

## An occasion of joy and inspiration

*A guiding light through ages*

EID-e-Miladunnabi is an occasion to rejoice in, remember and share the rich legacy that Prophet Hazrat Muhammad (Peace Be Upon Him) left to the followers of Islam and, by a natural extension, to the whole mankind. He made signal contributions to the growth of human civilisation by championing the cause of inter-faith and inter-communal harmony. He abolished slavery in any form and shape and established the dignity of men and women, irrespective of cast, creed and colour. He was what one would call a natural respecter of human rights and a true advocate of good governance.

His role in lifting the bohemian Arabs, steeped in superstition, hedonism and blood feuds to the heights of spirituality and purposeful living, could have earned him an exalted place in the annals as a social reformer. But that is not where his greatness stops; for, his teachings of monotheism imparted in Mecca and Medina were to spread far and wide within 23 years of the Revelation and his attainment of Prophethood.

This year we are observing Eid-e-Miladunnabi amidst a host of negative tidings. Adversities are being encountered at home and abroad. Domestically, one is distraught with the tendency of using religion for political purposes. Sectarian orthodox receiving, to some degree, patronisation of the powerful, is breathing fire into society and violating minority rights which is repugnant to the true spirit of Islam.

The prophet of Islam is known for having never preached anything he did not himself practise. In today's cacophony of rhetoric, exhortation and pontification, it is that synchronisation between words and deeds which we need the most.

With the world dividing in a geometric progression after 9/11, Afghan war and Iraq war, Muslims have been subjected to a certain stereo-typing by powerful quarters in the international arena. At a time like this, the true tenets of Islam will have to be refocused and recharged with healthy modernity so as to forge a powerful and convincing response to attempts at stigmatisation.

## Press Freedom Day

*Free press is a true friend of the govt and opposition, and of democracy*

ON a great day like World Press Freedom Day, it's only appropriate to take stock of the performance of the press in Bangladesh, especially since 1991, which marked the restoration of democracy in the country. By the same token, there can never be a better opportunity than now to examine the relations the press has had over the years with both the government and opposition parties. As our emblem proclaims, we are committed to the people's right to know and know the truth. We have never been deterred from that path, none of the adversities for telling the truth could compel us to be distracted from our objective, our article of faith.

But when the truth gets twisted or rather given a false interpretation by our political leaders, perhaps to cover up their own faults, we simply can not remain a mute spectator. Awami League general secretary Abdul Jalil put words into the press' mouth for his now infamous declaration of bringing down the government by April 30. He claimed that it was not him, but the press which set the date. On the other hand, secretary general of the ruling BNP, Abdul Mannan Bhuiyan, apologised for arresting innocent people but also termed the media reports based on interviews with those same innocent people 'motivated' or exaggerated. In other words, though we told the truth, we are being blamed for doing so.

We are ready to admit our flaws; in fact, we have always been the first to have admitted our mistakes. But when the faults of political parties are brought up, we are flayed; we become their opponents. Sadly, both Awami League and BNP followed the same antagonistic path vis-a-vis the media whether they were in the opposition or in the government. They always took criticism personally and as an affront, rather than as feedback, alleging that the press was running an anti-government propaganda. What they fail to understand is that whatever the independent press discloses, after thorough investigation, it does so conscientiously and out of an inherent sense of responsibility and obligation to its readers.

Independent press does not have any axe to grind with any government or against it. Actually, the readers who are our ultimate judges, will not allow us to survive if our reports and commentaries lacked in objectivity. It is high time the political parties took our suggestions seriously, because we strongly believe had they listened to us, they would only have been the gainer and not landed the country in a mess that they have.

## While Nero fiddles ...

KAZI ANWARUL MASUD

URING the twilight years of united Pakistan Bengalis in the then Eastern part refused allegiance to then Pakistani military junta heeding the call of the Father of the Nation Bangabandhu Sheikh Mujibur Rahman. But then withdrawal of allegiance from an alien entity reflected the will of the whole Bengali nation (barring some viperous Razakars who unfortunately were never brought to book). This desire to oppose the alien tyrannical government was transformed into an unshakable determination of the Bengali people to be free from foreign domination. The gruesome genocide inflicted upon the Bengali nation by Pakistani occupation forces was more horrific than those in Rwanda and Srebrenica some of which has been chronicled in the pages of history, poetry and literature while many more untold tales of agony were suffered and then lost in the infinity of time.

The choice then was easy but the choice now is not, even allowing for the contextual differences. We do not have the system of recall vote to bring back legislators who fail their electorate nor do we have a

system of petition by the aggrieved populace to be placed before a body which can sit on judgment on the failures of a government in power. Besides, article 70 of our Constitution bars a person elected on the ticket of a political party from casting his vote against the party unless he is willing to vacate his membership of the parliament. This provision essentially robs a

Bangladeshis do want to live any more in a "state of disgrace" or with the epithet that Bangladesh is the most corrupt country in the world and the most dangerous Asian country for journalists. Amnesty International, Human Rights Watch, US State Department among many others have us under a microscope monitoring our political behaviour lest we join the rank of failed

juridically independent country.

The recent events of mindless arrests by law enforcing agencies of political activists, ordinary citizens and visitors to Dhaka from different parts of the country echo the sentiments voiced by Professor Iris Young (of Chicago University) on abuse of power by the police. She tries to understand some people's acceptance of the use of

safeguarding social peace then there can be no point in having states that can not make a decisive contribution to domestic civil conditions.

Admittedly, in the case of Bangladesh, sub-nationalism implying fragmentation of the state due to ethno-nationalism does not apply. But dichotomous contrasts in our domestic politics coupled with the myopia

demarcation between genius and insanity, there is also a thin line for civil unrest to transform itself into chaos and anarchy. The continuing onslaught on the Islamic world in the name of "democratisation" of undemocratic societies should put us on guard, though at present Western preoccupation remains primarily with the Middle East, mainly because rightly or wrongly Bangladesh is perceived abroad as a possible target for Islamic extremists and our inability so far to prove to the world that the arms caches caught on different occasions are not meant for furthering an incipient Islamist agenda.

The political insensitivity displayed by modern day aspirants of dynastic rule by playing cricket while thousands of innocent citizens were being forcibly herded into camps is truly amazing. Bangladeshis who have very little expectations from their politicians would still like to be assured of freedom from the vicious circle of criminalisation of politics, freedom from insecurity of life and property and that there is a light, left however flickering, at the end of the long and dark tunnel. The cost of independence paid in blood, toil and tears should not go in vain.

Kazi Anwarul Masud is a former Secretary and Ambassador.

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member of parliament of personal liberty, freedom of thought, conscience and of speech; and leads to "elective dictatorship". If the test of democracy is freedom of criticism, and if democracy is to succeed then all fundamental rights engraved in moral and legal codes over centuries have to be respected at any cost. It is not for nothing that Thomas Paine had uttered his famous words: give me liberty or give me death.

Irresponsible power is inconsistent with liberty.

states. Robert Jackson (The Global Covenant2000- Oxford University Press) defines failed states as those who can not or will not safeguard minimal civil conditions for their population: peace, law and order, and good governance. Mervyn Frost would like sovereign state to be one in which citizens experience the well being of the state as fundamental to their own well being. Any truly sovereign state, for Frost, is a state whose citizens are substantially free as individual human beings and are not merely inhabitants of a

violence by legitimate agents of the state (which has a monopoly of legitimate use of violence) as an extension and expression of its power to ensure obedience of the people to its understanding of the laws of the country. Such an understanding could be used to define a police state where Orwellian tyranny reigns supreme. In such a scenario the government's raison d'etre to deliver political goods remains absent and irrelevant. In Hobbesian sense if sovereign statehood is a necessary political arrangement for

of power make us vulnerable to exogenous scrutiny. A senior State department official of the Clinton administration argued that not since the Napoleonic upheavals have the rights of states, people and governments been so unclear to the extent that other states have arrogated upon themselves the right to intervene in the affairs of other states. He was clearly advocating the case for humanitarian intervention in cases like Somalia, Rwanda, Haiti and Sierra Leone. But just as there is a thin line of

## The constitution should guarantee right to information

MASHIUL ALAM

I have a copy of the Constitution of Bangladesh. A pocketsize one. I treasure it for it proves very useful and handy when I write some thing for my newspaper. Article 39 of the Constitution was making me ponder for some years now, and finally I have penned down a clause at the end of the Article. Originally, the Article says: "39 (1) Freedom of thought and conscience is guaranteed. (2) Subject to any reasonable restrictions imposed by law in the interest of the security of the State, friendly relations with foreign states, public order, decency or morality, or in relation to contempt of court, defamation or incitement to an offence- (a) the right of every citizen to freedom of speech and expression; and (b) freedom of press, are guaranteed."

I, in the copy of the Constitution in my personal possession, have added a new clause as: "(c) the right of every willing citizen to obtain information on matters of public interest is also guaranteed." In fact, I try to comfort myself by doing this. But this is not a fun. In this Information Age like many in the world I also really mean it, and I have very strong logic for it.

Our Constitution says that freedom of speech and expression along with freedom of press are guaranteed, and then it naturally implies that there should be a right to know and let others

know about everything of public interest. If you cannot obtain information how can you build an opinion? If a journalist does not have enough access to information, what his newspaper will deliver to the people and how the Press can be free?

These are not new thoughts. By now it is universally recognised that, information is indispensable for the functioning of a true democracy. People have to be kept informed about public affairs and issues -- political,

public life.'

Over 40 countries in the world now have comprehensive laws to facilitate access to state records; over 30 more are in the process of enacting such legislation. In recent years, many Commonwealth countries like Canada, Australia, and New Zealand have passed laws providing for the right of access to administrative information. USA, France and Scandinavian countries have also passed similar laws.

It is not only the developed

Freedom of the Press Act, now part of the Swedish Constitution, provides, among other things, that 'every Swedish subject shall have free access to official documents'. In Australia, the Freedom of Information Act was enacted in December 1982. It gave citizens more access to the Federal Government's documents. Even the Soviets, under Mikhail Gorbachev, had realised that 'the State does not claim monopoly of truth any longer'. His Glasnost has cast away the cloud

also adopted a Freedom of Information Act in 2002.

For the sake of transparency in the democratic process and good governance in Bangladesh public access to information is essential. Freedom of information is indispensable for a citizen to bring his or her grievances before the administrative authority or to the court of law for redress. If the general public remain ignorant about the affairs of the state touching their fate it will amount to futility of our democratic system.

**There is a strong public opinion in favour of amending, even abolishing the Official Secrets Act, which was promulgated in British colonial era for the interest of the colonial rulers. We see the government very eager to amend the constitution for hanging portraits of leaders, which has little meaning to the general people. What should be done is to add a new clause in Article 39 which will guarantee the right to information for each and every citizen.**

social and economic. Attorney General of India Soli Sorabjee says, 'Lack of transparency was one of the main causes for all pervading corruption and Right to Information would lead to public interest is also guaranteed.' According to Former Supreme Court judge of India P. B. Sawant, 'the barrier to information is the single most cause responsible for corruption in society. It facilitates clandestine deals, arbitrary decisions, manipulations and embezzlements. Transparency in dealings, with their every detail exposed to the public view, should go a long way in curtailing corruption in

countries that have enacted freedom of information legislation; similar trends are seen in the developing countries as well. Malaysia operates an on-line data base system known as Civil Services Link, through which a person can access information regarding functioning of public administration. Sweden has been enjoying the right to know since 1810. It was replaced in 1949 by a new Act, which enjoyed the sanctity of being a part of the country's Constitution itself. Every Swedish citizen should have access to virtually all documents kept by the State or municipal agencies. The

of secrecy.

In Asia, the Philippines recognised the right to access information through passing a Code of Conduct and Ethical Standards for Public Officials and Employees in 1987. Hong Kong adopted a Code on Access to Information in March 1995. The Official Information Act came into effect in Thailand in December 1997. In South Korea, the Act on Disclosure of Information by Public Agencies came into effect in 1998. In Japan, the Law Concerning Access to Information Held by Administrative Organs was enacted in April 2001. India has

But so far we do not have any legal instrument through which citizens can enjoy their right to information. On the contrary, there are certain laws which are great obstacles to free flow of information. These laws are: 1. Section 5(1) of the Official Secrets Act, 1923; 2. Section 123 & 124 of the Evidence Act, 1872; 3. Rule 28(1) of the Rules of Business; 4. Rule 19 of the Government Servants (conduct) Rules, 1979; and 5. Oaths (affirmation) of secrecy under the Constitution.

The Law Commission was working hard to initiate a change and they undertook a research

work on this. They also published a working paper, which contained the outcome of the research work. They suggested that a Right to Information Act should be adopted. The Law Commission reportedly formulated a draft, which would be proposed as a bill, and sent it to the Law Ministry. More than a year has past since then, but there is no response. When I made a phone call a week ago, an official in the office of the Law Commission told me at one point that there are some people in the bureaucracy who do not feel good when the point of free access to information for public is raised. They actually do not want any law of that kind to be passed. Even, some of them are in favour of amending the existing Official Secrets Act to make it tougher than it is now.

We do not know what the Law Minister has to say about it. But we cannot kill more time. There is a strong public opinion in favour of amending, even abolishing the Official Secrets Act, which was promulgated in British colonial era for the interest of the colonial rulers. We see the government very eager to amend the constitution for hanging portraits of leaders, which has little meaning to the general people. What should be done is to add a new clause in Article 39 which will guarantee the right to information for each and every citizen, and which will actually nullify the Official Secrets Act.

Mashiul Alam is a media analyst.

## OPINION

## Politics of April 30th and beyond

BRIG GEN JAHANGIR KABIR (RETD)

ABDUL Jalil's 30<sup>th</sup> April is gone and has proved to be a political bluff. Even in his own words, or implication, we will have to wait for another April or who knows, many more Aprils. No doubt people are frustrated due to an adverse law and order situation and unprecedented price hike of essentials, but appear not yet ready for change of government. Constitution debars parliamentarians from crossing the floor and ruling coalition has more than two-thirds majority in the House. We do not know of any other way to force the government to an early exit except, of course, the law of Darwin that thrives in the jungle. I suppose, we are out of the jungle now and forever.

BNP is a winner to the extent it has successfully proved to the people that they are capable of foiling any extra-parliamentary attempt to dislodge them and bring home to the opposition that they will have to wait for the mandated

period. It further reinforces confidence among the rulers, which they never lacked, and send a clear message to others that they mean business. This I am afraid, will generate further arrogance in future and will erode tolerance from our political culture.

Soft and astute handling, with patience and prudence, which are the very essence of parliamentary system, are gradually giving way to arrogance and brutal force. Was it necessary to use so much force against so many just because the Awami League General secretary said that the Government was falling? People will not easily forget the brutal lathi charges and mass arrests in this otherwise festive month of Baishakh. In a way Awami League General Secretary is successful, in pitting his party leaders and workers in particular and innocent public in general against brutal force. Pathetic scenes presented by the press, specially of touching the feet of policemen by helpless people, begging for release, are disgusting to human dignity and an

insult to democracy.

Whatever price they have to pay in the future for the excessive use of force, the ruling coalition appears to be in the joyous mood of success. They seem to have forgotten that people do deliver appropriate lesson at an appropriate time. In spite of the passing of

the Awami League proceeds after their aborted programmes. If they now go back to the parliament after long absence it will be a tacit acceptance of the elected government for rest of their tenure. That will be backing out from the 'one point movement' that was aimed at the premature fall of the

combination of coalition political elements and law enforcing agencies, whispering campaign and drawing room politicking will be the only tools left for such a powerful and traditional political party. Press and bar councils are not the main streams of politics. It is a trying time for the Awami

from within and outside but never had they been intellectually so aberrant. Is Awami League looking for a rightful place in history or still willing to create new history?

Bangladesh has two major political platforms for healthy discourse (BNP & Awami League) and two minors (Jamaat Islami &

elite platform. It has clearly misfired. The repressive measures of the government and the political adventure of Jalil, have dashed his hope, if there was any. His only viable place appears now, to retire as a Honb'le retired President of the Republic and make his presence felt as an elderly statesman. As a tradition, presidents do not come back to active politics. While Ershad moves around perpetually in confusing gyration, his hope is in the internal unification of JP factions and coalition with one of the political majors to evade political vagrancy.

At the season's end of political high drama, Jamaat-e-Islami appears to be the only winner. As a fundamentalist political party it should have been on the squeeze from our pro-west major political parties. Jamaat-e-Islami had the farsightedness to see the impending political storm worldwide on Muslim fundamentalist forces, jettison Prof Golum Azam on time, to somewhat free them from internal controversies

**April 30th commotion has stolen public interest half way through the launching of B.A. Chowdhury's elite platform. It has clearly misfired. The repressive measures of the government and the political adventure of Jalil, have dashed his hope, if there was any. His only viable place appears now, to retire as a Honb'le retired President of the Republic and make his presence felt as an elderly statesman.**

April 30<sup>th</sup> as an eventless episode, public resentment over law and order and price hike persists. If government fails to sooth the anger during monsoon shower, it will not be surprising if people tend to believe that they no longer need this government after the next dry season.

It will be interesting to see how

government. If they continue to be absent and abandon the sixty plus seats in the parliament, the government with their expressed determination and arrogance can hope to hold the by-elections in phases, with huge concentration of security forces in each constituency. Self-exiled from parliament and ejected out of the streets by a

League big wigs; wisdom must prevail in their politics. There should be no more harmful makeshift seasonal tactics. They must design long term strategy to regenerate the party for healthier political gains. One can imagine that the Awami morale is at a low ebb now. It had sustained tremendous damages many times

JP-Ershad); others are political noises but not countable forces. Fortunately, it is conducive towards healthier political growth in Bangladesh. But our political assets and confidence are repeatedly mismanaged.

April 30<sup>th</sup> commotion has stolen public interest half way through the launching of B.A. Chowdhury's

and create adequate ground for a free ride on the back of the BNP. Maulana Matiur Rahman Nizamee appears to have his sight beyond the level of many, and he is on the lookout for further political gains. Does he still dream of establishing a theological state in Bangladesh? And why should he bother to answer if questions are not raised from appropriate quarters? The sovereign parliament should have raised the question many times by now, recorded the answers for future and allayed any apprehension.

It does not really matter to the people, whoever has won or lost, for in the end they remain perpetual loser for they have neither guarantee of life nor of property and are paying dearly by the day. Internationally, corruption, law and order, press freedom, fundamentalism, just about on every count we are a suspect. How long shall we go on like this?

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