

EC's credibility must be restored

Elections must be free and fair and above suspicion

THE four principal watchdog groups who monitored the Dhaka-10 by-election have released a statement demanding that the poll be cancelled as it was marred by massive irregularities which the groups have itemised in some detail. It should be noted that these groups are all non-partisan and neutral organisations with no political affiliation or axe to grind.

One of the things that needs to be addressed in the aftermath of the Dhaka-10 debacle is the role of the Election Commission which is tasked with ensuring that elections are free and fair. From the start, it appeared that the EC was not up to the job. The EC did not act when rules governing campaigning and electioneering were broken with impunity and seemed all at sea over the issue of the allocation of the election symbol to candidate Mannan.

Nor did the EC have any apparent strategy in place to thwart the massive rigging that took place, and witnessed the process as a more or less mute spectator. The scale of the rigging was obvious from early on in the process, but the EC appeared powerless to do anything to rectify the situation.

The EC has since stated that, yes, there were irregularities but not sufficient to warrant cancellation of the by-election, which leads one to wonder what exactly would constitute sufficient grounds. One would have thought that the expulsion of polling agents, the busing in of fake voters, and widespread ballot stuffing, all of which were observed and catalogued by the election monitors, would be more than enough.

It will be worthwhile to note that the Chief Election Commissioner's absence cast a shadow over the conduct of the by-election sapping the confidence with which the task could be accomplished with him at the helms. We can understand his personal reasons for taking the leave of absence, but it did foster a confusion-laden indecisiveness about the way in which his colleagues approached and handled the task.

For all their imperfections, the general elections that have been held since 1991 have been free and fair, and more importantly, have been seen to be free and fair by the general public, who have therefore chosen to abide by the results. If the general public no longer feels that the election process is above suspicion, then they will no longer consider the government so elected legitimate. The resulting damage to the democratic process and our unity as a nation would be incalculable.

The credibility of the EC must be restored ahead of the 2006 general elections.

Police station siege

An SOS from businessmen

BUSINESSMEN and traders of Keraniganj gave vent to their desperation by laying siege to the local police station, demanding trial of the killers of two fellow businessmen and decisive action against extortion they have been falling prey to almost on daily basis.

In the past, we saw businessmen calling strikes and bringing out processions to draw public attention to their plight. They also tried to organise vigilance squads, but nothing seems to have worked, as the criminals, having an inexplicable ability to evade police action, continue to harass them.

Laying siege to a police station is a sure sign of losing patience with the way law is being enforced. The businessmen want to know why the law enforcers cannot dislodge the extortionists, most of whom are known criminals.

The police have had occasional successes in arresting hardened criminals. But it is not clear why such successes are still exceptions, rather than the rule. We have not seen a sustained, effective campaign against criminality. The good work that police do, like arresting most wanted criminals or acting preemptively to foil their plans does prove that they have the ability to stand up to the challenge.

The kind of crimes afflicting businessmen cannot be tackled until police take affirmative action. There is a suspicion that a section of the law enforcers might be working hand-in-glove with some criminals. This impression must be removed in order to restore public faith in the police, as well as to ensure their effectiveness which is being compromised due to obvious reasons.

Political patronisation of criminals is a malignant growth that has to be controlled by the parties concerned. It is this patronisation that accounts for notorious criminals going scot-free.

The businessmen have made a serious attempt to bring their predicament into public focus. The law enforcers should respond to their SOS call by launching a vigorous drive against the criminals.

Saddam's trial, US' travails



Brig Gen
SHAHEEDUL ANAM KHAN
ndc, psc (Retd)

AT last the Iraqi dictator has been brought to face justice and his fate. Perhaps the freedom loving people of the world ought to take note of the wheel of fortune coming full circle on Saddam Hussein. However, Iraqis feel that his onetime sponsors and those that helped Saddam in his ascent to unbridled power, should also be held accountable for their acquiescence in, and in some cases support of, his crimes.

Some analysts say that the trial of Saddam is a clear message that no dictator can take shelter of national sovereignty to escape the hands of international law against violation of human rights of his own people. They, however, do not suggest as to what the consequences are of dictators, or indeed of liberal democrats, who perpetrate the same degree of misery on other nations, on the grounds of preserving national security or national interest based

on falsehood and deceit.

Saddam is perhaps the only head of state in recent times, except for Milosovich, who is having to account for his actions of the more than thirty years of ham handed rule of Iraq, in a court of law. He is perhaps also the first head of a state who has the rather dubious distinction of being deposed through a war, waged not by his own people, but pursued by some states, illegally and in flagrant violation of

recent past have resulted in similar fate of many unfortunate victims around the world. A brief look at the list of charges will help elucidate the point.

But first of all, let us dilate on the apprehensions expressed by many on the legitimacy and neutrality of the court and the likelihood of Saddam getting a fair trial, given the way that the court has been constituted and the process of arraignment of Saddam on the first

epitome of impartiality. Also, the fact that the accused did not have the benefit of the presence of his lawyers while the charges were being read out, and the proceedings restricted to only a handful of selected journalists, give rise to justifiable presumption that it is not the Iraqis that are calling the shots. This bodes badly for justice.

But, there is a lot at stake for the Americans as well as the new interim government in Iraq, albeit a

also not enjoined in the statute, something that goes against the principles of natural justice.

Another question that comes up is the haste in initiating legal proceedings against Saddam. The timing of the trial, which perhaps has to do with the upcoming US elections, is quite significant. The picture of Saddam in the dock, accounting for his misdeeds, will be used to provide, what 'The Observer' terms, 'an answerable

local flora. Scars of the attacks persist even to this day.

Saddam is charged with violating international law by invading and occupying of Kuwait; by the same logic the illegal occupiers of Iraq are in breach of international law. What say the votaries international law about this?

Killing of Saddam's political opponent is another serious charge that Saddam will have to answer. He is also charged with killing of Kurds in 'Operation Anfal' in the late 1980's in which more than one hundred thousand people were killed. One may well ask whether the killings of political opponents in many Latin American countries by dictators propped by the US during the Cold War, should not merit similar considerations as the ones that Saddam is accused of?

At the end of the day Saddam's trial will be measured by the independence with which the tribunal is allowed to administer justice. The Bush administration should not be seen as a 'puppet master pulling the strings from behind' as some apprehend it might.

It will be well for President Bush to heed what one commentator expressed very recently. 'Saddam is not the only defendant. In the years to come, the conduct of those that ended his tyranny will also be on trial'

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international norms.

Also, except for Milosovich, who is undergoing trial in a court formed under UN statute, no other head of state in recent past has had to answer for his alleged crime against humanity. But, history is replete with examples of dictators playing the proxy of a super power and indulging in as reprehensible crimes as Saddam, if not more, getting the benefit of old age and the support of their western mentors, to escape the hands of justice.

In spite of what the detractors of Saddam's trial say, the important feature of the whole exercise is that the same rationale and precedence can be, and indeed must be, invoked to bring to justice those world leaders whose actions of the

day of his court appearance.

One cannot agree more with Mary Riddell, who, writing in 'The Observer' of the 4th of July 2004, opines, 'there are many questions that trouble the mind of not only the Iraqis... but also the British Liberal conscience'. I suggest that similar thoughts are also weighing the minds of those that abhor duplicity and double standards and want to see that the ends of justice is not diluted. Liddell goes on to suggest that the drama that was played out in the court was a blatant example of US stagecraft.

The fact that the tribunal, established by Bremer, has the nephew of a diehard anti Saddam, Ahmed Chalabi, as its head, can hardly be

US appointed body, in conducting a fair trial of Saddam. Writing for 'The Guardian' of July 2, 2004, Rory McCarthy and Jonathan Steele quotes the second highest military commander in Iraq as saying, 'we have invested too much, we have come too far not to do those last couple of steps with Saddam correctly'. The need to do the things 'correctly' with Saddam is motivated by their fears that a misstep in the process will more likely than not be exploited by Saddam supporters, something that are abundant in Iraq and elsewhere too.

The terms of reference of the Iraqi special tribunal set up to try Saddam and others are flawed, according to Amnesty International. The need for 'proof beyond reasonable doubt' is

case for last year's invasion' This might just redeem some of the lost ratings that Bush has suffered since his misadventure in Iraq.

The charges against Saddam are at once serious and make very interesting reading. It is so because the nature of his crime mirror images many similar crimes that have been committed in the recent past on one pretext or the other.

The first charge relates to the chemical attacks on Halabja and to a lesser degree Pinjwin, where, reportedly, five thousand Kurds were killed. Saddam is alleged to have used mustard as well as nerve agents in the attack. Such an incident reminds one of similar chemical attacks in Vietnam, where 'Agent Orange' was used to defoliate the

Once more with feeling

MEGASTHENES

ELECTIONS to the 14th Lok Sabha in India should, above all else, put to rest any speculation about the imminent demise, as a political force, of the Grand Old Party that has dominated Indian politics for much of its existence since its inception nearly 120 years back. After a nine year hiatus, the Indian National Congress is once more in the corridors of power. It is no longer the colossus of old or the "natural party of the government" but is back in office in the relatively modest guise of senior partner in a coalition that enjoys support of other secular players outside the pale of government. It was a surprise victory more than a sweeping victory for the Congress, but a victory it assuredly was. Even in these times of opinion polls and exit polls, the voter can still confound layman and psephologist alike. Of the millions who voted, many would have expected Vajpayee to remain Prime Minister and Sonia Gandhi, leader of the Opposition. Others would have hoped for the converse. Neither contingency came to pass.

The election was almost certainly Vajpayee's "last hurrah". He is nearing 80 and visibly slowing down. He has been in politics for too long to be shell-shocked by the turn of events. He would be more -- or perhaps less -- than human though if he did not experience a twinge of hurt at the hasty and unceremonious manner of his ouster from the parliamentary leadership of the party that he has served so loyally, so long, so manfully and so well. All too often Vajpayee has seemed to be something of an enigma, a study in equivocation. He is a person of decent and very human instincts, a poet with a poet's sensitivity and sense of introspection. And yet he is also proud of his long association with the RSS, which -- shorn of hyper-nationalistic verbiage -- is a very passable approximation of a fascist organisation. To some party hardliners though, Vajpayee is lacking in "ideological core".

The Gujarat outrage of 2002. "A killing spree that lasted days" and left 2000 Muslims dead, reportedly also left Vajpayee disconsolate, so much so that he poured out his anguish in verse. His instinctive reaction was to replace Modi as Chief Minister. He was stymied though by his own long time deputy Advani, who -- according to a *Financial Times* magazine report -- outwardly appeared to concur but not obtrusively orchestrated moves against this. At a closed-door party meeting in Goa, Vajpayee was confronted by colleagues who professed "underlying support" for the "hero of Gujarat". Vajpayee capitulated and even gratuitously told the Goa meeting that "Everywhere in the world, Muslims find it hard to live with their neighbours".

In 1998 Christian communities in Indian tribal areas were victims of

concerted and premeditated attacks by zealots. Belatedly Vajpayee moved to quell such persecution but also called for a national debate on proselytizing by Christian missionaries. He failed even to disavow the openly minatory tactics of his more rabid followers designed to deny the Prime Ministership to Sonia Gandhi, a design that had no sanction or imprimatur in the Indian constitution and in effect amounted to a negation of the people's verdict. Phaedrus of old may have had in mind instances of volte-face, doublespeak, sophistry and masterful inaction when he wrote of "adding insult to injury".

Admittedly it is not easy to move against old colleagues but in matters of basic principle this is what distinguishes a true leader of peoples from a lesser man. Pandit Nehru surely agonised over the decision to ease out Purushottam Das Tandon, a party stalwart and old colleague

Narasimha Rao in the Prime Minister's chair.

The history of coalition governments in India is hardly reassuring. And Sonia is as aware as anyone that Congress strongholds in the crucial States of UP, MP, Bihar and Maharashtra must be revived before the party can aspire to reclaim its old pre-eminence in Indian politics. This may be her priority at this point. Secondly by separating the Presidentship of the Party from the Office of Prime Minister, she has reverted to what was a welcome norm during Nehru's tenure of office.

The choice of Manmohan Singh as Prime Minister was surely inspired. A person of high competence, low profile and unimpeachable integrity, he will symbolise continuity of government, inspire confidence abroad and ensure good governance within the country. He is, however, essentially a technocrat,

58) Iskander Mirza. Ghulam Muhammad and Ali once belonged to the Audit and Accounts Service. Mirza was one of the early recruits to the Political Service; earlier he served in the army.

All was the only one of the three to have served as de jure Head of Govt. A man of intellectual curiosity and accomplishment, it was during his brief stint in office that the first constitution of Pakistan was adopted. Years later he wrote his very readable memoirs, *'The Emergence of Pakistan'*. An anecdote that I have no reason to doubt is very revealing about his range of interests. Late in life, in a London clinic recuperating from a heart attack, he had a visitor, a former colleague from British India days. The visitor found the patient reading a book on organic chemistry. Ali, however, was a reluctant politician with few political pretensions and no base -- an almost insurmountable handicap in

Ghulam Muhammad was a complex personality, feared for his short temper. He suffered from a form of paralysis -- possibly hemiplegia -- and hypertension, could not walk unaided, and was also afflicted with severe tremors of his hands. His speech was so garbled as to be intelligible only to those accustomed to it, to others it sounded like a series of grunts or gibberish. Persistent rumour ascribed his condition to an unpleasant and unmentionable social disease. Qudratullah Shahab -- himself a distinguished civil servant and a writer of eminence -- who served as his Secretary, had the happy habit of scrupulously maintaining a diary that was published posthumously. Shahab's diaries are replete with instances of Ghulam Muhammad's bizarre behaviour and way with people.

The diaries, in fact, afford an almost surrealistic account of happenings in high places. Once a

Justices Sharif, SA Rehman, and Akram concurring, set aside the Sind Court's verdict. The Court did not pronounce on the merits of the case, basing its decision instead on a specious technicality pertaining to the jurisdiction of the Sind Court. The lone and honourable voice of dissent was that of Justice Cornelius.

Munir's name and memory may never be de-linked from the opprobrium and escapism of this verdict. In his twilight years, perhaps with an eye to his place, if any, in history, Munir wrote two books. I was once told by a Pakistani friend that either in one of these or elsewhere he sought to rationalise this decision, contending that any other verdict would have precipitated military rule. If indeed he argued thus, he was in effect expounding a new doctrine of jurisprudence.

There may be something in the view that former bureaucrats if placed in the very highest political positions, more often than not exemplify the Peter Principle -- a person rising to the level of his incompetence. Dr. Laurence Peter, who formulated the eponymous principle, once in a light vein listed some historical personalities, to whom he felt the principle applied. The list included Socrates, a highly competent teacher but an unwitting disaster as a defence lawyer, Julius Caesar, a great general but too trusting in his relationship with politicians, and Nero, a passable enough fiddler but a poor administrator.

Change through election is almost by definition evolutionary and not revolutionary, more of nicety and nuance, style and emphasis, than of substance. Any shift of policy seldom amounts to radical departure from the past. The new Government of India will certainly not disavow market economy policies but should give it a more human face and make it more voter-friendly. Minorities should certainly feel more secure. Foreign policy should continue to be given priority as befits a country of India's size, stature and potential. The priority to be given in the Govt.'s agenda to relations with smaller countries, in particular neighbours, can only be the subject of conjecture at this point. However, an observation, by Faiz Ahmed Faiz -- a person of culture, refinement and progressive ideas -- comes to mind. Apropos of what I am not quite certain and perhaps in a moment of despondency, he had once reportedly remarked: *'Barkhurdar merey tho yeh khauf hai kuchh bhi nahi hoga. Ehsaai chalte rahenge'* (Roughly in English: My young friends, I have this nagging apprehension that nothing is really going to change! It will be just business as usual.) Faiz certainly did not have foreign policy issues in mind when he made this comment, but possibly even he did not quite grasp the scope or extent of its implication.

LIGHTEN UP

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from UP, from the Presidentship of the party in 1950, when the latter was perceived to be more communal than secular in outlook; but remove him he did. Edward Heath was prompt in dropping Enoch Powell from the Shadow Cabinet in 1968 over a racist speech. At the end of the day Vajpayee may be remembered more for what he failed to do than for what he did; a thoroughly decent man who lacked some crucial ingredient that distinguishes between a genuine leader and those who follow in order to lead.

Sonia Gandhi possibly does not have the intense craving for the highest political office, as did for example Nixon or Charan Singh. It would be simplistic though to conclude that she was cowed into withdrawal by the likes of Sushma Swaraj, Uma Bharti and others. To be sure the prospect of seeing Sushma Swaraj with her head tonsured and Uma Bharti presumably in sackcloth and ashes is deterrent enough and such a spectacle would have done nothing for female pulchritude in India either. The stridency of personal attacks may have served to push Sonia towards a decision to which she was already inclined but might not have been the main reason for her refusal to serve as Head of Govt. As early as 1991, Sonia had declined the Party leadership -- and at one remove the Premiership -- following Rajiv Gandhi's assassination, a decision that placed

without political gravitas or a base, and it will not be easy thus to put his high office to effective use as a "bully pulpit", to move and motivate the masses, or to inculcate certain core values or norms of democracy. Every aspect of political authority may not therefore naturally gravitate to the Office of Prime Minister. Singularly enough there are as many as three former diplomats in the Cabinet, all of whom took early retirement for a career in politics. For a bureaucrat it cannot be an easy transition, to the orderly world of officialdom to the uncertainties of politics.

Given that the legitimate end of all political effort is the 'well-being of the individual in a life of safety and freedom', politics is surely as honourable a calling or vocation as any. It is this always heartening when people of proven calibre, competence and experience seek a career of public service. Former diplomat KR Narayanan added to the dignity of the high office that he adorned until recently. Late Prime Ministers Shigeru Yoshida of Japan and Lester Pearson of Canada, both former diplomats, excelled as political leaders. Pakistan's experience between 1947-58 in this regard, however, is less than edifying. During this time three former bureaucrats reached the highest echelons of Govt. namely, Prime Minister Chaudhury Md. Ali (1955-56), Governor General Ghulam Muhammad (1951-55), and Governor General (1955-56) and later President (1956-

politics.

Mirza and Ghulam Muhammad held high titular office but there was nothing titular in the manner of their manipulation of power, people and politics. With the coming into force of the 1956 constitution, Mirza's title changed from Governor General to President and he would have taken a most solemn oath to defend and uphold the constitution. He went about this task in the strangest manner imaginable; by abrogating it only months before the first ever general elections were due. The deed done, the realisation dawned that he had also forfeited the legitimacy of his high office. Not surprisingly within weeks he was consigned to exile and oblivion. Like his predecessor he would die in a distant land, unwept and unsung.

A well-known episode of his early career in the NWFP in British India times says everything about his mindset and methods. The Congress, including presumably the Khudai Khidmatgars, had decided to take out a procession which Mirza as Political Agent or DC was determined to thwart. He avoided confrontation. Instead at strategic points along the route of the demonstrators he arranged to serve cool refreshing drinks. On a hot sultry day the marchers welcomed the proffered drinks, which unbeknown to them were liberally laced with "jamal ghota", a potent indigenous laxative. The marchers dispersed well before their destination.

Cabinet Minister accompanied by a Joint Secretary met GM on some official matter. Not surprisingly the Joint Secretary could not quite follow what the Governor General was saying. Irritably GM asked if he was hard of hearing. The thoroughly discomfited officer clutching at straws blurted out that he did have a hearing problem. No sooner said than remedy was forthcoming. An attendant was summoned and with the aid of an outsized syringe and powerful squirts of water proceeded to clean the ears of the hapless officer, in the presence, of course, of the Governor General and at Govt. expense.

Ghulam Muhammad seemed to rule by wile and whimsy. In April of 1953 he summarily dismissed a Prime Minister who had only days earlier passed the budget in the Assembly. In October of the following year when the Constituent Assembly sought cautiously, almost timidly, to circumscribe the arbitrary use of his power, he promptly dissolved the Assembly. The President of the Assembly, Tazuddin Khan moved the Sind Chief Court for redress. The Chief Judge, Justice GB Constantine and Justice Buxhs Memon found against the Governor General. Undaunted, but perhaps a little chastened, GM appealed to the Federal Court. There have been allegations that against every norm of propriety he even discussed the matter with the then Chief Justice M. Munir. Chief Justice Munir, with

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.

Transparency in NGO affairs

NGOs have been working in diversified fields. They have certainly had their successes in many fields. They have penetrated in many areas where conventional institutions could not reach or did not take the trouble to reach. NGOs like every other institution focus sufficient light on their success and keep the failures in their back. That is the other side of the coin. Transparency means taking both sides of the coin into account.

Every NGO claims to have acted successfully in "Poverty Reduction". But no actual figure has been brought in our front. How many persons, how many families have been able to cross the poverty line at the behest of the NGOs should be made available.

NGOs get funds from abroad and borrow at 4% rate from PKSE But they lend at a very higher rate. NCBs give loans to farmers at 8%. Still the farmers usually fail to repay the loan. But lending rates of NGOs are much higher. How they repay loans of NGOs is a question that remains to be satisfactorily answered.

A layman like me fails to understand how a poor man will cross poverty line borrowing money at such a high rate.

The government of a country must have control over each and every affair within its territorial jurisdiction. Nawab Siraj struggled hard to establish control over his territory. But he could not. East India Company was a road block to that attempt.

Quantity of heat in "Sand" should not exceed quantity of heat in the "Sun". Allegations that have surfaced recently warrant deep thinking over the matter. We feel that transparency in the affairs of NGOs should be ensured immediately. Some sort of government control over them should be established.

Tapader Md. Khalilur Rahman

Kazipara, Mirpur, Dhaka

OIC defeat

Thank you Ankara, thank you Dr. Ekleuddin. We, the Bengalees, are grateful to both of you. Your being elected to the highest OIC position for the next few years has saved our prestige and spared us from embarrassment. Still we feel ashamed of the nomination of SQ Chowdhury,

despite immense objection from within the country. The government should stop committing such mistakes as the lessons of the OIC defeat are clear you cannot get away with anything and everything.

Kakush

MBA, IBA, DU

Election?

There is no doubt that there was massive rigging in Dhaka-10 by election. Is this an example of BNP's democracy and nationalism? It is surprising that the BNP wanted army deployment in the October, 2001 general election, but now they have refused to deploy army in only 103 polling centres!

The fly in the ointment is far too

visible!
Nayeem Islam
Uttara, Dhaka

Post-MFA scenario

Abrupt job loss led more than 50 garments workers to commit suicide in the first five months of this year in Gazipur district. A good number of workers were axed as the purchase orders from the international market are declining.

The female workers are becoming prostitutes and eventually committing suicide, failing to live such a horrible life. Even those, who are still employed, are struggling to meet both ends with the meagre salary offered and facing lots of problems on the social front. The factory owners are more concerned about playing down the number of suicide cases

with the help of police.

The top brass of the BGMEA (Bangladesh Garment Manufacturers and Exporters Association) is seeing a win-win situation in the post-MFA era, only on the basis of some statistics. The government seems unruffled by the imminent disaster to its highest contributor to forex.

In the budget the government has allocated a special fund for job-cuts in general. A special fund exclusively for the garment sector should be allocated and effectively applied to face the looming disaster in social and economic fronts. The complacency on the part of the government, the BGMEA and other concerned quarters may lead to fatal consequences for the nation.

Joy

Dhaka

Erratic power supply

The advent of every summer is like a nightmare to us. The demand for electricity is increasing very fast. The energy requirements will increase further in future. According to a BPDB source, the demand in Bangladesh increases by 10% every year. From the same source it is learnt that in 2002-2003 the peak demand was 3600 mw. Only 20% people of our country get the facility to use electricity. Most of them use only 2 or 3 lights, 1 fan etc. Power generation in private sector is patronised by the government. The BPDB can forecast the future demand using the statistical method. Day by day, new power stations are being set up. Then why load shedding? The BPDB must have the capacity greater than the peak-hour demand.

The BPDB possesses 3420mw of generation capacity all over Bangladesh. Ashuganj (724), Ghorashal (950), Razon (420) are the major suppliers to the national grid. Besides that, Independent Power Plants (IPP) generate 1260mw of electricity. Most of the privately owned industries have their own power plants which are dependant on the supply of gas. So a total of BPDB (3420mw) + IPP (1260mw) = 4680mw of electricity can be available at the peak hour of this hot summer, if all the plants are maintained and kept in good working condition. The situation turns grim when some of the plants trip. The lives of people become miserable as they wait for the power supply to be restored.

Eakub Ahmed

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