

## Stand-off over JS standing bodies

Treasury Bench expected to go the extra mile

NEARLY a year and four sessions of the eighth Jatiya Sangsad on, parliamentary standing committees on different ministries are yet to be formed, thanks to the all-too-familiar differences between the ruling party and the opposition over the question of weightage to be respectively shared on the parliamentary committees. Prime Minister and Leader of the House Begum Khaleda Zia has recently told a delegation of the Commonwealth Parliamentary Association (CPA) that the standing committees would be formed soon by keeping the opposition slots vacant if they failed to submit the list of their representatives. The opposition Awami League, on the other hand, claims the list is ready and it has no reason whatsoever to withhold the names once the initiative is taken to form committees.

Formation of standing committees appears stuck in the debate over who would chair which committees and in what numerical strength the respective representation of their lawmakers will be on the same. With 58 seats in the parliament, the AL wants to head ten of the 49 parliamentary committees which is not a tall order from the point of view of proportional representation. The difference of opinion is about committees each of the parties would like to chair. There were similar arguments during formation of standing committees in the sixth Jatiya Sangsad. In the end, however, the distribution was made on the basis of negotiations, not arithmetic. Unfortunately, a dialogue between the treasury and the opposition chief whips is not taking place for one reason or the other.

The Treasury Bench has to go the extra mile in providing the opposition with a slightly larger berth than strictly justified by its numerical strength in parliament. Whereas it should have tried to talk the Opposition Bench into a settlement, it has gone about articulating its intention to form the committees keeping the opposition places vacant. The standing committees are the lifeblood of parliamentary system of governance which enjoins upon the Treasury Bench to make sure that these are formed as soon as possible. Why not make opposition lawmakers chairmen of some important bodies such as the public accounts committee, for one? It will only enhance the ruling party's credibility in terms of taking democracy forward.

## Nepal's access to Mongla port

An important breakthrough in sub-regional cooperation

UNLOCKED Nepal will have access to the mercantile world through our Mongla port. Bangladesh government has decided to let the country's second seaport handle Nepal's imports and exports thereby opening a new vista for subregional cooperation that was only a rhetoric wish so far. The fact that Nepal is not endowed with a seafaring made it a natural candidate for an access to a nearby marine port. It is only in the fitness of things, therefore, that Bangladesh will provide her with the facility and that also at a 50 per cent discount on the service charges.

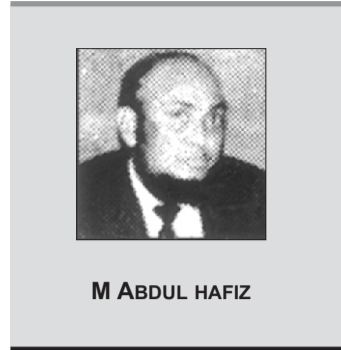
There is so much of satisfaction to be derived from this single move that is afoot: first, a land-locked country's right to link up with the trade world is being respected and her pressing needs accordingly catered for; secondly, bilateral links between two SAARC countries are going to be strengthened; and thirdly, with India providing Nepal the land connection through to Banglabandh on the Bangladesh side, subregional cooperation seems set to take a tangible form.

India is to be thanked for extending cooperation in facilitating movement of Nepalese goods through its territory on to Banglabandh. Bangladesh has long since accorded transit facility to Nepal at Banglabandh that fell in disuse down the line. Its rejuvenation is in prospect now. But then it calls for building an infrastructure of customs, immigration and banking facilities which is grossly lacking at Banglabandh. We just need Tk five million or so to put the infrastructure in place.

The breakthrough must be regarded as a major diplomatic achievement of our government and we felicitate them on it hoping follow-up measures will be taken expeditiously.

The bigger task, however, will be to refurbish and modernise the handling capacities at Mongla port, a point we have been stressing all along having regard to the huge latent potential of this northwestern entrepot to the country.

# The Kashmir polls: A reprieve at the most



M ABDUL HAFIZ

IN Kashmir, are there signs of thaw at long last! Is that the international community panicked over the valley's tinderbox now keen to push both India and Pakistan -- the sub-continent's archrivals with nukes in their arsenal -- toward a final settlement of the issue as evidenced by frequent visits of the American State Department officials? Also as both India and Pakistan are now US' allies in its war on terror the latter wouldn't like to see them fighting among themselves to the detriment of containing overall global terrorism. In the meantime India also seems to be serious in its quest to resolve the issue. Because by any reckoning the stakes in the dispute is higher with India which holds the defiant state with enormous political and economic cost and has all the risks of losing it totally or partially. Apart from its incessant diplomatic alacrity, now it appears that India has as well as hunkydori gameplan for the purpose. Her first vital step in the plan is to hold the state assembly election as freely and fairly that it can afford to whitewash most of its rigged elections of the past.

The Ram Jethmalini initiative in this regard has the blessings of both Mr Vajpayee and Mr Advani

who will matter most in implementing the Indian gameplan. The Indian Kashmir Committee headed by a former union minister has already met the Hurryat leadership. As a result of this meeting the Hurryat has agreed to meet the Prime Minister and his deputy to discuss the issue of Kashmir. The APHC (All Party Hurryat Conference) has also accepted to hold another round of talks in Delhi. The

statement also reflects the Kashmir Committee's view that the upcoming elections are historical and crucial to identify the real representatives of the people of Kashmir and these representatives would also be the interlocutors in talks leading to a permanent settlement of Kashmir problem.

The 'crucial' and 'historical' elections with a view to forming the tenth state assembly in Indian

coercion, persuasion and intimidation that accompanied the election in a state garrisoned by almost one million troops. If the past is any guide the just concluded election has also been conducted with a marginal participation to obtain a pre-determined result.

While the quality of J&K election is still being debated particularly with regards to its fairness, freedom and participation, Pakistan

Colin Powell indicated during his recent visit in the region. In a quick reposte which reinforces some of the salients of the Indian gameplan Prime Minister Vajpayee hit back those calling Kashmir election a farce. He also repeated his old refrain that 'Kashmir is an indivisible part of India and a shining example of India's secularism.'

As regard the election credibility the turn out of the polling in the first

not for the formation of a constituent assembly or holding of state assembly election. Yet in contrast of UN resolutions of 1948 and 1949 the Constituent Assembly was elected in 1951 with the sole purpose of ratifying the Maharaja's controversial accession to India. The state assembly elections were also regularly held to provide the accession a garb of legitimacy. And on the question of plebiscite India with her superior diplomatic resources kept wriggling out of her commitment to the world body.

Even as the National Conference has been routed in the election and dumped after more than half a century of its fiefdom of the state under the patronization of Delhi there is hardly a silver lining even now behind the clouds that still darken the state's political firmament. The Congress, which at one time wreaked havoc through Kashmir and was considered responsible for the state's total alienation is likely to form a coalition with a pro-Indian People's Democratic Party. Till then no one knows much about the validity of Kashmir election or any change for the better it might have brought forth for the Kashmiris themselves. Neither does anyone know the future of the state's insurgency, which was brought to a low key both under international pressure as well as self-imposed restraint. What however cannot be lost sight of is that the peace brokers -- whoever they may be -- are dealing with a people sparked with the desire for their right of self-determination.

Brig (ret'd) Hafiz is former DG of BISS.

## PERSPECTIVES

**The Congress is likely to form a coalition with a pro-Indian People's Democratic Party. Till then no one knows much about the validity of Kashmir election or any change for the better it might have brought forth for the Kashmiris themselves. Neither does anyone know the future of the state's insurgency...What however cannot be lost sight of is that the peace brokers -- whoever they may be -- are dealing with a people sparked with the desire for their right of self-determination.**

joint statement says the APHC has agreed also to work in partnership with Kashmir Committee to continue the efforts for peaceful, sincere and durable solutions of Kashmir problem "which will lead to the end of violence and tensions in the region". Mr Farooq Abdullah of National Conference, which was responsible for running the affairs of the state under an emergency and interim system after the end of Maharaja's rule, also expressed the willingness 'to discuss the conditions that need to be met for the participation of APHC in the state polls. As Hurryat's stand on election remains unchanged the joint statement records that "APHC took the position that the wishes of the people of Jammu and Kashmir should be ascertained through a mechanism agreed upon by India and Pakistan and the people of Jammu and Kashmir. The joint

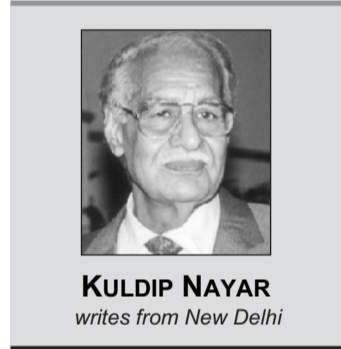
Kashmir with equally onerous tasks are just over. Amidst deep skepticism if only a dubious series of elections which, in any case, India has been routinely holding there since 1951, can really bring the volatile state any closer to peace, the voting in staggered state assembly election which began on 16 September has finally ended on October 8. The independence day speeches of both President Musharraf and Prime Minister Vajpayee interalia highlighted Indian and Pakistani points of view on the crucial issue of Kashmir only a month before. Coming after the recent visit of Colin Powell as well as British and French Foreign Ministers -- all three viewing the J&K state election in positive term -- Musharraf-Vajpayee statement could not but carry an added significance although few cared about the guile,

President sternly denounced it as 'yet another Indian attempt to give a mask of legitimacy to India's 'illegal' occupation of Jammu and Kashmir and therefore these elections, however fair, well conducted and stage managed could not be the substitute for a free and impartial plebiscite to be held under the auspices of the United Nations. Pakistan President also declared the APHC as the sole credible voice of the Kashmiris. Musharraf's characterization of Kashmir election, which was boycotted by most of the separatist groups, as a mask of legitimizing Indian occupation of the state and its endorsement of APHC as the sole credible representative leadership of Kashmir are signals both to APHC boosting its morale and Washington that Pakistan rejects the idea of the election as a step towards permanent settlement of Kashmir -- as

phase of state assembly election remained less than ten percent. This turn out hardly improved even during the subsequent phases of the election -- notwithstanding India's hectic diplomacy, persuasion and use of heavy contingent of armed forces. According to reports compiled by large number of independent newspapers, radio, television centers and news agencies, all the efforts of the Indian government failed to bring out the voters to use their right of franchise in the 'sham' election and the people of 'occupied' Kashmir ostensibly boycotted the polling. They restated their position in every possible way and that rested on the UN Security Council resolution for a plebiscite to be conducted by it.

India also had pledged for a plebiscite under the UN auspices to decide the future disposition of the state of Jammu and Kashmir and

## Not by force alone



KULDEEP NAYAR  
writes from New Delhi

NOT so long ago, Inspectors General of Police would meet annually at New Delhi to discuss the law and order problems. The conference still takes place; there was one even last week. But now the bosses, Directors General, have taken over because today every state averages more than six Inspectors General. However, the Intelligence Bureau continues to be the host.

The focus goes on shifting from year to year, depending on the situation. Before the BJP-led government took over at the Centre, the spotlight was on communalism, particularly that of the Sangh Parivar brand. Islamic fundamentalism also figured but in a small way. Leftists were even then in the doghouse. So are they today.

What is noticeable is that since the advent of the Vajpayee government Hindu communalism does not get the attention it did in the past. Once the state was under strain with Hindu mobilisation by the Vishwa Hindu Parishad (VHP). Its threat to India's secular polity has suddenly become minimised in proportion and extent. I wish I knew how the conference viewed the Gujarat carnage. It should have been interesting to find out the explanation, if any, the Director General from Gujarat gave for the state police's tacit support to the

rioters. Terrorism was reportedly discussed threadbare. But this has been there for years. Surely, the September 11 incidents in New York and Washington should not have woken us up. Little do the police realise that they too, probably unwittingly, contribute to terrorism. Study the profile of most terrorists. They went on hardening in proportion to the treatment meted out to them by the police. They are

laws, including POTA, the rulers are determined to crush dissent or defiance in the "interest" of governance. They do not feel that they have to bother about human rights - the inalienable rights of all human beings. No democratic country can afford to dilute or suppress them.

If this is what Advani feels, what made him resist the emergency (1975-77)? Indira Gandhi also asserted that the emergency excesses were in the interest of

able, another may not. The criteria for assessment go on changing.

Take the example of officers recruited to all India and central services. At one time any connection with the BJP or Sangh parivar was regarded as "undesirable" and the candidate was not cleared for appointment. Now those having links with the Congress are suspect. A person with a leftist background has always been a doubtful case. Many years ago, Jawaharlal

But even if the best of reforms are made, it does not mean that the police would become an ideal force. There is the problem of temperament. The attitude of the police is still that of a colonial force, which the British constituted to keep the people of this country under subjugation. The force has not changed mentally. The police still do not function as public servants. The stage has, in fact, been reached when the police do not have to be told any-

our armoury are not firearms, water cannon, tear gas or rubber bullets, but the confidence and support of the people on whose behalf we act."

The government should seriously try to insulate the police from the politics of the country and employ it scrupulously on duties for which alone it is by law intended. On the other hand, the policemen should realise that politicking by them is outside the sphere of their domain. They would suffer because of that. How would reforms help if they do not change themselves?

In fact, the problem before the nation is not how to bring police reforms but how to change the police attitude. The crux of the matter is accountability. The Shah Commission appointed to go into the excesses of the emergency found that some police officers behaved as if they were "not accountable to any public authority." The decision to arrest and release certain people was entirely on "political considerations" which were intended to be "favourable" to the ruling party.

According to Advani's thesis, all such things are permissible if they fit into the pattern of governance. In such circumstances, it is naive to believe that the rulers will become angels or that a few steps will reform policemen. Both are inbred in an environment where accountability is only on paper and where the influential have their way. A system reeking with politics and corruption cannot be improved in bits and phases. It has to be destroyed lock, stock and barrel and built afresh.

Kuldeep Nayar is an eminent Indian columnist.

## BETWEEN THE LINES

**The government should seriously try to insulate the police from the politics of the country and employ it scrupulously on duties for which alone it is by law intended. On the other hand, the policemen should realise that politicking by them is outside the sphere of their domain. They would suffer because of that. How would reforms help if they do not change themselves? ... A system reeking with politics and corruption cannot be improved in bits and phases. It has to be destroyed lock, stock and barrel and built afresh.**

categorised as criminals even after the very first petty lapse. In Victor Hugo's famous novel, *Les Miserables*, it is narrated how an ordinary man, Jean Valjean, turned into a hardened criminal. His original crime was that he stole a loaf of bread because he was hungry. The rest was the police's doing.

Unfortunately, the approach of Deputy Prime Minister L K Advani, also Home Minister, is not very different. It was clear from the speech he made at the Roundtable arranged by the Commonwealth Human Rights Initiative. He said that his government would undertake police reforms from the point of governance, not human rights. That means, it does not matter how the suspects or accused are treated so long as the message of *danda* (lathi) goes out.

Already armed with stringent

governance. Then why was there so much hullabaloo against her authoritarian rule? It is clear that over the years, the police have been reduced to an instrument in the hands of the government. Whether the instruments are used for tyranny or transparency depends on the rulers. There is no impartiality per se. Is this the right attitude to adopt?

The worst part of the meets of Directors General -- and their assessments -- is that the existence of a situation depends on their inputs. They change with the complexion of the government. The analysis is far from objective. The reason is apparent. The rulers want things done in a particular way. During the Congress rule, the Sangh parivar was the whipping boy. Now it is the other way round. What one government considers objection-

Nehru intervened to clear two candidates with Marxist leanings. But it was only a one-time exception.

There is no doubt that the release of the police from the clutches of the rulers will help. The implementation of the 1999 Dharam Vira Commission's recommendation to constitute a security board, with the opposition leader as one of the members, will go a long way to control the whimsical transfers of superintendents of police and other senior police officers. The Vajpayee government was in favour of the recommendation when some of them were part of the Janata government. But now it seems it does not want the police to be independent in the light of Advani's views on governance. At least a new act should immediately replace the 1861 Police Act, now in force.

thing. They change the moment there is a change in the government. They begin to act on their own in a manner that would please the new government. At least that is what they believe.

I wish our policemen were to remember what Robert Mark, the ex-Chief Commissioner of Police of London, said: "Our authority under the law is strictly defined and we are personally liable for the consequences whenever we invoke it. We play no part in determining guilt or punishment and our accountability to the courts, both criminal and civil, to local police authorities, to parliament and to public opinion is unsurpassed anywhere else in the world. In the legal and constitutional framework in which society requires us to enforce the laws enacted by its elected representatives, the most essential weapon in

## OPINION

# Pied Piper blowing his whistle?

SHAMSHER CHOWDHURY

MY family and friends have branded me as the "worrying type". I have indeed had reasons to worry. I worry not because I am now somewhat incapacitated due to Arthritis and Diabetes related ailments, not because my wife has to work extra hours to run the two-member family, not because my two children now in the States may have to return to the country to an uncertain future due to President Bush's hawkish and aggressive policies against the Muslims all over the world but because things in my country are turning from bad to worse with the passing of each day.

The conditions of law and order are going from bad to worse, perhaps reaching a point of no return. What is of extreme concern more

than the crimes committed is the continued inability of the government to try and punish the criminals involved. Crimes and criminals are there, too, in the West. In the USA alone several thousand women and children are raped and murdered every year. But you also get to hear on a regular basis of criminals being brought to justice. The state of our law and order now appears to be crossing the fence between the members of otherwise peace loving section of the people and the criminals. It is fast influencing the entire fabric of our society and gradually casting a shadow over the present and the coming generation.

The state of our civil society is no better. They are busy fixing blames on this or that. Some say that Awami League is to blame for everything, some say BNP has totally failed, some say Islam is the

answer to all our socio-economic problems of the day. We have no longer a national consensus on any issue. We are busy tossing the blame on to one another.

I call for a rickshaw to go to the Bazaar. But another gentleman having just negotiated a fare of Tk 10 for the trip I have to settle with the rickshawwalla for Tk 15. He would not take me for anything less. However as he began pedalling towards my destination, I politely asked him if his charging extra was due to my helplessness caused by my arthritic knee which was already giving in as I was negotiating the fare. The rickshawpuller turned his head, and looking back at me said nothing but gave me a broad grin. I got the message!! I see the face of our poor is also undergoing yet another change, a crooked change.

Our police is no longer represen-

tative or custodian of our law and order. Many of them are alleged to be sponsors and are associated with crimes and criminals of various nature and dimension. Many of them even act as agents for terrorizing and harassing innocent people at the behest of their political GURUS and Mentors. I, for one, has no trust in our police whatsoever.

I had some routine pathological tests carried out in one of our highly publicized city Pathological Clinics costing over Tk two thousand. Nearly four months have past since the last test. As I was getting ready for the repeat tests, I accidentally came across a friend of mine who advised me to go to the ICCDR.B. According to him this was the only reliable out-fit in town for the service. I followed his advice and had the tests carried out at ICCDR.B. The results were completely differ-

ent from what I had received from the well-known Private Clinic. I consulted my physician who also confirmed that the ICCDR.B results were more reliable and appeared realistic against my present condition. It is now common knowledge that these city clinics are potential agents of deathtraps combined with other erroneous services. In league with many a doctor and physician, many of these clinics have established themselves as profit-making business houses. With chronic ailments like diabetes and an arthritic condition, I cannot but worry. I once asked my mother who was then ailing and was bedridden and was 90 years of age as to why she still continued to be so careful in her diet and following doctor's advice even at her age. She responded by saying, "Son I am not afraid of dying but then I wish to die comfortably" Looks like

no matter what you do and at what age you are it will be difficult for you even to die comfortably in this land of ours.

I have always this argument with my wife when I proceed to the local market for purchase of vegetables, fish or some such things. She gives takas which I felt would not buy the things. I return home with my bag of goods, she is unhappy since, the goods were not only of poor quality but also cost more than they should have. The unbridled upward march of daily necessities continues throughout the year. Our traders routinely raise prices particularly during the Ramzan and the Eid. If you happen to ask one of them the reason for this he would reply by saying, "Obviously the price hike is due to these holy occasions." I have this uncanny feeling that the answers to nine out of ten misfortunes which have befallen the

Muslims all over the world to-day lie with the Muslims themselves.

I am losing faith in our political leadership to the extent that I have now begun to have doubts in the age-old wisdom of the workings of democracy. The face of democracy as I have seen in this country makes me question the effectiveness of democratic form of government as a tool of good governance. So far our much propagated democratically elected lawmakers have succeeded in misleading and befouling us in all conceivable ways, leading us into poverty, indiscipline, chaos and even corruption.

One can clearly see that most of the world including our country is against USA's current foreign policies and its preparations for a pre-emptive attack on Iraq and its hostile policies against Muslims. Yet the fact remains that as one of

the poorest of the Third World countries with a predominantly Muslim population we should exercise utmost wisdom and caution. Bangladesh is viewed by the outside world as one of the more moderate and tolerant nations of the region. Do we see signs of all that changing? What the USA is doing in the name of Democracy and Global Security is but wrong on all counts of morality and ethics. The question is whether we are doing things the right way!

I have this uncomfortable feeling that from some unknown place the "Pied Piper" is blowing his whistle and we are all getting ready to follow him into the Sea.

I am worried, may be you should be, too.