

## Judicial council verdict implemented

### A good precedent set

THE removal of High Court Additional Judge Shahidur Rahman on the basis of the verdict delivered by the Supreme Judicial Council has been acclaimed widely as a triumph of the principle of judicial probity and ethics. It is obvious that an internal cleansing process functioned and the end-result has been the dismissal of the man who was facing charges of graft that greatly undermined the image of the highest judiciary.

Nevertheless, some questions have arisen due largely to the delay in implementing the verdict of the supreme judicial council which it reached expeditiously. President Iajuddin Ahmed responded to the investigation report and recommendation of the council by sending it to the Prime Minister's Office for approval via the law ministry on January 26. However, the disposal of the matter took a long time as the file lay at the prime minister's office for nearly three months. How independent is the highest judicial body from the executive in the exercise of its writs? It appears to be hemmed in on all sides and the government's dithering on an issue of grave public concern could not have escaped the notice of most people. The government has finally done what was expected of it, but it could have done so more quickly thereby helping the judicial council to set its maiden precedent with a great impact.

Regrettably enough, the judge in question did not feel it a moral obligation to resign when the Supreme Council had delivered its verdict against him. There was another lamentable aspect. The disgraced judge was facing defalcation charges brought by the Bar Association before he was appointed an additional judge to the High Court Division. Now, the charge was serious enough not to have influenced the government's decision to appoint him in the first place. But his rather shady background was apparently overlooked by the decision makers -- a lapse that could lend credence to the skeptical view that politicisation did not spare even the highest judiciary. All the same, the removal of the judge has gone down well as a potential deterrent against defiling of the sacrosanct institution by any corrupt elements.

## Taiwan trade office fracas

### We are committed to one-China policy but have a right to pursue our economic interest

WE are glad to see that the row which was brewing between Bangladesh and China over the Taipei trade representative office in Dhaka since March appears poised now for defusion. Such an expectation arises from the fact that the management of the Taiwan trade centre has called off the office's formal inauguration.

The entire diplomatic incident has been as unfortunate as it has been perplexing. The Bangladeshi government has made repeated assurances to its Chinese counterparts that the only interest in the opening of the trade office was business opportunity, and nothing more. The government has repeatedly reaffirmed its commitment to the One China policy and stated that the opening of the trade office not be interpreted as any kind of recognition of Taiwan's status, leave alone sovereignty.

Nevertheless, the Chinese government has not been mollified by these assurances. It has exerted tremendous pressure on Dhaka to close down the office, stating that the office's continued existence calls into question Bangladesh's fidelity to the One China principle and that it threatens to put our entire bilateral relationship at risk.

In this context it is worth noting that Singapore, Indonesia, Philippines, Malaysia, Thailand, South Korea, Hong Kong, and Vietnam all have Taipei representative offices of the very kind that has caused such a ruckus in Dhaka, without any repercussions from Beijing. In fact, many of these representative offices even provide consular services, whereas the one in Dhaka contemplated no such thing, and the head of both the Indonesian and Korean missions are officers with ambassador level ranking.

Why, then, is Bangladesh being singled out? Indeed, Bangladesh's actions and intentions have been wholly innocuous throughout. We had no agenda other than to further our own economic interests. The pressure, the mention of "grave consequences" and the threat of "undoing" of all our bilateral gains have left us surprised and shocked as why China was reacting in such a manner, while treating so many other countries with trade offices of Taiwan totally differently. Why this double standard? Why is such behaviour with a country that has supported China unreservedly?

Let there be no mistake, Bangladesh is fully supportive of the One China principle and would like to reaffirm its close bilateral relationship with China. No one benefits when friends quarrel. We should not succumb to pressure when all we have done is to pursue a legitimate economic interest without according any diplomatic status to Taiwan. The opening of a Taiwan trade office in Dhaka when the same has been set up in other countries can not be construed as a hostile act against Chinese interest. We support our government's initiative and appeal to China to treat us similarly as it does so many other countries in the Asian region.

# The fight for publicly-owned electricity in Bangladesh



NURURDDIN MAHMUD KAMAL

ABOUT three weeks ago I received a letter signed by Christine I. Wallich Country Director, World Bank Office, Dhaka, with an attached publication entitled, "Bangladesh: Review of Public Enterprise Performance and Strategy," May 2003. I wish to thank Ms. Wallich for keeping me in the mailing list. My intent, however, is not to make a publication review rather taking cue from the analysis of key issues and policy implications shown in the study and, make some comments on electricity development in Bangladesh in which I was deeply involved for about three years as the chief executive of Power Development Board during the late 1990s.

To start with, in my humble opinion, there exists a fight for publicly owned electricity that is going on for decades in Bangladesh. The development partners, in particular the World Bank, now apparently are opposed to public power. Nevertheless, on a personal note, I want to thank the Bank for bringing up the issues. I think this is an important public issue, one that is fundamental to our economy, our environment and a semblance of social order in our daily life. However, when our electric bills go through the roof and we hear no public announcements about the risk of power outages from the government we become very concerned. In fact, the fundamentals become very real for the thirty per cent minority that are privileged consumers of electricity in this

country. Unfortunately, the owners and operators of public power seem to be relaxed on its performance. It would also seem unbelievable that the government thinks such accusations are unreal, perhaps because the authorities consider they are talking to teenagers.

I, at times, feel frustrated when I recall my days in the BPDB during 1996-99 when some important professionals in BPDB and top brasses (bureaucrats) in the government used to give a smile took to the

innovative. Moreover, political interference, such as regulating electricity rates distorts the economics of the power industry. Markets forces may be ignored, but they cannot be defeated, and we will ultimately regret even trying. While there may be some role in the electricity system for government, "public ownership and operation of system assets is a bad idea that inevitably leads to unsustainable public debts."

These are now familiar claims

scheming to sell off huge publicly owned system assets through introduction of a new animal i.e. regulatory regime. The law that has been enacted is farcical and biased towards government interference and not independent nor neutral in its scope and implementation clauses. The new corporate power interests and their political representatives endlessly repeat the mantra that the privatisation and deregulation (or peculiar regulation) of our electricity system must be forced to

way for private power. Now, electric energy is essential for the economic development of the country, as expected, and the social progress that follows in its wake. Private power developers, though entrepreneurial and industrious, give no sign that they would be guided by notions of the public good. The mandate was, as has always been, to make money for their shareholders.

Admittedly, today, affordable, reliable electricity continues to be a cornerstone of Bangladesh's eco-

areas, in the past three decades. No body knows now whether the public power will only engage itself with low quality generation from outdated technology or act as only buyer of electricity from the IPPs? Neither the public sector receives adequate investments in generation nor it is able to use new technologies that produce more environmentally benign energy and use it more efficiently. Unless the public power system changes its attitude, it will face disastrous consequences.

The opponents of public power today say that the private power is the most effective agent of change in meeting all these challenges, and introduction of regulatory measures is essential to unleashing the benefits that will flow from individual enrichment initiatives. Regrettably, they add, there may be some transitional hiccups as did happen in USA and Canada (California, Alberta, New York). Such problems may inhibit progress as the country move into brave new world of market discipline.

History has already started to prove the opponents of public power generation wrong. North American power prices are unstable. System reliability, which the public sector in Bangladesh didn't worry about for decades, is now a front-burner issue. Most unfortunately, Bangladesh's public power sector is now falling behind in energy technology research and development. It seems the government would again lay its hands on even thirty-year old Chinese technology for new electricity generation after burning its hands in two 210 Megawatt Power Plants set up at Raozan (Chittagong) in late 1980s and early 1990s, respectively. It seems we don't learn nor do we care whatever happens to the interest of Public Power!

Nururddin Mahmud Kamal is a former Additional Secretary to the government.

## CHRONICLE

### History has already started to prove the opponents of public power generation wrong. North American power prices are unstable. System reliability, which the public sector in Bangladesh didn't worry about for decades, is now a front-burner issue. Most unfortunately, Bangladesh's public power sector is now falling behind in energy technology research and development... It seems we don't learn nor do we care whatever happens to the interest of Public Power!

pioneering effort in private power in Bangladesh. Thanks to the then Prime Minister Sheikh Hasina whose vision and sincerity had helped to rescue the electricity crisis situation in the late 1990s. The effort made it possible to add about 1400 megawatt of new private and semi-private generation capacity and 270 MW public power to revamp the country's total installed capacity to about 4700 MW from about three thousand megawatt level, a record improvement in the history of power development in Bangladesh. The present government, however, has not added, even a single megawatt on its own in the past about 30 months, perhaps for fear of being biased towards public or private participation.

Like others, I have also heard many times over in my lifetime that the government should not be involved in electricity business. Those who say such things also claim that the public sector is not as efficient as the private sector, nor as

that you and I have been hearing for years from those advocating privatisation and deregulation of Bangladesh's publicly owned power system. Ironically, these are also precisely the same claims made over the past two decades. Earlier, the donors had clearly supported public power system in Bangladesh and financed them without much reservation. To this day when I drive by those huge towers, I say to myself, "you helped to build all of this..." Hundreds of kilometers of powerline have been built over the past fifty years. None of us wants to see our work, and that of many others like us, sold off and used for private profit.

Some say, corporate power interest failed then to public power. But it seems they have won, decades later. Is it because the market place has brought in a marked change? The rumour is that the government, instead of promoting a simultaneous development of public and private power system, is

march forward. Ad nauseam they seemed to say: "we have no choice but to privatise and deregulate."

I know I am not competent to offer any message that the opponents of public power are as wrong today as they were in the early 20<sup>th</sup> century, when the Electricity Act was enacted in 1910 and at least sixteen private power developers initiated generation and distribution in their respective franchise areas in sixteen district headquarter towns of East Bengal (now Bangladesh). In those days, electric power was used only for lighting in the homes of elites. By late 1950, all the district based private power companies would no longer expand through construction of transmission lines essentially because of investment limitations. Of necessity, public sector was ushered into the power system domain. But, as the time passes they are gradually becoming inefficient and corrupt to their bones. Government indulgence has aggravated the situation and also paved a

nomie health. No one doubts this. The only disagreement there is on whether the public or private sector can fulfil this need in Bangladesh. The energy related challenges we now face, however, go beyond power prices and availability. An environmental stew, that seemed being cooked slowly for past several years, is now boiling over, particularly in the old public power plants, transmission lines etc. Even human health problems are warning us loudly that the effects of pollution are impacting our societies, more intensely than before.

The public power industry with outdated and outmoded plants is a large part of the problem and must be an equally large part of any solution. At the same time, a technological revolution is underway in both the demand and supply sides of the electricity sector. I don't expect Bangladesh's public power would be a leader in this revolution, as it was in the movement that electrified many rural areas and also the urban

# 'Reelection'-obsessed President Bush is not interested in justice!

DR. FAKHRUDDIN AHMED  
*writes from Princeton*

PRESIDENT George W. Bush never talks about justice, because "justice" is the call of the weak and the oppressed, such as the hapless Palestinians. Instead, Mr. Bush talks about "freedom, democracy, and law and order." These are the clarion calls of the strong and the mighty, such as the US and Israel. The only time "justice" enters Mr. Bush's vocabulary is when he seeks retribution, such as when he talks of the need to bring "these assassins and thugs" to "justice".

Last week, Mr. Bush had multiple opportunities to strike a blow for justice. Not unexpectedly, he sided solidly with tyranny. Mr. Bush heaped profuse praise on mass murderer Sharon for planning to withdraw from the Israeli-occupied Gaza, which all Israeli Prime Ministers in the last ten years have contemplated doing IN THEIR OWN INTEREST! Breaking with the existing international laws, something he is very good at, Mr. Bush added that it was perfectly all right for Israel to build a wall inside Palestinian territory (West Bank), not to withdraw from all the Palestinian territories it illegally occupies in the West Bank, and not to allow the Palestinians who were driven out of their homes by Israel to return to their homes. So, Mr. Bush praises a thief (Israel) for returning stolen property (Gaza), tells the thief that he can keep a part of the bigger loot (West Bank) it had stolen and disfigure it, and is under no obligation to let the legal occupants of the house the thief had expelled return to their own house! In Bush's Orwellian world, (assuming Mr. Bush has heard of George Orwell and "1984") the occupiers "have the right" to

occupation and the victims are "terrorists" for resisting occupation! This is Mr. Bush's concept of justice! And he feels secure in the knowledge that as the all-mighty, his words are law, and that there will be no ill-consequences for his blatant travesty of justice!

Pathetically, a couple of days before Sharon's visit, Egypt's Hosni Mubarak went all the way to Crawford, Texas to pay respect to Mr. Bush, no doubt beseeching the President that whatever he and

ica's soul from a President too willing to sell it for the sake of his personal "reelection."

Just before Sharon leaves, he informs Bush, "By the way, I am going to murder the new head of Hamas, (Dr. Abdel Aziz) Rantisi by firing a missile at him from an American Apache helicopter, just as I had murdered the previous Hamas head (wheelchair-confined Sheikh Ahmed) Yassin a month earlier." Bush must have applauded Sharon's crime, because when

on the facts: Israel illegally occupies the Palestinian lands of the West Bank and Gaza, continuously steals and builds Jewish settlements on the Palestinian lands with American money contravening all existing international laws, as occupiers control every aspect of Palestinian life, restricts the movement of the Palestinians, inflicts illegal collective punishment on the population through mass closures, curfews and by blowing up Palestinian apartments and houses. Israeli

Palestinians to accept it. If Mexico retakes its former territory of Texas (now a US state), will the Americans accept Mexican annexation of part of current US territory? Why should it be any different with the Palestinians?

Mr. Bush may be "incurious" about everything else, but the words "reelection" and "second term" instantly pique his interest. ("Re-election" does not strictly apply to Mr. Bush, who was not elected, but

justify his failing Iraq policy. As expected, he bombed, because the unpackaged and unhinged Mr. Bush is not a pretty sight.

God knows what more peril Mr. Bush will place America in in order to win a second term. Because Sharon knows that a "reelection"-obsessed Bush will bend over backwards not to offend him before the November US presidential election for fear of the electoral wrath of the Zionists, Sharon will probably murder the democratically elected leader of the Palestinians, Yassir Arafat, before November, and Bush will applaud Sharon's state-sponsored terrorism. Mr. Bush's pandering to the terrorist Sharon and the terrorist state of Israel for personal gains will have devastating consequences for America's short and long term future. In the short term, Mr. Bush's endorsement of Sharon's terrorism will lead directly to the death of many more American soldiers and civilians in Iraq. In the long term, the evil-spewing Bush-Sharon axis will help swell the ranks of those who want to do America harm. Cunningly for Israel and catastrophically for America, Sharon is using Bush to blur the distinction between an American and an Israeli. Sadly, from personal experience the writer knows that Mr. Bush does not represent the overwhelming majority of the decent and fair-minded American people. Mr. Bush and his Zionist cohorts do not represent America's best values; they represent America's worst. And historically, a noble and a decent nation that had a bright future had always aligned itself with the forces of justice.

## LETTER FROM AMERICA

### God knows what more peril Mr. Bush will place America in in order to win a second term. Because Sharon knows that a "reelection"-obsessed Bush will bend over backwards not to offend him before the November US presidential election for fear of the electoral wrath of the Zionists... Mr. Bush's pandering to the terrorist Sharon and the terrorist state of Israel for personal gains will have devastating consequences for America's short and long term future.

Sharon decide to do the Palestinians is all right with him as long as Bush does not cut off America's two and a half billion dollar annual due to Egypt. Couple of days after Sharon's departure came Jordan's little monarch Abdullah, no doubt to give Sharon and Bush a free hand over the Palestinians in exchange for Mr. Bush's promise not to tamper with Jordan's free trade agreement with America. Sandwiched between the visits by the two Muslim dictators came the mass murderer Sharon to dictate to Bush what Israel's and America's policy was going to be. Mr. Bush complied, and gave Sharon everything he wanted and then some. Therefore, while Egypt sells its soul for two and a half billion dollars, Israel not only extorts ten billion annually from America, it keeps its soul intact and buys Amer-

Sharon carried out Rantisi's murder, the Bush White House put out a statement that began, "Hamas is a terrorist organisation..." By endorsing the multifaceted crimes of the terrorist Sharon, Mr. Bush has become an accessory to terrorism himself. Let us not ignore the other visitor to the White House last week: British Prime Minister Tony Blair. In the unilateral Israeli annexation of parts of the West Bank (and presumably in the murder of Dr. Rantisi as well) Mr. Blair saw an "opportunity" for the Palestinians! Privately, the British agree that if it ever comes down to a choice between the Iraq coalition partner Mr. Blair and the "reelection" partner Sharon, Mr. Bush will, without hesitation, discard Mr. Blair...

Before dissecting the fallacies in the Bush-Sharon logic, let us focus

violations of international law, and the atrocities Israel perpetrates on the Palestinians are limitless. What is the Bush-Sharon excuse for the Israeli murder of the Palestinians? "The Palestinians are not doing enough to protect the Israelis," they say. When has it become the duty of the occupied to protect the occupiers? Are the Iraqis responsible for the protection of the American occupiers? Even after taking a beating in Iraq, Mr. Bush "the war President" still does not get it: Occupation and peace do not go hand in hand. Regardless of whether the theatre is Israel or Iraq, occupation elicits violent resistance. Without consulting the Palestinians, and defying international law Bush-Sharon agreed that Israel should annex parts of the West Bank it now occupies, and they expect the

anointed President by the Republican judges of the US Supreme Court and who received 600,000 LESS votes than Al Gore in the Presidential election of 2000.)

Ever since taking office, even in the days following 9/11, Mr. Bush had focused on raising funds to fatten his "reelection" war chest. Mr. Bush's public appearances have been choreographed to maximise his "reelection" chances. Mr. Bush's "reelection" brain trusts, Karl Rove and Karen Hughes, make sure that Mr. Bush is not associated with any bad news. When close to a hundred American soldiers died in Iraq in the last two weeks, Mr. Bush hid in his Crawford, Texas ranch! It was only after newspapers blasted the "silent" President, that he reluctantly held a press conference to

## TO THE EDITOR TO THE EDITOR TO THE EDITOR TO THE EDITOR TO THE EDITOR

Letters will only be considered if they carry the writer's full name, address and telephone number (if any). The identity of the writers will be protected. Letters must be limited to 300 words. All letters will be subject to editing.

### National University

I am a student of 1<sup>st</sup> year honours (Management) of a renowned college in Dhaka city under National University. I want to give a real picture of the condition of the National University. It is true that it is a very well known university, but I can't understand why this university is degrading its standards day by day. The examination of 1<sup>st</sup> year 2003 was held about 10 months ago but the results have not been published till today. I want to know what is going on? How much time do they need to get this simple work done? Many months have passed but students have got no response from the concerned authorities. In this competitive job market one or two days cannot be ignored but the students have already lost more than five months. It is difficult to understand whether the university people are not in a position to publish the results or they don't want to do that on time. I request the concerned authorities to realise our problems.

I would like to point out another thing, that after passing the HSC exams all the students do not get admission in Dhaka University. And 85% students of our country cannot afford to continue their studies in private universities. So they have to rely on the National University. But their problem is only multiplied when the university performs well below their expectations.

### Piped water

The government's new initiative of supplying piped water to clusters of villages (press reports) is appreciated. It is big business for the private sector.

The government may not do this business but supervise the private sector, to encourage the latter to pay attention to further business opportunities in the rural areas, such as installation of solar lighting kits at homes and institutions, with option for HP (hire-purchase) with the

cooperation of banks and financial agencies. Mobile dispensaries and libraries are some other areas of business.

There is no lack of markets catering to 130 million consumers. The secret is provision of official facilities (as the handloom textile exporters are demanding).

In the urban areas, there is another racket (DS April 17)--illegal use of water pumps to draw unauthorised excess water from WASA piped network, starving the small homes and users. In the flat I am living in Mohammadpur, there is no running water for 24 hours, there is no overhead tank of the building (one owner) cannot be filled up as the WASA supply runs out after twenty minutes of pumping; whereas 24-hour running water was available a few years ago. On either side of our house, there are large new buildings needing a lot of water).

When the rate of development is fast, the demand and supply equation is changing all the time, and the staid civil service is not equipped to handle such non-routine pressure.

But the administrative reforms are still lingering decade after decade. The regime (any regime at any time) has to be pushy in the right way.

The point is simple, the daily operation and maintenance (O&M) is neglected, and illegal means are employed for self-profit (no prosecution due to graft).

The society has broken down, the story is similar in all sectors of public service. The regime has to look for ways of providing efficient services which operate in the background, and not beat the drum too much on new projects. It appears the senior officials are reluctant to pull up the subordinate staff, and the private sectors big guns get away after violating rules and regulations (land-grabbing, for example).

The problem is deeper than the classical enmity between the two major political parties. Only the political masters can solve it.

### A Husnanin

Dhaka

### Self immolation?

After going through the editor's commentary (April 9), some implications came to mind.

The Awami League is losing weight, and slowly fading out; and the party is not aware of it! Inexperience top leadership is today sheltered and surrounded by charismatic people, past names, and sycophants who trade in names.

The times are changing which calls for adaptability. The party's windows are closed, not letting in sunlight, and no light from inside goes out. Static policies deny dynamism in political ventures (not adventures).

There are several types of changes: global, regional and in the local environment. Add the various kinds of gaps created by the new generations. Social awareness and literacy levels have risen, as also communication speeds. Several lakhs of Bangladeshis live and work abroad and thousands of our students are studying abroad. Today it is a small world, with tremendous local

effect. Their feedbacks should be monitored and not ignored. The mass media do not indicate the views of the politicians to the changing scenarios. The pronouncements are full of the usual opponent-bashing speeches and movements. Tolerance, patience and diversity do not sell in the Dhaka market. The inner space is lacking.

What about the rest 90 per cent of politicians? Real politics is independent of party and personality (philosophically speaking). Besides, politics is a science, for rational objective (not subjective) application. Politics has to be ruled by the head, and not by the heart. Passion in politics is dangerous and damaging. Look at the United States today: consuming itself in passionate global politics.

Politics has come out of the political arena, to be used apolitically. That is the test-natural application at the national level, where the rainbow colours merge into one single colour of daylight. Clear sky, not cloudy. The sweet breeze of development activities, and no

thunderstorms every now and then, felling trees and institutions.

When leaders become smug, it creates smog in the atmosphere. Here is a quotation for the consideration of our leaders: "Proud, but not arrogant; haughty, but not vain." It takes some reflection to sort out the difference amongst these four terms.

A political party dies out internally, not through external efforts of the opponents. There is a common factor between two feuding parties: the appeal of the masses. The latter have the right to change the caretakers and no grumbling.

Hartal has been overused politically, and it is time to change the menu. Forced hartal makes no sense. It is a voluntary option, without use of violence, coercion, and damage to property. The politicians do not follow this simple, basic rule.

Today politics has lost credibility, losing the right to enjoy the benefit of the doubt. The politicians themselves are cornering politics, and the hate campaigns are alienating

the janata.

It seems the time has come to say: good riddance (for a while).

### A Mahasen

Dhaka

### Our triumph

Bangabandhu Sheikh Mujibur Rahman has been adjudged the greatest Bengalee of all time by the BBC listeners. It is a great triumph for the Bengalee nation. Sheikh Mujib is the founding father of Bangladesh. The liberation of Bangladesh would have been impossible sans Mujib. He made a great contribution to our national history.

He was a gallant, selfless, humane, charismatic and uncompromising leader. His dedication to liberating us from the Pakistani occupation knew no bounds.

### Molla Mohammad Shaheen

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