

Verdict on Mahima kidnap and rape case

Another milestone for criminal justice system

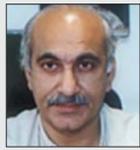
THE special court verdict on the Mahima kidnap and rape case has set a precedent in criminal justice system. Besides sentencing all the four accused to death, it has ordered the Rajshahi deputy commissioner to collect Tk 1 lakh in fines from each and give the money to Mahima's father as compensation. This part of the verdict brings to the fore the human face of judiciary. The fines should not be regarded as compensation though; rather, it is the state's apology for not having done enough to protect a 14-year-old schoolgirl from repression -- the rape and subsequent ignominy. The high point of the case nonetheless has to be the promptness with which it has been disposed of. A few days short of eight months after the incident and less than two months since the hearing began, the special court for prevention of repression on women and children delivered the ruling.

It also sustains a positive urgency displayed by the judiciary in disposing of some recent cases -- Shihab murder case, Simi Banu suicide abetment case and Trisha murder case to name an obvious few. As we have commented following the verdict on Trisha murder case, these instances proved that cases "can be dispensed with quickly and decisively in a criminal justice system... recently been dubbed as anti-poor in a United Nations Development Programme report". The trend also justifies the government decision to set up special court to dispense cases of repression on women and children. At the same time, it underscores the urgent need to revitalise the judiciary, towards which its separation from the executive should be the first step. People expect similar earnestness from the government as it has shown in establishing the special courts and tribunals.

On another level, such judgements enhance the responsibility of the executive organ of the state and by extension its law enforcement agencies. In this particular case, the Rajshahi administration and the police must ensure that Mahima's family gets adequate protection from any kind of backlash from the families and friends of the four accused. Mahima's sister, Fahima, has already articulated her apprehension of reprisal following a reported threat of assault on her from the family of Ilias Hossain Ujjal, one of the four convicted of their crimes and sentenced to death. The Association for Community Development, a Rajshahi-based non-government organisation, has offered shelter for Fahima all right; however, the arrangement is essentially temporary. The challenge is to keep her and her family from harm's way long time after the verdict is executed. Therefore, the police and the local administration have to pay serious attention to their safety.

We have always advocated for deterrent punishment for perpetrators of such heinous crimes. Definitive judgements, as in the Mahima kidnap and murder case, not only restore public faith in the criminal justice system but also deter recurrence of crimes of such insidious nature. Effective law enforcement and speedy dispensation of justice are prerequisite to social order. We believe that speedy trial in Mahima kidnap and rape, Simi Banu suicide abetment, Shihab murder and Trisha murder cases indicates our society has started restoration of that order.

To Have and Have-not



M.J. AKBAR

ONE of the more startling facts of Indian poverty is that there has been no major agitation on economic issues since 1974, when George Fernandes organised the nationwide railway strike that Indira Gandhi crushed with massive force. Is this because George Fernandes joined the Establishment in 1977?

The question is neither rhetorical, nor dramatically personalised. One man's fortunes cannot change the course of class equations, even if that man is Fernandes. But a fundamental shift took place in Indian politics in 1977. With the absorption of the socialists into the ruling Janata Party in the north, and the conversion of the Marxists into the permanent establishment of Bengal, opposition as a political fact disappeared from the matrix of Indian politics. The only voices that were ever raised on behalf of the poor were co-opted into power. After that position became part of the seesaw on which two sides of the ruling class sat. The laws of fortune and democracy decreed that when the Congress was high, the others were low; and vice versa. (The Communists were a law unto themselves; they have not descended from their Calcutta perch.) Previous to 1977, opposition was on issues: economic policy, corruption, democratic functioning, the rule of law, social justice. After 1977 opposition became an exercise in unseating the government, either through a numbers game in Parliament, or by creating conditions within the country that would make governance untenable. This is why the socialists, George Fernandes included, never went back to the people when

they lost power in 1979. They waited in Delhi for the Congress to either exhaust itself or become a victim of its own misdemeanours. No economic issue was raised to any substantive extent in the Eighties, or indeed the Nineties, a decade dominated by the ultimate Establishment Man, P.V. Narasimha Rao, and wasted by the mavericks that succeeded him. This was also partly because the leopard had changed its spots. The nature of Indian poverty has never been quite in sync with the nature of Indian economic strug-

gles. The poor can be easily recognised in India. They live below or at the subsistence level. They used to inhabit the fringe of rural society, but now have migrated also to the homeless streets of principal cities. Broadly, but not wholly, they belong to the traditionally subjugated castes and classes, including the Dalits and a growing section of the minorities. But those who led the struggle for the redistribution of India's wealth never really fought the battles of those at or below the poverty line. Trade unions were the principal armoured tanks on one side of the war, but the trade unions themselves represented a class of Indians that was significantly better off than the genuinely poor. It was axiomatic. Anyone with a job immediately became part of the haves.

The haves became, quickly, an exploiting class. Mlivoan Djjias discovered a festering New Class among the apparatchiks of post-world war European communism. He would have been exhausted searching for a definition of the "jobbery" class that emerged out of government-guaranteed employment in India. By the Eighties, the credibility of the working class was in tatters from its own excesses; by

the Nineties, it was dead. In the villages too, the economic issues were in the grip of the small and medium farmers, rather than the landless. While leaders like Charan Singh maximised the political mileage of this power; lesser mortals like Mahendra Singh Tikait lit up the sky briefly before they ended up on earth like damp squibs. No one ever saw a national struggle across India demanding higher wages for landless labourers, or even an end to the rape and humiliation to which their women were routinely subjected.

parties rather than a desire towards economic and social uplift, the BJP proved that it had no equal in the new dynamics. It was the only political formation that understood that it was not sufficient to defeat Rajiv Gandhi. To unseat an individual was comparatively easy, particularly if that individual was being cooperative in any case. The BJP sought to defeat the idea of the Congress. That was the singular purpose of the Ram Janmabhoomi movement. But here too the BJP received totally unexpected cooperation from Rajiv Gandhi and the

right signals. It was a departure from the Nehruvian past that the BJP was committed to changing; it was just the message that the United States (the BJP's preferred superpower) wanted to hear; and it went down well with the emerging middle class that provided an important crucible of support to the party. It also gave the party a modern sheen. The government was confident about negotiating a detour against any roadblock put up by the Congress, and time has proved that its confidence was justified. It was not quite prepared to

BYLINE

The Indian economy may have moved from crooked British exploitation to straight Indian theft, but how many patriots find that offensive? All this debate, conflict and tension is about the economy of the haves. The have-nots do not form a part of the debate. This is understandable. It is because they do not form a part of the Indian economy.

The have-nots had neither the strength to organise, nor the inspirational leadership that could have overcome this weakness. The Marxists in Bengal did expand their base into the rural poor, but stopped at the point where land reform expanded their support base to a level where, in the arithmetic of a democratic ballot, they became virtually unbeatable. It was not in their political interest to take the argument further. The further enrichment, if that is the correct word to use in an environment shorn of riches, was left to the invidious trickle-down theory. Some of the surplus from agricultural growth and services would find its way to the marginalised.

The guardians of economic upheaval, therefore, had no vested interest in the poor. And the trade union in which they had invested withered. Leaders like George Fernandes had nowhere to go but into the intellectual wasteland of caste politics, thinly justified by theories of social justice. Inevitably this was a railway platform on their journey to another destination.

Congress when the leader and the party succumbed to pressure from Muslim fundamentalists on the Shah Bano issue. The ground was furrowed by Shah Bano. It was seeded by Ayodhya. It was fertilised by Bofors. It was harvested by the BJP.

As a political party, the BJP was distinguished by the absence of any economic philosophy. In its early days it simply mirrored the economic liberalism of the Swatantra Party, and had a phrase rather than a programme as its platform: get rid of the "licence-permit raj", a code-phrase for Nehruvian restrictions on the private sector that later reached counter-productive proportions under Indira Gandhi. In Opposition it did not feel any particular need to outline a coherent and credible economic programme; clichés were sufficient. Economics was not its *raison d'être*.

In power the BJP adopted pragmatism. As an option it was both inevitable and useful, a combination that should normally be considered lucky in public life. The BJP was not burdened with any past leader who had spouted Marx or even Adam Smith with any particular fervour. Economic reform also sent all the

hit a wall constructed by the RSS and George Fernandes.

The George Fernandes dilemma is easy to appreciate. The man of the year 1974 has travelled a long way in 28 years, but the direction of the journey is becoming evident. He is travelling in a circle. He is not going to end his career with a second railway strike, but the doctrinaire worm, long buried by necessity, just might be beginning to turn. The surprise is the ally that this doctrine has discovered.

The RSS set out in search of an economic policy in the early Nineties, when the first signs were becoming evident that a non-Congress coalition, with the BJP as its core presence, might be in a position to win a general election. Economists set out in search of theories on the premise that they must work for the good of the people. This is why so much economic theory is non-national in the sense that while it may not be applicable to every national situation, it is certainly applicable to more than one nation. The RSS, which is India-centric, set out to define a national interest rather than an economic philosophy. The simplest subset of such a mind is property. Hence, all

that is produced in India should be owned by India. This means, in turn, that it should be owned by Indians, since the foreigner cannot be trusted. It is easy enough to link this with the history of colonialism and economic exploitation by foreigners; but it also echoes a distrust of the rest of the world and its dismissal as unclean. (Less than a hundred years ago Motilal Nehru had to do penance to regain his caste after a trip from the west.) Mahatma Gandhi had colonialism in mind, just as George Washington had before him, when he gave a call for Swadeshi. But a nation's economic strategy must evolve with its development. The Indian economy is not stuck in 1920. Its problem has been that it was stuck for a long while in 1950, and efforts to move out of 1970 are still continuing.

Disinvestment was bound to be the touchstone of this internal battle within the ruling coalition extending from the RSS on the one side to the socialists on the other, with the BJP and the regional parties at various points in between. At the heart is the rather limited view that "our" property will go to "them"; the outsider will get what should be indubitably with an Indian.

What is both disconcerting and fascinating is that such economic nationalism sits so comfortably beside economic theft. There is no outrage whatsoever when Indians indulge in open loot of the Indian economy and the nation's financial resources. The Ruias actually brag that they have taken only some six thousand crores rather than higher sums alleged; tell anyone who listens that they have no intention of paying anything back, and find a friendly reception among all the privileged of the present ruling group. The Indian economy may have moved from crooked British exploitation to straight Indian theft, but how many patriots find that offensive?

All this debate, conflict and tension is about the economy of the haves. The have-nots do not form a part of the debate. This is understandable. It is because they do not form a part of the Indian economy.

MJ Akbar is Chief Editor of the Asian Age.

OPINION

One year of present govt : Assessing the performances

MOHAMMAD AMJAD HOSSAIN

ONE year has gone by since the ruling four party alliances took over power on 10 October last year. Although one year is not enough to assess success or failure of a government, but at least one can think of the future of the country on the basis of their performances made so far.

Acronyms of the leaders from both the opposition Awami League and ruling alliance headed by BNP marked the fourth session of the Jatiya Sangsad. Unparliamentary talks, abuse of words against each other and rowdy scenes were marks of poor performance of lawmakers in the country. No parliamentary standing committee on different Ministries has yet been formed by the Speaker, which speaks of lack of responsibility entrusted on him. The formation of a 60-member biggest ever cabinet in Bangladesh by BNP led alliances, which has been incurring huge expenditure, remains a mystery. The Parliament consists of 300 members only. That means each Minister represents only five constituencies. Their salary and other emoluments including expenditure on fuel are paid by poor taxpayers of the country. The poor people of the country whose per capita income does not exceed \$400 per annum cannot afford to have such a big cabinet. It is sheer wastage of taxpayers' money on unproductive sector.

We may look at the performances

of the immediate past neutral caretaker government whose strength was only 11 (11-member cabinet). And with the exception of law and order situation the country was in a better shape than what it is today.

Since the four-party alliance took power the law and order situation has further deteriorated. The most distressing is the killing of innocent children by terrorists or gangsters, which reflects degradation of social values besides poor performance of the law and order enforcement agencies. It is an admitted fact that law and order situation had never been good but it was never so bad as in the prevailing situation.

Ward commissioners of Dhaka Municipality became the target of the terrorists while the police administration is unable to detect these terrorist groups. There must be some reasons for targeting ward commissioner one after another.

Meanwhile, multilateral and bilateral development partners have expressed their deep concern over the prevailing law and order situation. One of the pledges of the BNP was to improve law and order situation, but unfortunately the situation deteriorated alarmingly. The situation reached such a stage that four constables were killed and nine others injured when a police camp came under attack by terrorists at Randhuni Bari in Sirajganj.

Apart from this, the country has again been labelled as number one corrupt country in the world as per survey conducted by Berlin based

Transparency International. During the rule of immediate past Awami League government, the country received the title of number one corrupt country. Therefore, BNP 'quite logically' dismissed the blame by saying that they inherited it from the past regime. That argument does not stand. The people exercised their votes to elect the BNP to get rid of corruption. BNP's election manifesto clearly spoke about corruption free society, but the inaction on the part of the government (member reader in Titas Gas, for example, did not receive punishment) to contain corruption stands contrary to their pledge.

Two vital institutions viz. an independent judiciary and ombudsman are still absent in the country. Without separating judiciary from the executive branch one cannot expect good governance. The four-party alliance was committed to separate judiciary from the executive branch. Moreover, the Supreme Court had directed the government to complete the process of separating judiciary from the executive but the government appears to be on dilly-dally tactics. It is equally strange to note that members of the opposition parties keep mum over this vitally important national issue. It seems that the interests of the ruling party are unlikely to clash with that of the opposition at least on this count.

The appointment of ombudsman is also a constitutional obligation on the part of any democratically

elect government to monitor the activities of the ministers and ministries. Ombudsman can work as a check and balance. Strong political will is needed to implement this constitutional provision.

The government has instituted a number of judicial enquiry commissions on the incident at Shamsunnahar Hall of Dhaka University, wheat scam, Moghbazar mosque property dispute and Sony murder at Bangladesh University of Engineering and Technology. But the reports are yet to be made public. The law and order situation would get worse if the so-called godfathers of the political parties are not identified and arrested. It has been, time and again, blamed and also reported in the media that many criminal acts were being conducted with the blessings of some leaders of the political parties in connivance with law enforcing agencies. So why not get rid of such elements, if any, in the first place?

The unceremonious exit of the former President of the Republic Professor AQM Badruddoza Chowdhury, who was the Vice-President of BNP, caused serious damage to BNP in particular. Similarly, closing down of popular channel ETV, however legal, will go down as a black chapter in the governance of the ruling alliance.

The increase in gas, electricity and water charges has caused enormous difficulties to low income group of people as their income did not increase compared to the

increase in price of essential items. The government has no control over the market. As a result, prices of essential commodities have increased manifold without rhyme or reason.

The closing down Dhaka University following widespread demonstrations against police excesses on women students and then of Bangladesh University of Engineering and Technology after tense situation arising out of the killing of a girl student, Sony, have vitiated the academic atmosphere. The incidents and situation have caused damage to the image of the government. The not-so-necessary ban on the assembly at Shaheed Minar naturally has received criticism because of inept handling of the matter. Any sinner element of the society will honour the sanctity of Shaheed Minar. Shaheed Minar is not meant for holding rally or meetings of political nature.

There is hardly any improvement of traffic congestion. It is on the increase. However, the completion of the construction of flyovers at important road crossings is likely to improve the situation. But, when?

Of course, there are some measures undertaken by the present government, which have received praise. The closing down of the Adamjee Jute Mills, which was perhaps the biggest losing concern in the public sector, was indeed a bold decision to save the government exchequer from bleeding.

The introduction of stipend and free education for girls up to higher secondary level has been appreciated by low-income group of people but at the same time the people were looking forward to the banning of students politics in educational institutions as announced by the Prime Minister Khaleda Zia, but nothing has happened so far in this respect.

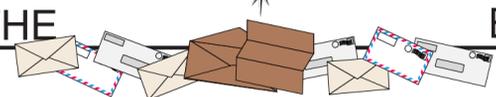
The banning of polythene shopping bags and two-stroke three-wheeler vehicles are efforts to control environmental pollution and have been received with appreciation but regrettably anarchy on road by buses is still continuing to the utter inconvenience of the public.

The rigid steps to stop acid throwing on women, the repeal of the Public Safety Act, and the formation of a special committee to deal with misuse of Special Powers Act are some of the steps taken by the ruling alliance in the right direction.

From the failures and successes one draws the conclusion that the ruling alliance should look more at the scoreboard and draw appropriate actions to improve the overall situation than indulging in celebrations.

Mohammad Amjad Hossain is a former diplomat.

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



"Fuel-less electricity generator"

I have seen some of the letters regarding "Fuel-less electricity generator" and it appears that people are getting carried away with the idea. Being an academic myself, I would like to join my rank with Dr. Haider. If "fuel less," means that there is no need for energy input to the generator, then such a device is clearly impossible.

One can think of a dynamo fitted to a bicycle as a "fuel-less" generator, but input to the dynamo comes from the muscle power of the cyclist, which in turn is obtained from the chemical energy from the food that the cyclist eats and in this entire process, the conversion of chemical energy of the food to electrical energy would be less than 5%. One writer has wondered whether one can make this categorical conclusion about the impossibility of such a device as the "fuel-less generator" without even knowing about the "theory" of the generator. Yes, you can. This can be concluded from the First and Second Laws of Thermodynamics, which are two most profound laws of all sciences. These laws can be stated in a number of different ways. First Law says you can't get something out of nothing and the Second Law says output is less than input - generally significantly less.

This is the reason why thermal power plants have inherently low conversion efficiency of heat to mechanical power. An ideal conceptual power plant where there are no frictional losses of any kind would have efficiency way below 100%, and this is supported by the fact that practical plants have energy conversion efficiencies in the range 25% 40%.

The claim for fuel-less generator, engines running using water as fuel, and so on, are not new and patent offices all over the world receive such applications, but these devices have never worked simply because all ultimately violate the Second Law. I hope this letter will take out its proper perspective.

K. Rahman
Formerly, Professor of Chemical Engineering, BUET

the results should be made public.
Nazmul Huq
Mohammadpur, Dhaka

Why are so many people making such a big issue out of "Fuel-less electricity"? Come on people, stop pretending to be clever and lets be "realistic". Whoever the inventor is - James Bond, Chaplin or Hanif Sanket, does it really matter? What matters is; if there is any such thing as fuel-less electricity invented by someone, lets connect it up and see if it works! There is a huge shortage of electricity in Bangladesh and we could use whatever is out there.

The hardest challenge for any inventor is not the invention itself, but the process of bringing his/her invention into the "market". If the inventor doesn't want to put his invention in practice and instead he wants to keep his invention as a souvenir for himself, I say God bless him! But for Einstein's sake, please put that matter to rest now. Why are we arguing about something that none of us have seen? As for those clever people, here is a simple problem for you, see if you can find a solution: How can we save our "mother", our precious little homeland Bangladesh - for which thousands of our brothers and sisters have lost their lives - from those who pretend to be our "politicians"?
Azad Miah

Oldham, UK
The end of the dream

When a couple of months ago, scores of people were shown on TV, rejoicing on the streets of Dilli, the capital of the newest state of the world, East Timor, sweet memories flashed in my mind of that glorious day of 16th December, 1971, when jubilant people were seen dancing on the streets of Dhaka, hoping for a land of their dream.

But their dream of living with ease and freedom never came true, and as days ticked by, their dreams began to turn into nightmares.

Our people have always remained pawns in the hands of the two major political parties, whose uneasy relationship has cost them heavily. One thing's for sure, their respective parties matter more than the people, to those who rule the country.

The country has now reached a point of no return and our unscrupulous, hypocritical political parties should be held responsible for any eventuality. Perhaps for the hapless people of this country, not every cloud has a silver lining.
Lulu Ahmad
Dhanmondi, Dhaka
Salam Bombay
Right before the plane touched down at the Shivaji Airport in

Mumbai, I looked through the window and saw the beautiful hills outside, and then there were lines of slums. Bombay is known for slums, crime lords and of course movies. Sometimes, I would return from work late evening riding on an auto-rickshaw, yet I felt safe in a completely unknown city, where I did neither know the language nor the streets. I remembered how I was mugged by three armed men in an auto-rickshaw just a few weeks back home from work-in my own city. Sometimes we would go out late night, yet it felt safe. No policemen were visible but no noticeable crime either in the streets. Sometimes, I would get away from the crowd and go alone somewhere in the inner cities, to see how ordinary people live their lives. Nowhere I saw fear in the eyes of the people that we face everyday in our Dhakaite life.

When I came back from Bombay, the first thing I had to worry was, how do I get back home from ZIA at 10 o'clock at night? Isn't it sad that we cannot live a normal life without feeling insecure in the city that we love and we grew up in? We all played cops and robbers as children, we all enjoy watching thrillers but certainly we do not enjoy being victim of it in real life. The real life should be worth living it - without fear.
Parvez Murshed

Mirpur, Dhaka
"Move the Shahid Minar"

The response of Mr. Zakaria Khundker (October 9) validates the idea put forward by Mr. Wahid Chowdhury. This kind of knee-jerk reaction as shown by Mr. Khundker is typical and very much expected. But the fact remains that the best educational institutions of the country are suffering and bleeding to death. And much of the sorrow of the institutions is really due to the vicinity of the Shahid Minar. The Shahid Minar serves the purpose of the self-serving politicians and some unscrupulous trade unionists more than anybody, especially the students.

The Shahid Minar has proved to be more of a nuisance for the academic atmosphere of the top institutions of the country because of the opportunistic exploitation of it by different quarters in a shameless manner. Shahid Minar was erected to show respect for the martyrs of the Language Movement, but nowadays it has become a place of business of haggling for various demands and nobody cares to show any deference to the sanctity of the place of which some people are so worried about.

Why should moving the Shahid Minar to an outskirts on a bigger

scale be any issue is beyond logic. How does that show any disrespect for the Shahids? Shahid Minar is after all for the Shahids. But there is everything there except any respect for Shahids, be it February 21 or any other day. (The biggest event on February 21 is the competition of hanging the pictures of some party leaders on the Minar). Where is it written that the Shahid Minar has to be in a certain location? No Shahid is buried there after all.

Our country is trekking to total ruination in every sector, but the education sector is already completely destroyed. If we are serious about saving our education and not just lectures and statements, then there has to be some serious actions. And the actions do not have to be liked by everybody. Paying heed to every little demand and worrying about every little inconvenience and excuse would not take us anywhere. Rather it will just push us backward as has been seen for the last three decades. When every country around us is progressing fast, we cannot live in a romantic fantasyland if we really want to compete and survive. There are many things that need to be done for fixing our education system, but providing the right atmosphere is top priority item. Without it, other measures are not going to be effective. Moving the Shahid Minar to an area far from the educational

institutions would help create the right atmosphere for education and research.

Zunaid Kabir
On e-mail

The bird which brought us pride

Tareq Masud's film "Matir Moyna" achieved another award in the Morocco film festival after starting its journey from the Cannes film festival in France. This is a matter of pride for all Bangladeshis who want to see their motherland standing up proudly in the world arena. Though ludicrous, the film was at first banned by the censorship board of Bangladesh because it could affect the religious sentiment of certain religions. Our neighbour, India, has copied western culture successfully and created a movie culture of their own. But now we can say that though we are "poor" we are capable of producing good movies and we have a culture of our own.

Citizen Dhaka