lankan Tamils and not Elam Tamils; that Muslims are part and parcel of the homeland concept; that both the Sri Lankan Prime Minister Ranil Wickremesinghe and LTTE find it to their advantage to keep up the peace momentum; Balasingham's admission that it was for the first time that a third party was guiding the events; and finally Norwegian

government's announcement of the dates of the next three meetings between the combatants. However in the present situation one cannot be oblivious of the reservations of President Kumaratunga about the ongoing process. Her expressed reservation could lead to the use of her power to dissolve the Parliament -- the power bestowed by the Constitutional amendment to the President that he/she can dissolve the Parliament any time after one year has elapsed after its formation.

Tamils in Sri Lanka have felt ignored and discriminated against by the majority Sinhalese community ever since Ceylon got independence from the British in 1948. Discontent came to the fore over the prolonged dispute relating to the language bill, which culminated in the resignation of the 16 Tamil members of the parliament and its subsequent dissolution in 1956. The proposed

1958 saw the Tamils of Tamil Federal Party embark on a campaign in some parts of the North and the East, ostensibly against the use of the letter Sri number on car plates, but in reality to protest against "Sinhalese only" Act of 1956. A race riot followed. The military was called in. About 20,000 Tamils fled to the North and Eastern provinces while 2000 Sinhalese left Tamil areas for the South. To pacify the Tamils a Tamil language bill was rushed through the parliament. Division of Ceylon into regional councils was also promised. The language bill however elicited little response from the Tamils. In 1983 civil war erupted. Tamil guerrillas launched their fight for a separate homeland. President Jayawardene pushed through a constitutional amendment that made it illegal for an individual or group to advocate secession and required parliament members to swear loy-

Ranasinghe Premadasa won the 1988 presidential elections riding on the wave of anti-Indian sentiment though his public pronouncements were not as sharp as that of his opponent Mrs. Sirimavo Bandernaike. President Premadasa sought the withdrawal of Indian peace keeping force by July 21st, the second anniversary of the accord. Rajiv Gandhi rejected the deadline. Indian troops finally left during the premiership of V.P.Singh.

Meanwhile LTTE became a legal political party and began negotiations with the government for a Tamil controlled North East. Before their departure Indian troops however had trained and armed a Tamil National Army to provide protection against LTTE who joined hands with the Sri Lankan government and wiped out the Indian trained Tamil National Army. An additional dimension was added to the conflict when

Mrs. Kumaratunga was re-elected President though with a lesser margin of support compared to her earlier election. A failed attempt on her life a few days before the election certainly helped.

Why has the Sri Lankan civil war been allowed to linger on for 19 years costing 60,000 lives is an enigma to many. Perhaps international community hesitated to get directly involved in a region falling under the "Indian sphere of influence" which was further complicated by the extension of moral and material help from Tamil Nadu (LTTE was banned in India after the assassination of Rajiv Gandhi). Indian Peace Keeping Forces' stay in Sri Lanka was not particularly helpful. In the face of the failure of the regional "hegemon" the combatants looked elsewhere, Norway, a member of the European Union yet too small to nurture global ambi-

the history of Sri Lankan Tamil nationalism itself" (*The Transformation of Tamil Nationalism - Indian Journal of Asian Affairs*, June 2000).

Theoretically the right to self-determination is a fundamental human right, if it does not lead to secession. The existing states are assumed to reflect the political identities of all the peoples inhabiting within its geographical boundary. In that assumption territory triumphs over social composition of the people in determining statehood and sovereignty (*Sovereignty, Nationalism and Self-determination - James Mayall 1999*). There have been exception though as in the case of Germany where propelled by the inexorable historical tide the two Germans (both recognized by the international community as independent states) were united; chunks of former Soviet Union were recognized as sovereign states; East Timor exercised its right of self-determination; Eritrea (forced by OAU orthodoxy that only ex-colonies can claim statehood) went through the process of a referendum as a precondition for recognition and admission into the United Nations. Corsican separatists and provisional IRA were treated differently. During the American civil war President Lincoln took the view that secession breeds anarchy, partition resultant of secession invariably creates new minorities who are left stranded on one side or the other. Legality of secession has also been questioned as in the case of Canadian government seeking the opinion if its highest court on Quebec's frequent attempts to leave the Canadian federal structure. Admittedly the principle of minority protection (abused by Third Reich in the case of dismemberment of Czechoslovakia in 1938) was recognized through the 1992 UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities proclaimed by the General Assembly and therefore applicable to all states. Right of self-determination and secession therefore appears to be based on very tenuous ground unless it is presented almost as a *fait accompli* backed by the unanimous and total will of the people involved to self-determine their own future.

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bill was aimed at replacing English by Sinhalese as the only official language totally dropping Tamil as one of the official languages. In the 1956 elections both the major political parties -- Prime Minister Sir John Kotelwala's United National Party and SWRD Bandernaike's (father of president Kumaratunga) People's United Front -- sought support of the voters as champion and protector of Buddhism. In the elections Kotelwala's party got only 8 seats in parliament as against Bandernaike's 51, Tamil Federal Party 10 and other Tamil groups 6 in the 95-seat parliament. Eighty percent of Ceylon being rural the ordinary Sinhalese voted for the elimination of English educated urban elites from power and make Sinhalese the official language to end their exclusion. The Parliament then passed a bill making Sinhalese the official language (though the change from English did not take place till 1960).

Tamil indignation against the Bandernaike government grew as the government reneged on its pledge to legalize a reasonable use of Tamil language for administrative and educational purposes. The year

ality to a unitary and indivisible Sri Lanka. Members of official opposition Tamil United Liberation Front boycotted the parliament session and lost their seats after three months as provided in the constitution.

Prior to the 1983 riots President Jayawardene through a referendum held in December 1982 extended the life of parliament for another five years beyond its scheduled dissolution in August 1983. Intermittent violence continued and Indian military assistance was sought. In 1987 President Jayawardene and Rajiv Gandhi signed the Indo-Sri Lankan Accord providing important concessions to the Tamil demands for greater autonomy and gave India a voice in the conduct of Sri Lankan foreign relations (Nilan Fernando *Sri Lanka in 1989: Maintaining the State-BIIS Journal*, vol 11, No 1, 1990). A major concession was the amalgamation of Northern and Eastern provinces into a single territory ensuring Tamil control. To underwrite the Accord India sent 50,000 troops within few weeks and 130,000 by the end of 1987. The accord was uniformly opposed by the Sinhalese.

LTTE was blamed for attacks on the Muslims in the eastern region. The Muslims along with the help of the Sri Lankan Army retaliated causing hundreds of deaths. Cycle of violence continued with the assassination of President Premadasa and opposition leader Lalit Atulmulali in 1993.

In the midst of all these leadership struggle in the main opposition -- the Sri Lanka Freedom Party -- emerged as Sirimavo Bandernaike extended her support to her daughter Chandrika Kumaratunga and not to her son Anura Bandernaike who left the party to join the governing party. In 1994 Chandrika Kumaratunga won the Presidency on the pledge to end the civil war. She offered a devolution plan creating a provincial government with extensive powers under a unitary central government. The plan was rejected by the LTTE. On the military front fortunes continued to shift from one party to the other with no end in sight. The year 1997 was a victory for the government as the USA finally declared LTTE as a terrorist organization thereby restricting anyone in the US from extending any help to LTTE. In December 1999

begin the operation of making 'university' products that continues in full swing till date. With the exigency of time, the National University has been extended to remote, urban and city areas enveloping a vast dimension. Although it is called a university it is far from the concept as propounded by Newman and other universities. Most of the NU products remain introverts in lieu of being extroverts suffering in constraints in matching their counterparts in learning, taste, sophistication, and confidence because of lack of teaching and campus facilities, amenities and allied environs. Most recently the VC of NU Prof Monem opined with heavy heart that in 190 colleges honours education is offered but the standard and facilities are far from being sufficient,

satisfactory and compatible. It's unbelievable that even one year old degree colleges hung signboard of U college and put political pressure for sanction of Hons./master course, which speaks more of political capitalisation leading to quality bankruptcy.

Thus the country seethes with burden of many unworthy university products. So care should be taken that politicking at and 'politicalisation' of intellectual domain and educational institution are shaken off, else the leaders following the path of ensconcing themselves and kidding the nation may not escape the brunt of obloquy. Spare education, please.

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OPINION

Politicking in education

MD. ABDUS SALAM

EDUCATION perhaps is the most riveted topic with almost everybody -- academics, intellectuals, literati, teachers and guardians -- now-a-days. Although it has been cudegling our brains a lot since Independence, it got quite during the preceding decade specially few years back while Dhaka University was seen to be failed to occupy a place in the best fifties of Asia as surveyed by *Asia Week* magazine -- shocking millions tremendously to stray questions of hard realities who could hardly believe that the university that was once zealously called 'Oxford of the East' has been given short shrift. A simultaneous live *Avimat* programme cast by BTV was also devastating where a questioner asked the then VC, A K Azad

Chowdhury that many a DU student could not write application in English correctly which appeared as a harsh truth grinning behind the screen of his tackling the situation tactfully. DU and other university students may scan themselves in this regard. It is also alleged that many of them can't draft/write application/official letter correctly in Bengali even. Of course, exceptions are there -- and much of it, we wish. But this nth position of downfall of the standard of our education rocked the entire nation with painful angst. It seems that the tide of expectation ebbs in agony.

We may look at the backdrop of this situation through a recent anguishing comment of eminent intellectual Prof. Serajul Islam Chowdhury -- 'Now-a-days voters, not teachers are appointed in the University' -- which throws suffi-

cient light on many political shenanigans there. It also blows the gaff that during the preceding decade hundreds of teachers got 'passport' into the prestigious teacherdom of DU more on the profits of partisanship than on the merit of qualification numbing citizenry that candidates with foreign degrees/research credentials were even knocked out by party graces in the selection bout. This playlet might have been staged, being staged and will be staged in other universities too, only to the ravishment of highest seat of learning.

The search of reasons for such scenario reveals the role of some political desperados in the borrowed robes of 'patriots' masqueraded as leaders who made/make universities a 'living theatre' for ulterior motive through poppy-cock bamboo to perpetuate their power. Politi-

cal harum-scarum inroads encompassed scholarly teachers with temporalities and the tender-aged students with might of LSD. The proud friends, guides and philosophers -- the revered scholastic profession of good taste and refinement which fell against vulgarity -- gave in and won over by the politicking of muscots. It is hood-doo for the nation that almost all -- some willfully, some adventitiously and some perforce -- tagged themselves with taillism at the cost of perennial spirit of purity, serenity, high thinking and pursuit for learning. They were made the soldiers of the citadel of pen. Thus being contaminated, the temples of intellect and brain turned into bewildering canvas of non-quality production and dalliance of 'mighitism' and 'materialism'. What other harm can malign a nation than this catastrophic and saddest

situation!

In piloting schemes of setting up new schools/colleges often the capacities of chairman of politics become enthusiastic more for purposeful intention than for philanthropic purpose using these as means to some end, not an end in itself. Quality of education and interest of the country are ignored and trampled for the sake of pelf and power. Men of 'devil brains' are reared and nurtured in the seats of learning with imposed committee of non-students often not having even SSC certificates and poky ex-students. Snobs of power are looked upon as plesantry when they cry for cooperation from teachers, guardians and others for upkeeping peace, sanctity and safety in the campus and at the same time make it frying cauldron of terrorism in clandestine for their own position.

Probably they conjecture that the country is full of idiots and nincompoops.

In this context 'political education' which spread over the country during Ershad's regime may be recalled. He used to fly to some areas and declare a college as nationalised hence without caring for qualified teachers and other required facilities. Even today many of those colleges are suffering from staff and facility crisis. During his regime old district colleges started to be turned into university colleges indiscriminately with only existing staff/library/lab and other facilities. This step was a bolt from the blue to the teachers. Most of them being without honours and having even one or more thirds in career sank in fear with responsibility of producing Hons/Post-graduates. Square pegs were put in round holes and thus

begin the operation of making 'university' products that continues in full swing till date.

With the exigency of time, the National University has been extended to remote, urban and city areas enveloping a vast dimension. Although it is called a university it is far from the concept as propounded by Newman and other universities. Most of the NU products remain introverts in lieu of being extroverts suffering in constraints in matching their counterparts in learning, taste, sophistication, and confidence because of lack of teaching and campus facilities, amenities and allied environs.

Most recently the VC of NU Prof Monem opined with heavy heart that in 190 colleges honours education is offered but the standard and facilities are far from being sufficient,