

Attack on Dr Kamal Hossain

We condemn it

We find no word strong enough to decry the pre-meditated attack on Gano Forum president Dr Kamal Hossain's motorcade in Chittagong on his way to Rangamati Monday. The natural question to ask is: why the local administration failed to avert it despite information about Dr Kamal's movement being available to them in advance? The Deputy Commissioner of Rangamati explained that the incident took place at Raozan upazila in Chittagong district which is outside his jurisdiction. What was the Raozan upazila administration, or for that matter the Chittagong district administration doing? The Gano Forum president had spoken to the deputy commissioner (DC) and superintendent of police (SP) of Chittagong before undertaking the journey. The police assured protection after 10am but we didn't find any policeman around when we came under attack, alleged Dr Kamal Hossain.

It appears to be a tall-tale story of letting things happen. But the diametrically opposite view is sought to be projected by the Home Minister and the Adhikar Andolon people who said respectively that it was the doing of armed guards accompanying Dr Kamal and a pure fabrication. The conclusion that the attack could have been pre-meditated seemed to be borne out by the fact that the anti-peace treaty Parbatya Samoadhikar Andolon had earlier declared Dr Kamal Hossain, Santu Larma, Moni Swapan Dewan and Manik Lal Dewan persona non grata.

This may be interpreted as democratic space being denied to Dr Kamal Hossain -- in addition to its denial to the opposition AL. Since the BNP came to power two years ago, the ruling party has been giving the impression that it is not opposed to the CHT peace accord. On the contrary, it is supportive of it. In fact, BNP secretary general Mannan Bhuiyan headed a committee to facilitate implementation of the agreement.

Now, the pro-government Parbatya Samoadhikar Andolon led by local BNP MP which has been resisting the peace accord is apparently raising the indigenous people versus settler issue.

It is heartening that Prime Minister Begum Khaleda Zia has asked the concerned to take legal action against the attackers, regardless of their party affiliations. Her directive must be implemented to the hilt if the credibility of the government has to come clean on it.

Water supply in summer

Adhocism, how long?

SUMMER is knocking at the door. We are apprehensive of water scarcity in the scorching heat. Highly placed sources have indicated to The Daily Star that 'daily supply of water is in for a 25 per cent shortfall this summer'. Therefore, let's brace up for more trouble. This is not the first time, and probably not going to be the last time either that a summer-time water crisis is staring us in the face. Obviously, seasonal adhocism or tokenism can't do; a long term solution has to come into play.

We take into consideration the natural causes like no rise in the ground water level, for the situation, but what about the manmade ones? Officials have been blaming 'rampant pilferage, systems loss, illegal connections and the consumers' wasteful habits for the overall short supply. But they were also quick to admit the involvement of corrupt officials who are primarily responsible for the chaos. What they have failed to address is the issue of reining in these officials and taking stern action against them. May be the racket is too 'powerful'; so what? The real test of governance lies in weeding it out.

The authority must get its priority right -- and that is stopping waste and providing enough supply of water to the consumers, especially at a time when it's most needed. We hope Water and Sewerage Authority (WASA) will not let us down this time; it will take effective measures to prevent pilferage and corruption. An action plan should be drawn up immediately to check on unmetered, unauthorised water connections and rid the system of these. The water ministry must also sit with the experts in order to build reservoirs of rainfall water to mitigate the crisis on a long term basis.

Is EU moving towards a federal state?

AKM ABEDUR RAHAMAN

THE politicians of Europe have decided to frame a constitution so that all the features included in the previous treaties may be incorporated in that document. The purpose of such incorporation is to ensure that all the provisions, outlining the fundamental structure of authority of the state, the powers of the legislature, executive and judiciary and their relationship are clearly enumerated, fixed and finalised. The constitution is a fundamental document, which sets the basic system of a government of a state in a way that cannot be easily changed. The shift of the basis of powers of the European Union from treaties to a constitution will bring its member states under the domain of national law. The EU will derive its authority from the constitution after it is approved by the member states. All the previous treaties will cease to operate. As the EU will derive its power from the constitution, any dispute on the authority will have to be dealt with, not by international law, but by its own constitutional court. In other words, the EU's own constitutional court should act as the guardian of the constitution.

aspect of a federal form of government. The legislative, financial and administrative matters should be distributed in such a way so that both sets of government may feel equal in status. In a federation it is considered essential that the two sets of government, whatever might be the jurisdiction of their respective sphere of action, should be supreme in their respective jurisdiction.

An analysis of the distribution of powers between the federal government and the member states implies an element of subordination of the national governments to the EU. The founders of the draft constitution made provisions for two lists, i.e. exclusive and shared powers. The federal government is allowed to act on the exclusive and the national governments on the shared lists, although the precedence of federal legislation is guaranteed in respect of the shared lists. Such practice is normally followed in federal form of governments, as for example, in Pakistan, under 1956 constitution, the provinces could make laws on the concurrent lists so long as the federal

economic depression, the growth of social services and the mechanical revolution in the transport industry.

War and economic depression are likely to put a financial strain, which only the central government has been able to bear. In the USA, the central government would not be able to operate effectively with the limited powers granted to it by the founders of the constitution unless they were increased and strengthened by the Supreme Court through its role as a guardian of the constitution. It proved extremely difficult because of its rigidity to amend the constitution formally so that new powers could be added to the central government. Fuller exploitation of the existing powers of the central government by the Supreme Court provided a scope to increase its powers. The proposals included in the draft constitution to give more powers to the centre at the formative stage should not be conducive towards the development of a sense of union among the member states. The attempt by centripetal forces to give more powers to the federal government

Supreme Court may be limited only to the interpretation of the constitution Act, without the power to adjudicate upon the vires of the legislative provisions. In other words, the responsibility of deciding whether the legislature has the power under the constitution to make law is that of legislature itself and the validity of law cannot be called in question on the ground that the legislature by which it was made had no power to make the law.

This concept of parliamentary supremacy is inconceivable in a federal form of government with a written constitution. If EU is transformed into a federal state in the future controversy may arise over whether the power of the Supreme Court to interpret the constitution should include its authority to adjudicate upon the vires of the legislative provisions. As most of the member states have a parliamentary form of government, the politicians may not be willing to surrender the supremacy of the parliament in favour of the supremacy of the Supreme Court. The acceptance of judicial review in a parliamentary

character do not certainly outweigh the disadvantages that could result from the failure of the Supreme Court to act as the guardian of the constitution. Only time will tell whether or not the member states will be influenced by these considerations to surrender the parliamentary supremacy to the Supreme Court.

European union, which originally started with six member states with the object of having a common tariff in order to promote economic activities among its members had gone smoothly for nearly half a century, basing itself on a succession of treaties with the extension of its members and giving more powers to Europe. The treaty of Maastricht made fundamental changes to the economic structure of the union when the members agreed to adopt a single currency, although on an optional basis. The problem of adopting a single currency could become a major obstacle towards forming any union. Although the acceptance of a single currency was optional, 12 member states have already exercised their option to accept the Euro. I am inclined to think

their inhabitants an impress of common nationality. On the other hand there must exist a peculiar state of sentiment among the inhabitants of the country which it is proposed to unite. They must desire union and must not desire unity. One may enquire whether the impress of common nationality as referred to by Dicey is sufficiently strong among the member states to uphold the federal experiment or whether the peculiar sentiment as referred to by Dicey is seriously challenged by the nationalists.

The development of a sense of common nationalism among the member states should pave the way towards the formation of a federation. Any bottleneck towards the formation of a union will be overcome when the sense of distinct nationality is overridden by a sense of common nationality. How the EU is likely to shape in the future will depend on what extent the member states will be prepared to surrender their sovereignty to the federal government. Their willingness to transfer the power to control defence and foreign affairs to the EU, while retaining their control on all other aspects including the power to raise taxes, may in the long run lead to the creation of a federation on the same model as the USA. On the other hand their narrow nationalistic instinct to preserve their sovereignty intact may lead to the creation of a new Europe whose sole objective should be limited to promote economic activities as embodied in a patchwork of intersecting treaties and co-operative arrangements, in which each of the member states will be expected to play its respective role in order to achieve their desired common goal. The failure of the member states to approve the EU constitution in a summit recently held at Brussels clearly indicates that they are not prepared to give up their national interests in order to pave the way towards the formation of a federal Europe in future. Although it is very difficult to predict how they are likely to vote in any future summit, the present indications are that the EU for the time being is likely to remain as an economic union designed to enhance economic co-operation among its member states.

AKM Abedur Rahman is a retired British civil servant.

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government did not use its legislative powers. Many of the powers usually exercised by federal government are listed in the shared category. There is not a list of exclusive powers of national governments, although they retain all powers not otherwise listed. The lack of a list of exclusive powers of national governments automatically raises the question whether such a move was made by the founders of the draft constitution in order to give prominence to federal government.

should be thwarted and the centrifugal forces should make a move to include proposals in the constitution for more decentralisation of power. Such proposals of the centrifugal forces, if accepted and approved, will strengthen the foundation of the federal structure of the union.

Another characteristic of the federal government is the existence of a common umpire to determine and interpret the distribution of power. Federation implies a division of power and authorities between two sets of government. It is also inevitable that in a federation there will be disputes over the terms of the division of power. Hence a constitutional arbitrator is required to determine the limitations imposed by the constitution, to check powers which have not been conferred, and to authenticate powers which have been granted. This task of umpiring the federal system is usually performed by a Supreme Court. In the federation of Australia, Canada, USA, West Germany and India it is the Supreme Court which performs this task. The jurisdiction of the

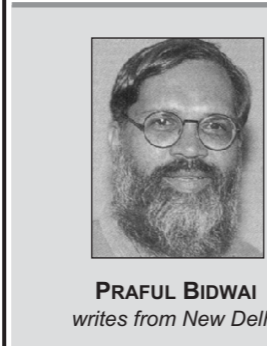
government in Canada, Australia, India and West Germany, although not compatible with the principles of parliamentary democracy, was a step in the right direction because of the need of an umpire to act as the guardian of the constitution. The acceptance of parliamentary supremacy, on the other hand, could provide great scope for a grave constitutional crisis because of the inability of the Supreme Court to adjudicate upon the vires of the legislative provisions in order to ensure that neither the centre nor the federating units exceeded the jurisdiction of powers guaranteed by the constitution.

The failure of the Supreme Court to settle any dispute between the two sets of government, in the event of them exceeding the constitutional jurisdiction, could give rise to various problems leading to constitutional crisis. The inability of the Supreme Court to act as a guardian of the constitution in a federation is fraught with grave constitutional crisis. The advantages of having a parliamentary supremacy in a parliamentary form of government with a federal

that Britain will not stick to the fulfilment of five economic tests when their political desire to enter into a single currency will override their economic interests. Whatever may be the arguments put forward by the Eurosceptics against such entry, it is almost certain that Euro will replace sterling, although the chances are remote that it is likely to happen during the lifetime of this Parliament.

The draft constitution, apart from incorporating almost all the features of the previous treaties, has made significant additions. Such additions include, among other things, granting new power to the European Union over energy, immigration and asylum policies and to coordinate national employment policies. Now the question is whether such shift of power to the European union is likely to transform it into a federal state. Before I answer this question, let me repeat here the statement by Dicey relating to prerequisites of a federation. Federalism requires for its formation two conditions i.e. on one hand there must be a body of countries so closely connected by locality, by history, by race or the like as to be capable of bearing in eyes of

BJP and the personality cult: The Vajpayee image myth



PRAFUL BIDWAI writes from New Delhi

FOR months, it has been impossible to look at an Indian newspaper or TV channel without seeing one face: Prime Minister Vajpayee's. Whether it's "Shining India"--with rising unemployment, persistent hunger and an agrarian crisis--or lavish full-page ads by Ministries, the face is everywhere.

Here, he's playing with children or entertaining Advisis in traditional headgear. There, he's handling a computer mouse to inaugurate a new project.

In the ads, Mr Vajpayee always stands taller than ordinary mortals. He is invariably shown "leading the nation" by theatrically raising his right hand high. Going by this publicity, he is the inspiration not just behind the India's biggest highway project, but behind such wondrous things as cellular telephones, helicopters, textbooks, tractors, call-centres, missiles, women's cricket, happy

pensioners, new railway lines... Our school classrooms may not have a blackboard, sometimes even a ceiling, but they must display posters with larger-than-life pictures of Education Minister Joshi and Mr Vajpayee. The message? It's to Mr Vajpayee that India's schoolchildren owe their education--never mind that primary education eludes a third of them.

The government's Rs. 450-crore publicity blitz has only one unifying

elevated her to goddess Durga! His own deification today surpasses this. Indra Gandhi's cult was largely confined to the Indian News Reels mandatorily shown with feature films. Mr Vajpayee is everywhere--glorified as a superhero, not just the head of a 19-party (or has it dwindled to 17?) coalition. He's called a "visionary" and a "statesman". BJP leaders vie with one another in showering glamorous accolades upon him.

the Quit India agitation, he sought amnesty by swearing to the colonial authorities, "I have done no damage" (to the state).

Mr Vajpayee, a loyal swayamsevak, served as a secretary to another mediocre Hindutva leader, Deendayal Upadhyay. The Jana Sangh was a minor party until 1977, tied to feudal interests, with around 30 Lok Sabha seats.

It got a break in the Emergency, during which Sangh leaders were

1998, Mr Vajpayee pursued a personalised style, running the Prime Minister's Office as a parallel power-centre. His first important decision, to conduct nuclear tests, was taken outside the Cabinet--at the RSS's behest. The Defence Minister got to know about the tests the day they happened.

The PMO has become an unaccountable source of power, which interferes in appointments, postings and contracts. It works under the not-

other. It has entered into thoroughly unprincipled alliances.

Mr Vajpayee has never disowned classic-Hindutva issues like the temple, Article 370 or Uniform Civil Code. He declared the temple agitation a "national movement". His September 2000 "always-a-swayamsevak" speech in New York conformed to this pattern.

Mr Vajpayee distances himself from hardliners only under pressure. Take Gujarat's decision to allow government employees to join the RSS. When this created a furore, Mr Vajpayee had the move withdrawn. But he kept silent when Chhattisgarh did the same thing.

Mr Vajpayee harbours personal insecurity as regards his Lucknow seat. He also reacted peevishly to his characterisation as "Vikas-Purush" and that of Mr Advani as "Loh-Purush".

Recently, Mr Vajpayee faced crucial tests on two issues: Tehelka and the Gujarat pogrom. He failed both. He reinducted Mr George Fernandes into the Cabinet when he wasn't cleared by an inquiry. And he refused to bring Mr Narendra Modi to heel. He first made some disapproving noises about rajdharma. But within days, he was back at Muslim-bashing.

A man who refuses to take a stand against the state-sponsored butchery of his fellow-citizens cannot be "liberal" "secular", or a "statesman".

Praful Bidwai is an eminent Indian columnist.

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them--Mr Vajpayee--and one purpose--to build a personality cult. So desperate is the NDA that it got Mr Vajpayee to "inaugurate" "new" railway lines months after they started operating!

The official advertisements are NDA campaign brochures, paid for with public money. No other government has done this so brazenly or ostentatiously. The sum represents half of what it costs to conduct Lok Sabha elections!

India has an unfortunate recent history of hero-worship. After the Bangladesh War, D.K. Barooah sycophantically declared, "Indira is India!" Mr Vajpayee did one better. He

This sycophancy is only slightly less crude than the personality cult around Hitler--who gave Germany the autobahn (high-speed motorway)--or Stalin and Mao. Short of showing Mr Vajpayee swimming across the Ganga, the Directorate of Audio-Visual Publicity has done everything! The material has the same admiring quality as pro-Nazi films on Hitler.

The reality behind the glorified image is prosaic. Mr Vajpayee is a mediocre leader without a coherent, leave alone grand, vision. Unlike, say, Nehru, or even Rajiv Gandhi, he has lost elections. He played no role in the greatest social-political movement of his time, the Freedom Struggle. During

arrested-- despite their lack of opposition to political rights suspension. They merged with the Janata Party, which romped to victory.

Mr Vajpayee became Foreign Minister. The only notable features of his tenure were the secret India visit by Israel's Moshe Dayan and the rebuff from China during Mr Vajpayee's 1979 visit there--through launching an attack on Vietnam.

The Janata collapsed on "dual membership". The former Jana Sanghis weren't prepared to swear exclusive loyalty to it. Mr Vajpayee refused to cut the umbilical cord with the Sangh. This was hardly "visionary". On becoming Prime Minister in

so-benign influence of Mr Vajpayee's adopted son-in-law Ranjan Bhattacharjee, and certain Big Business houses. When Outlook magazine exposed the PMO's role in some projects, its proprietors were raided!

The Vajpayee cult proves the BJP's political bankruptcy. Mr Vajpayee continues to practise duplicity. During the 1998 campaign, he declared he won't contest an election after five years. He is doing just that. He said the BJP would never split other parties. It has split the Janata Dal, Congress, BSP, JMM and Lok Dal.

"The party with a difference" is mired deeper in corruption than any

A long night's journey into the day

MONZURUL HUQ writes from Tokyo

DURING the last quarter of 2003, Japan's economy expanded 1.7 per cent from the previous quarter in real time, showing the sharpest growth in more than 13 years. The Cabinet Office in a recent statement indicated that the quarterly growth in gross domestic product (GDP) translates into an annual expansion of 7 percent. The latest figure confirms further recent projections made by financial analysts and economists that Japan's economy at the long last is appearing to be awakened from an extended slumber. The data also shows the economy is bouncing back much more vigorously than most of the earlier predictions. Private sector economists earlier forecast an average growth of 1.2 per cent for the reporting period. Translated into annual figure, this would mean around 5 per cent expansion of GDP.

result, optimism among country's policymakers and business leaders is running high and they are predicting a further improvement of the overall situation in coming days.

During October-December 2003, personal consumption, which accounts for nearly 60 per cent of Japan's gross domestic product, rose 0.8 per cent, up from 0.5 percent recorded in July-September and 0.3 per cent in April-June. Cabinet Office is attributing the expansion in private consumption to brisk sales of digital household products like flat panel televisions, digital cameras, DVD players and car navigation devices.

This healthy trend in the consumption of digital products in Japan has already been marked for quite some time. Smart cameras with multiple functions, slim TVs and capacious discs are leading a turnaround not only in Japan's electronics industry, but the whole economy as well. Digital cameras, DVD devices and flat panel TVs have become three sacred treasures for domestic consumers. In the fiscal 2003 ending in March this year, sales of DVD devices are projected to surpass those of videocassette recorders. Flat

CLOSEUP JAPAN

A blazing 7 per cent annual growth rate is no doubt a clear indication that Japan at last is showing strong signs of coming out of an economic mess that hindered progress in all other fields. But to make this journey forward a durable one, there is an urgent need for the government to take few more steps.

panel TVs are also posing a serious threat to those of their bulky rivals, and as for cameras, digital is already far ahead of still-photo film units in worldwide sales.

Unlike personal computers, which were initially seen by consumers as work tools and only gradually expanded among home users, sales of digital home appliances have virtually exploded, bringing much needed boost in personal consumption that helped the economy to see the light after an unusually prolonged period of darkness. The advantages of digital for consumers are manifold. High capacity of sound and image

recording, no deterioration of quality, and easy networking allow users to derive optimum satisfaction.

Digital cameras led the move to electronic appliances, where domestic shipment in 2001 for the first time exceeded those of conventional cameras. By 2002, digital camera shipments exceeded those of conventional cameras also in Europe and the United States. But this digital appliance revolution in Japan, which is helping the economy to come out of its period of stagnation, also has realigned winners and losers in the industry.

Capital spending during October-December 2003 period expanded a

real 5.1 per cent, the highest level in three years. This was mostly due to increasing construction volumes and stronger demand for robots, computers and turbines. Exports also marked 4.2 per cent growth, led mainly by robust economic recovery in Asia and the United States. The main export items during the period were automobiles, electrical parts, telecommunications equipment and flat panel TVs. Imports, on the other hand, rose 1.4 per cent, partly fuelled by the amount of high-priced goods brought back by the Japanese traveling abroad. On the declining side, housing investment in Japan decreased by 1 per cent and public

investment shrank 0.2 per cent. The performance report for the last quarter of the year shows that domestic demand pushed up GDP by 1.3 per cent, while external demand added 0.4 percent.

In October-December 2003, consumers in Japan spent more than in the previous three months and companies ramped up equipment and factory investment. This means, parallel to strong exports, which until recently served as the sole engine of growth, domestic demand has finally started to support the process of recovery. Prime Minister Junichiro Koizumi has welcomed the stronger than expected GDP performance

report and expressed hope that this would help private sector economy to gain vitality.

But some economists say concerns about the prospect of the overall economic performance still exist, especially over the further appreciation of Japanese yen. They also doubt if the recovery in consumption can be sustained long enough to stimulate the economy internally. The value of Japanese yen, which is currently hovering around 105-107 to a dollar, is relatively low and might have negative impact on Japan's export if the trend continues for long. Moreover, any further appreciation of yen might even eat up a large chunk of benefits that Japan usually derives from its traditional export markets. As South Korean and Taiwanese producers are already competing with Japanese companies in such fields like liquid crystal technology and digital products, these emerging powerhouses might enjoy added benefit due to uncertainty in currency rate and catch up their Japanese rivals. Domestic consumption in Japan has certainly taken off, but much of the country's economic steam still comes

from export.

Commenting on the performance report of Japanese economy during the last quarter of 2003, Heizo Takenaka, minister in charge of Japan's economic and fiscal policy said he wanted to see exchange rates maintain a proper balance. But he also added that as the economy is gradually recovering, the government should take initiatives to transform this effect to local areas all over the country.

A blazing 7 per cent annual growth rate is no doubt a clear indication that Japan at last is showing strong signs of coming out of an economic mess that hindered progress in all other fields. But to make this journey forward a durable one, there is an urgent need for the government to take few more steps. Japan's banking system is still in deep crisis that resulted from huge accumulation of bad debts. Deflation is still all around and a sluggish service sector, troubled small and midsize firms and capsizing local economies -- all are standing as serious threats and need more attention for the recovery to be meaningful.