LATE S. M. ALI **DHAKA SATURDAY OCTOBER 5, 2002**

Independence of judiciary

The govt should be able to expedite the process

Y all sights and sounds, it appears that the government cannot meet the October 26 Supreme Court deadline for effecting the separation of judiciary from the executive. It seems set to seek another extension, for the 14th time since the highest judiciary issued the 12-point directive in December 1999 in this behalf.

The cabinet committee, entrusted with the responsibility of working out the details to unhinge the judiciary from the executive, appears stuck on how to absorb officials of the administration cadre who serve as magistrates into the proposed judicial service. The task is tricky indeed; after all there are some 600 officials of the administrative cadre discharging magisterial responsibilities in the lower courts. And there is perhaps a question of option involved here. But basically, if the BCS (Judicial) cadre service officials were recruited in sufficient numbers through some forward planning, the government, needless to say, would have had a head-start. In any case, we don't think the issue presents any insurmountable problem.

It is on the whole difficult to accept that the task is so challenging that Awami League and BNP governments had to fail in making any headway over a span of almost three years since the Supreme Court directives had been issued. To be fair to the interim government headed by Justice Latifur Rahman, it did finalise the rules at the last meeting of the advisory council for establishment of a separate judicial service, a judicial service commission, a judicial pay commission and a draft amendment to the code of criminal procedure. It would have introduced the rules on October 2, had not Begum Khaleda Zia said that newly elected BNP government would like to have the satisfaction of implementing the separation of judiciary from the executive. Almost a year since her four-party alliance came to power, there has not been sufficient progress in this direction, although formation of the cabinet committee and the secretary committee and the holding of a number of meetings by them were indicative of a government intent to abide by the Supreme Court directives.

Separation of judiciary from the executive is ordained in the Constitution of the Republic. Any democratically elected government is, therefore, obligated to separating the judiciary from the executive on every level, including the lower tiers, which handle the largest number of cases affecting people's lives. Besides, just before the fall of the autocratic regime of HM Ershad, the major political parties -- the Bangladesh Nationalist Party (BNP), the Awami League (AL) and the Left -- made a pledge, among other things, to implement the constitutional decree in their famous 19-point agreement. Since then, both the BNP and the AL have been in power for a full five-year term each, and the former has started its second term. And yet, separation of judiciary remains an unfinished agenda.

The highly imperative independence of judiciary as part and parcel of a check-and-balance system cannot be casualty of absorption or co-option hiccups. What has been lacking is a political will to get the job done. Apparently, the mainstream political parties have been averse to losing control over the magistracy purely on partisan consideration, ignoring the greater benefit it would bring to the overall judicial system. They seemingly kept the option open that whoever was in power might like to use the lower judiciary to their administrative ends. This reflected an undemocratic attitude. The vicious cycle went on and on. It is time the cycle was snapped and let the judiciary be free of political interference. The judiciary, like other pillars of the state, is to serve the people. The constitution guarantees that. The government must do all in its power to implement the SC's directives sooner than later.

What Advani never said



writes from New Delhi

HIS is nothing new in India. The upper castes have not allowed the dalits for centuries to share a pond, tank or well. Many temples remain barred to them even now -- after 55 years of independence

The story would not have been any different in Chakwada village. Raiasthan, if the police had not interfered to restore equal rights as stopped the upper castes from denying the dalits the use of the local pond. Constant clashes did not deter the dalits. Nor did the boycott by the upper castes which considered the water 'sullied.' But it was a long battle, which the dalits took 10 months to win. The upper castes still have not accepted the right of the dalits to use the pond and the situation remains tense.

I thought that Deputy Prime Minister L K Advani, also in the know of the incident, would refer to the victory of the dalits at the rally in Lucknow a few days ago. It would have been appropriate because the Uttar Pradesh chief minister Mayawati, a dalit herself, had organised it. Advani's speech would have been a warning to the upper castes -

wall -- that the dalits would ultimately overcome the arrogance of superiority and win the battle against discrimination. But he did not even discuss the issue, let alone mention the Chakwada village incident. In Advani's long speech there was only a passing reference to an observation by Dr BR Ambedkar, the dalit icon, that India lost its independence because it had not got rid of narrow consider-

ations of caste and creed Why couldn't Advani express the

in Chakwada village to assert their right to use the water of the pond. Advani could not have said all because Ambedkar had burnt the Manusmriti, which the BJP and other members of the Sangh parivar regard as their bible

As expected, Advani dwelt on politics, not social divisions. His eves are fixed on power all the time. He explained how a joint front of the dalits represented by the BSP and the BJP that claimed to have a large support among the upper castes, could dominate the political scene

seeking the High Court's permission. Such a notification was issued when the cases relating to Avodhva where the Babri Masjid stood before demolition, were sent to a special court. Subsequently, another notification, which was irrelevant, was issued mentioning the Ayodhya cases. The second notification did not have the court's permission. But that was not necessary. The High Court dismissed the case on the basis of the second notification. The appeal is being argued before the Supreme Court. The Court has the court not to drop the case on the grounds of a legal flaw.

Mayawati feels that her party has paid the BJP the price for supporting her government. The BJP is grati fied that Mayawati has acknowledged the debt by not issuing the notification. True, but what about the image of Advani and his two colleagues? Look at the future. Posterity may recall that they were let off because there was a flaw in the state government notification. Doubts may continue to lurk whether and how far Advani, Joshi,

constitutional provisions against it. But she is more interested in keeping her chief ministershin than fighting against the upper castes because they sustain her in power.

The reason why the dalits go on

losing is that their leaders prefer political power to social equality when they make a bargain. There will be always Mayawatis and Kanshirams to "sell" the dalits for positions in the government. Mahatma Gandhi tried to wash off the stigma of the dalits by calling them Harijans (sons of God). But the lower castes resented this. They considered Gandhi's gesture patronising. They forced the government to drop the word, Harijan, from all official records and references What the dalits do not realise is that the identity politics articulated by the RSS has made their life more difficult because the economic problems have been pushed into the background. In the name of Hindutva, the nation has been made a hostage to parochialism and communalism. With the rise of Hindu Rashtra politics, the ideal of social equality is slowly becoming an unattainable dream. The dalits in the villages will suffer not only the pangs of starvation but also all

forms of social deprivation. Untouchability, the curse of our nation, will go on thriving. One-sixth of India's population, some 16 crore

people, will therefore continue to

e a precarious existence. They will be forced to overlook their own interest and they will be shunned by much of society because of the stigma "untouchable" or "dalit.'

BETWEEN THE LINES

I really do not know why Advanai and other BJP leaders should take shelter behind technicalities. The CBI filed the charge sheet against them before the special court. Charges were framed. The stage had reached for evidence. Would it not be better for the country's image if its deputy prime minister, his two colleagues and others were acquitted on the ground that the charges against them had not been proved?

same thoughts on his own? The dalits would have liked an assurance by the deputy prime minister that the BJP would join them in the fight against the upper castes to root out for all time the hatred and haughtiness which the lower castes faced in their day-to-day living Obviously, a party of the upper castes, dependent on their vote could not afford to go against its constituents and their entrenched beliefs. If at all Advani had to invoke Ambedkar's name -- probably a must at a dalit rally -- he should have done so to recall Ambedkar's relentless battle against the bias of the upper castes. Ambedkar led his followers 75 years ago to Chavdar Talab (tank) as the dalits have done after the next general elections. By all means the two should join hands. But they should be doing so not to capture power but to break the shackles of social ostracization, a

stigma that Hinduism bears. Advani's purpose turned out to be personal. Mayawati let the cat out of the bag when she said that her government would not issue notification to revive the special court, which was established to try those who had demolished the Babri Masjid. Advani is one of the accused. On a mere technicality, the UP High Court let him off and the coaccused, including HRD Minister Murli Manohar Joshi and Coal Minister Uma Bharti. The govern-ment constitutes special courts after

asked the UP government to answer the question why it does not want to issue fresh notification to revive the special court

I really do not know why Advanai and other BJP leaders should take shelter behind technicalities. The CBI filed the charge sheet against them before the special court. Charges were framed. The stage had reached for evidence. Would it not be better for the country's image if its deputy prime minister, his two colleagues and others were acquitted on the ground that the charges against them had not been proved? To go scot-free on the mere technicality of notification may be legally tenable but not morally. Advani and others should have themselves told Uma Bharti and others were responsible for the demolition of the Babri

Mayawati too has got something in return from the BJP. Advani has defended her pet project, the extremely costly Ambedkar memorial put up by the BSP government in the cash-starved state. It is the same memorial the construction of which was stopped by the earlier BJP governments. It has been expanded by the acquisition of land belonging to the Indira Gandhi Prathisthan. Mayawati has unnecessarily made the memorial an issue. None is against it. The real issue is the discrimination perpetrated by the upper castes despite

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Marriage of convenience



M.J. ZAHEDI

HE forthcoming national elections scheduled to be held on October 10, 2002, are being contested by a combination of electoral alliances. One of the prominent teams to play the electoral game is the ARD or Alliance for the Restoration of Democracy. Its chief constituents are the Pakistan People's Party (PPP) and Pakistan Muslim League-Nawaz (PML-N) with Pakistan Democratic Party (PDP) head Nawabzada Nasrullah Khan as its chairman. It would not be the first time that contending political parties have formed alliances to contest an election in Pakistan. In the early period of the county's political life, the Awami League (led by H.S. Suhrawardy and Sheikh Mújibur Rahman) and Jukto Front. The Front however was largely confined in the country's eastern wing in which it swept the

Then came the Combined Opposition Parties (COP) that was formed to oppose the authoritarian political system of Pakistan's first military ruler Field Marshal Ayub Khan. This alliance later evolved into the Democratic Action Committee (DAC), But DAC was not meant to serve as a base to jointly contest elections. That is why when elections were held in 1970 the parties fought in it on individual basis. In the 1977 electrons the opposition political parties confronted the ruling PPP from a common electoral platform. the Pakistan National Alliance. The PNA led the anti-Bhutto agitations that culminated in the imposition of the third military government in Pakistan, headed by Gen, Zia-ul Huq. In 1983, the MRD was formed Zia to hold elections within 90 days after seizing power on July 5, 1977.

The PPP was assigned the leading role in the MRD. But the MRD also included some of those political parties that had collaborated with Zia in the early period of his rule. However the MRD was not able to make any significant dent in the armour of Zia's martial law. But it must be said that largely because of this movement Zia was forced to hold partyless elections in 1985 and lift martial law in December 1985 to MRD was struggling against the martial law regime, it remained united, but when elections were held and the prospects of PPP coming into power became clear, the MRD fell apart. The PPP too deserted its former allies in the MRD, and in the presidential elections, held in December 1988, it voted for Ghulam Ishaque Khan instead of Nawabzada Nasrullah Khan. Nawaz Sharif used the IJI as a tool to blunt the sharp edge of the PPP's electoral victory in the 1988 elections

ETTER FROM KARACH

pave the way for a civilian political

The formation of the Islami Jamhuri Ittehad during the 1988 elections was symptomatic of a highly polarized policy and an indication of the desperation by the followers of Zia to hold their ground against the rising tide of PPP popuarity under Benazir Bhutto. It fielded joint candidates in the 1988 elections under a common symbol and with the strong backing from the establishment; it was able to prevent the PPP from sweeping the polls. The IJI maintained its unity in the 1990 elections and scored a complete victory over a demoralized PPP in national as well as provincial elections. In both 1988 and 1990 the IJI contested national elections under the leadership of Mian Nawaz Sharif, a Zia protégé with a strong support base in the Punjab.

1n 1988, Nawaz Sharif was the de facto leader of the IJI. In 1990 he was formally named its president Differences between the religious parties and the top IJI leadership mainly between the Jamaat-i Islam (JI) and the PML over the question of enfocring Shariat' led to the Jamaat's disassociation from the government and the ultimate disintegration of the IJI. In 1993 election the JI contested on its own and fielded candidates under the Pakistan Islamic Front symbol, but miserably lost all over the country Past electoral alliances mainly failed when the parties entered the corridors of power. The same fate befel

and to capture power in 1990. Once these two objectives were achieved Nawaz Sharif did not lose any time in dumping the IJI into the dustbin of

One of the prominent teams to contest in the elections is the ARD or Alliance for the Restoration of Democracy. Its chief members are the PPP and the PML-N with PDP's head Nawabzada Nasrullah Khan as its chairman. The ARD was formed to pursue its one-point agenda, the restoration of the 1973 constitution. However it never enjoyed complete unanimity either on constitutional issues or political programme being pursued by the ARD's constituent units. For example, the MQM and ANP had serious differences over the quantum of provincial autonomy favoured by other political parties like the PML and the PPP. As a result, these two parties pulled out of the alliance to chalk out their separate courses of action. Confronting the ARD is the Grand National Alliance or the GNA. headed by the National Peoples Party chief Ghulam Mustafa Jatoi. The GNA comprises the parties whose stand on currant political and constitutional issues is in sharp contrast to the one taken by the ARD parties. For example, the PML-Q, Millat Party, National Awami Party of Pakistan and PPP-Sherpao has expressed open support for the constitutional amendments under the LFO announced by Mascara recently. The third major alliance is the MMA or Mutttahida Majlis-e Amal, consisting of religious parties

like Jamaat-e Islami, JUI-N, JUI-F, JUI-S, and others. Like the ARD the MMA has also been suffering from internal differences among the component parties. There is a serious difference of opinion between the JI and the JUI-F on attitude towards the present regime and between the Jamaat and JAH (Jamiat Ahle Hadis) of Sajid Mir on the issue of cooperation with the Almost all the parties, though not

all, have grouped into alliances and have entered into seat adjustment arrangement agreements with other parties within the alliance or even outside it. For example, PPP which has reached a seat adjustment agreement with PML-N has also made seat adjustment arrangement with the MMA. But it is the seat arrangement between PPP and PML-N that has attracted the attention of the most commentators and analysts. The reason behind the extraordi-

nary interest in the understanding between PPP and PML-N is that these parties have been bitter rivals in the past. Not very long ago, PML-N was dubbed by PPP as the creation of the establishment and a remnant of the Zia martial law. The PML-N leadership, including its chief Mian Nawaz Sharif, had called the PPP a security risk. Both have been serious contenders for power in all the previous elections, using all the methods and means to under mine each other. This is why some critics have called it a marriage of convenience. There is no denying the fact that a seat adjustmen arrangement between the two can seriously upset the calculations of the PML-Q, which is hoping to capture most of the seats (mainly due to the absence of Benazir and Nawaz). However there will remain a big question mark on the prospects of cooperation between PPP and PML-N in future, especially on the issues of electorate and fighting religious extremism in view of the PML-N's rejection of the joint electorate restored by the Musharraf regime and its flirtation with the MMA, whose component

parties are bitterly opposed to anti-terror policies of the present

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Lailatul Miraj An inimitable night journey

KAZI AULAD HOSSAIN

UR holy Prophet Hazrat Muhammad (peace be upon him) was a man and a superman. He was an ordinary person and at the same time he was extra-ordinary also. He was a commoner and again he was the greatest of men of all times. Almighty Allah bestowed on him certain special favours which He did not bestow on any other human being including all the holy Prophets (pbut) He has sent to this mundane world from time to time for guidance of the mankind. And one of such favours was the holy Prophet's wonderful "Miraj" or journey across the seven heavens performed by him on the 27^{th} night of the holy lunar month of Rajab. What do we understand by the term "Laila-tul Miraj"? "Lail" is an Arabic word and it means "night" and "Miraj" means "journey". So, by the term "Lailatul Miraj" we mean journey by night. It relates to an unusual and wonderful journey performed by the holy Prophet (pbuh) on the night referred to above. In this connection we may refer to Ayat (Verse) number one of Sura (Chapter) Bani Israel (Children of Israel) of the Holy Quran wherein Merciful Allah says

"Glory to (God) Who did take His servant for journey by night from the Sacred Mosque whose precincts We did bless in order that We might show him some of Our Signs. For He is the one Who heareth and seeth (all One may be inquisitive to know wherefrom the momentous night journey

of the holy Prophet (pbuh) began? Who was his guide enroute to the august presence of Almighty Allah? Did he use any transport for this unusual and unique journey? It may be stated here, the holy Prophet's (pbuh) ascension took place right from the precincts of the Holy Ka'ba of Mecca to the Holy Masjid-ul-Aqsa of Jerusalem and from there he resumed his onward journey at a tremendous speed across the seven heavens till he reached a place known as Sidratul Muntaha. And before he resumed his journey the holy Prophet (pbuh) had a guide for undertaking this journey. Almighty Allah detailed Archangel Hazrat Jibril (A.S) for guiding the holy Prophet (pbuh) and the transport he used for this purpose was known as "Borak". It may be further pointed out that angel Jibril (A.S) bade him adieu when they reached Sidratul Muntaha for from here the holy Prophet (pbuh) was required to proceed alone with the help of another special kind of transport sent by rciful Allah called "Raf Ra From here he resumed his onwa and this time the journey was of quite different nature, the holy Prophet (pbuh) passed through 70,000 veils of Almighty Allah's 'noor' (light) till he reached the august presence of Allah Robbul Alameen

One may reasonably ask whether the magnificent ascension of our holy Prophet (pbuh) was a spiritual one or it was a miraculous bodily journey. According to a translator of the Holy Quran of international repute Allama Abdullah Yusuf Ali we learn majority of our revered commentators have taken the holy Prophet's ascension literally. He was alone on "Raf Raf" when it carried him to the august presence of Almighty Allah. And while with Allah Rabbul Alameen he had a fruitful discussion, during his stay there he availed the opportunity to see the abodes of the sinners as well as the abodes of the virtuous. Before the holy Prophet (pbuh) left for this mundane world, Bengn Allah was graciously pleased to give him very valuable gift "salat" or "namaz", the most important pillar of all the five important pillars on which the grand edifice of Islam stands

The great distance covered by him right from the precincts of the holy Ka'ba through the seven heavens up to Sidratul Muntaha and then agair through the 70,000 veils of Almighty Allah's 'noor' using "Broak" and "Raf Raf" is incomparable and without any parallel in human history. And how it was possible? It was possible because Almighty Allah desired and helped our holy Prophet (pbuh) to perform this magnificent journey.

This is the holy month of Rajab and the Muslims all over the world celebrate Laila-tul Miraj or the magnificent ascension of Prophet Hazrat Muhammad (pbuh) on the 27th night of this lunar month of Rajab, with due solemnity and fervour, and supplicate Allah Gafur-ar-Rahim for His favour and forgive-

TO THE EDITOR TO THE EDI

"Not so great navy"

This is in regards to the letter by a Customs Officer on the issue of the not so great navy. Actually neither the original

writer, FM, nor I ever accused the navy of being involved with the illegal bars. What FM said was that the Navy does not take steps to remove illegal bars within its juris-

Of course the navy will capture and surrender smuggled goods to customs. No one ever implied otherwise. You misunderstood the letters completely

As for respect for the armed forces, compared to my feelings for the customs department. I have nothing but respect for the defence establishment

A better and more pertinent debate would be on how the customs officials are crippling our economy. My experience has mostly been with the customs officials involved in the export industries, particularly the Bond Commissionerate. The Bond Commissionarate is the office that takes as its duty to suck dry our export industries

I have a hard time controlling myself when customs officers have demanded Tk. 20,000 for routine

in order. The export industries are so over regulated that it's almost impossible to escape the vermin in the customs department I have met several honest officers

but they simply throw up their hands

matters and that when everything is

in surrender. They are helpless to stop the extortion.

Farewell to a great friend of Bangladesh

Simon Dring left Bangladesh. The government ordered him to leave the country within a short period. Simon Dring was also expelled from Bangladesh (the then east Pakistan) by the military ruler in 1971 as he was collecting evidences of Pakistan Army's atrocities and letting the whole world know about the brutality.

This time his offence is not known. However any civilised person will wonder why he was expelled even though he was holding a valid visa. The whole incident will perhaps fulfil the dream of some reactionary people (at least for the very short term). But the general people are not ungrateful or reactionary. I personally apologise to Simon Dring for the incident. I also believe there are millions of people who will always remember him for his love and affection for our country and people. I honestly hope and believe that he will come back again with warm heart.

Tourja Toronto, Canada

Ward commissioners

I think I would not be in the minority in calling for the removal of police protection from ward commission-

It is a waste of police resources to sit about protecting criminals from other criminals. Better let them kill each other as long as they want, at least while they are busy with their gang wars, honest citizens may

This is such a fitting tribute to BNP's anniversary. Their own criminals are being bumped off one after another.

"Insecurity behind bravado"

I regret the mistake of mentioning Anthony Eden as the Labour Party Prime Minister who took over from Winston Churchill in my write up "Insecurity behind bravado" (September 28).

The mistake occurred due to lapse of memory. Sir Anthony Eden loomed so large as the Secretary of War, Foreign Secretary and Deputy Prime Minister under Churchill' cabinet and most of all for his debacle as the British Prime Minister in leading the Anglo-French invasion

of the Suez in 1956. Clement Attlee in spite of his great role in expediting the independence of British India was forgotten in my rush to complete the

I convey my personal thanks to Mr Shafi of Gulshan, Dhaka for kindly pointing out the mistake. I take it as a personal compliment that he read my article

Syed Maqsud Jamil

Of Iraq and the US

It looks like the US and its good boy ambassador to Europe (also known as the UK) are going to pound Iraq once more presumptuously defying the UN decisions. Why?

Didn't the US supply tons of NBC stuff to Iraq only to have its Middle East objectives fulfilled? It's them who talk of peace, freedom and

patience (remember Bush's new

millennium cliché "I am a patient man"?) in stately dinners and National TVs and on the other hand cause inconceivable mayhem all over the world (not to mention the list of 19 countries that the US bombed since the end of World War II). It doesn't need a doctorate degree to understand that it was more of a will to control and secure the oil assets of Kuwait than to answer to a philanthropic need that pushed them to the war in Gulf. While there is no clear cut evidence on Irag's possession of weapons of mass destruction and no one knows whether there will ever be one, bombing Iraq will be a big humanitarian disaster resulting in millions of homeless and death.

A news article in the Internationalists reads "while America gloats at the success of its bullying and belligerence thus far, beneath the surface there is a simmering cauldron of anti-US sentiment around the world". Would the US take the responsibility of the consequent eruption of wrath this would cause

all around us? To end with Arundhati Roy's word "This world of ours is 4,600 million years old. It could end in an after-

A Man in Uniform

Dhaka

Whither cleanliness? I would like to draw the authority's

EDITOR TO

attention to the deplorable and pathetic condition of our capital as far as cleanliness is concerned. There is not a single public or private premises, which bears the minimum standard of hygiene and cleanliness. Dhaka's premier locations like Zia International Airport, which should be reflective of the country's image, gives the exact look of what we are otherwise. The diplomatic zone where we house our guests and dignitaries are even worse. All public places like railway station, different offices, parks etc are plastered with gratifies, posters and full of stench and filth. Not for a day I could see a public transport washed and cleaned and then brought out on the road. Even President Zia's mazar is plastered with so many

We understand that because of resource constrains, we need the help and support of the donor agencies and big countries in preparing our budget or any rational level project and in doing so, we are often tied to them. But for cleanliness can't we act ourselves without being pointed out by outsiders?

Tasmia Amaat Dhanmondi, Dhaka

Gas price shoots up!

I would like to congratulate the BNP government on trying to raise the country's reserves. Certain initiatives taken by the government, to pay debts and build reserves were excellent, though such initiatives did not receive any public appreciation. However, this does not mean that the consumers (or the general public) have to suffer all at once. For instance, rise in gas prices; ban on two-stroke auto rickshaws and raising the rate of local calls.

Before I went to England last ear, the monthly bill, for doubleburner users, was TK-290. This was during the Awami League reign. Yes, the AL government rose gas bills to TK-290 from Tk-250 (for double-burner users) during its reign. But after a year it becomes Tk-290 to Tk-375! This is outrageous!

If this was to de-motivate the consumers from exploiting the use of gas then this is an appalling method! If I had any rights to make any suggestions, then I would ask the government to make gas bills in Pay As You Go (PAYG) system.

Obviously, this type of method would annov the consumers, who love exploiting gas, but we have to think about our country's gas reserves. Consumers, who exploit gas, will then have to pay for their own deeds rather than the whole country. Anyway, this is a recommendation,

TO THE EDITOR

which I think, might never become a reality as it is too late Samia Rahman

Notice

The coming 10th of October will make the 1st anniversary of the present BNP led alliance government. On this occasion we invite our readers to write us letters in 200 words-- giving their assessment of the government's performance preferably mentioning the biggest success and the worst failure. The readers may also wish to refer to the BNP's election manifesto, PM's pledges, role of parliament, MPs party activities including that of

student and youth wing. -Editor