

Gender discrimination in elected bodies!

How could they go together?

VEN in our context marked by forced cohabitation of mutually exclusive concepts, one is bound to sit up and take note of the gender bias that was about to be officially built into the elected city corporations. Thanks to a circular issued by the local government and rural ministry a year ago, women ward commissioners of Khulna City Corporation felt discriminated against their male counterparts. They were being denied the rights to take part in census and issue nationality certificates or reference letters which were clearly regarded as an exclusive male preserve. Righteously indignant, the women ward commissioners filed a writ before the High Court (HC) challenging the circular in a laudatory move to get redress. The HC, in what must go down as a milestone judgement, overruled the discriminatory circular and asked the government to be evenhanded in the delegation of authority to women and male ward commissioners.

They might have come on a reserved quota -- for every three wards there is a seat for women -- but the fact is they are no co-optees; they are representatives elected from amongst the women candidates. How can they be divested of the powers and functions due to the general seat winners viz. their male counterparts as though it's another male domain. The overriding fact is that the city corporations are elected entities where gender inequality must be totally repugnant to the very character of representative public bodies.

Three articles of the Constitution, such as 28(4), 28(1) and 28(2) will have been impinged upon if the circular were allowed to rule the roost. The first article provides for a special space to women; the second forbids male-female discrimination; and the third one upholds complete equality between man and woman.

That which was designed to empower women should not be allowed to disempower them through circulars and edicts in dissonance with the Constitution. The HC verdict should help the cause of gender equality in other areas of concern for women. It has done a world of good to the cause of women's empowerment.

Intelligence agencies without a clue!

Why do the probes "fizzle out"?

IN expressing her indignation at the dismal output of our intelligence agencies, as reported in the press, the Prime Minister has rightly echoed the feelings of the common man at the poor progress of investigation of cases of bomb blasts, particularly the recent ones at Sylhet. We had stated earlier that the more these 'mysteries' remain unsolved the more it would provide a fillip to the perpetrators to go about their nefarious activity.

In fact, the progress of investigations related to all the important incidents of bomb blast appears to have reached a cul-de-sac. It suggests a lackadaisical, direction-less activity of multiple agencies, moving in an uncoordinated fashion indicating futile exercise. The result of this endeavour, naturally fruitless, is agony and more agony for the common man.

The reason one feels despondent is that these cases have remained not only unsolved, the fact that subsequent incidents could not be anticipated, is indicative of a basic failure on the part of intelligence and law enforcing agencies. This situation raises genuine concern in the minds of the common man for their safety and security.

Unsolved cases provide little room for the affected to seek justice and the nation is left to endure a situation where wild speculations are bred and the country has a declining image.

We are also constrained to point out once again that the government must keep an open mind in order to unearth the crime, that the investigating officers must be allowed to do their jobs without any political let or hindrance, and that proper investigative methods, rather than amateurish guess-work, should be the way to tackle the challenge.

Little wonder why the state minister for home is reported to have asked his intelligence agencies, "Where is the problem, why do the probes fizzle out?"

City of shrines or blasts ?



AMM SHAWKAT ALI

Rural Development and Cooperatives.

In an interview with the BBC, the Minister candidly admitted the limitations that the government had, although what the limitations were was not spelt out. The Minister referred to the already known fact that earlier when the British High Commissioner was injured, Scotland Yard came and conducted investigations. The government might seek cooperation and help from the British government and also technical help from the

What is most disconcerting is the fact that some police officers are also suspected. These officers, as reported in the press, were brought on transfer to Sylhet from the south-western district. It looks more like a belated realisation than any serious move to nab the offenders. Transfers on grounds of suspected collusion with criminals is no punishment. If these police personnel are suspects, there must be full scale inquiry and appropriate action based on the results of the

in the press. The BNP supporters, then in opposition, accused the members of the Chhatro League, the student wing of the AL, for the dastardly attack on the poet. Most of the media blamed it on Harkutul Jihad, an Islamic extremist group.

The hassle over burial of the dead

It is reported in the press that the slain AL leader, whose dead body was sent to his home in

WORTH A LOOK

The latest in the series is not bomb blast, but a bomb scare. Following a telephone call about bombs that would blow up a Biman plane at Sylhet airport, security was stepped up and the airport was put on red alert. This was followed by another such bomb scare at Dhaka University. Whether the anonymous callers doing this for the fun of it or keeping the law-enforcing agencies busy remains unclear. The bomb scare, however, remains a fact of life as much as bomb blasts.

Chinese. The Minister also stated that "suspects were being netted but the real culprits avoided arrests."

The above views of the Minister leave a lot of questions unanswered. First, what happened to the results of the investigation conducted earlier by Scotland Yard? Second, what prevents the government from establishing charges against the suspects already netted? Third, how is it that real culprits are avoiding arrest? Fourth, how can the real culprits avoid arrest if the government is determined to arrest them? Fifth, what exactly are the limitations that prevent the government from arresting the real culprits? Is it political? Is it something else?

Reactions from the police administration

The reactions from the police administration following successive bomb blasts in Sylhet found expression in the form of a press note or press briefing by the Home Ministry. What has come out in the print, however, is the reactions of the Minister for Local Government,

inquiry. This was more or less the reaction from an English daily (The Daily Star, August 12, 2004). In an editorial, the daily called the steps taken to be merely cosmetic and suggested sterner action.

Politics of bomb blasts

The not too infrequent bomb blasts have led to politics of bomb blasts. It is said that the four party alliance leaders in Sylhet laid the blame of the blast on AL activists. They accused the AL of creating anarchy with ulterior motive. The local AL leaders including the mayor rejected the allegations and blamed the stating that the plan is to "kill all top leaders of the party across the country."

Indeed allegations and counter-allegations on bomb blasts or other forms of attack on human lives are nothing new. When Bangladesh's leading poet Shamsur Rahman was attacked on January 18, 1999, similar types of reactions based on narrow party considerations were published

Chittagong, could not be buried until August 9. The metropolitan police of that city declined to hand over the body without a post-mortem although post-mortem was carried out in Sylhet on Sunday last. Why there the need for a second post-mortem is not clear. Nor has it been explained by the Chittagong metropolitan police (CMP). However, a cartoon appearing in a Bengali daily (Prothom Alo, August 11, 2004) suggested that it was done under instructions from higher authorities in Dhaka. Is that right? There are laid-down rules of the issue. Is it fair to interfere with the laid-down rules? This response from CMP is more likely to create legal difficulties relating to the evidence before a competent court of law if and when the offenders are brought to justice. Which of the two post-mortem reports would be admissible in evidence is a question that remains unanswered.

the places of occurrence of blasts. Sylhet, Jessor, Khulna, and Mymensingh districts are cited in support of this line of reasoning. The aforesaid districts are all in border belts. Claims are made to show that the bombs come from across the border.

The continuing trend of bomb

blasts is often interpreted as part of a conspiracy to stigmatise Bangladesh as a Muslim terrorist state. This line of argument, in the view of many, is wholly untenable. International news agencies reported Indian claims that separatist guerrillas and Pakistan's spy agency, the Inter-Services Intelligence (ISI), were using Bangladesh territory for attacks on India, a charge both Bangladesh and Pakistan denied.

Indeed, it was also reported that in 2002, New Delhi gave Dhaka a list of 99 alleged terrorist camps in Bangladesh. Bangladesh responded by saying that no such camps existed in the country. The recently concluded meet between Bangladesh Rifles (BDR) and Border

Security Force (BSF) of India indicate that BSF had handed a list of 195 insurgent camps over to BDR. BSF had also proposed joint operations. The existence of any such camps including the offer of joint operations was officially rejected by BDR.

Administrative limitations

The Local Government Minister did not spell out the limitations of the government in effectively dealing with continuing bomb blasts. However, a published report identifies a number of limitations. First, the inattention on the part of the government to modernise the intelligence agencies. Second, lack of coordination between intelligence agencies and the police. Third, the real culprits remain "untouchables" because of political protection. Is it impossible to overcome the aforesaid limitations?

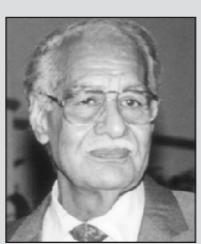
Indeed, following the biggest ever arms haul in Chittagong a few months back, suggestions were given by independent experts to seek the help of Interpol. This was not accepted by the government. It is felt that there is need to work out a strategy to effectively deal with the continuing trend of bomb blasts for which independent opinion is necessary.

More bomb scares

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Not by guns alone



KULDIP NAYAR
writes from New Delhi

WHEN governments resort to extra-judicial methods to rule, they compel people to rebel. A clash comes to develop between those who wield power and those who prize their rights. In the process, the truth does not come to light for lack of free market to the ideas. This is why there has been sustained resistance to the Armed Forces (Special Powers) Act in Manipur and elsewhere and this is why there has been a large-scale protest in the country against POTA, TADA and MISA, a series of measures which have been enacted from time to time to detain people without trial. There seems to be a large gap in the perception of the government and the public.

Harsh acts take away people's right of defence in an open court of law, a normal recourse in a democratic structure. Strange as it may sound, India has had one or the other type of preventive detention acts for 48 out of 57 years of independence.

A government can perhaps argue that emergent situations demand emergent remedies. But they have to be emergent, short and quick. When

such steps go on and on and come to be included even in the constitution, the intention of rulers begins to be doubted. If nothing else, it gives peek into their bent of mind which suggests that they want extra power. Needless to say that the individual will accept compulsions only up to a point, not indefinitely. He may be forced to express himself through violence or militancy.

This is what has happened in Manipur and, to a large extent, in

Manipur Students' Association tells it all: Are our rights merely a gift of the state that can be violated at any time?

Take the attitude of security forces. They pick up woman activist Manorama from her house in Manipur, torture and leave her dead on the roadside with bullet marks on her body. There is yet another case of Miss Sharmila who has been fasting unto death since November 6, 2000. The authorities keep her alive through forced feeding but do not go into the

arrogance had created doubts about the abrogation of POTA. The good news is that the government says it will introduce a bill during the current session of parliament to repeal POTA. Why couldn't it do so through an ordinance when it was included in the common minimum programme (CMP) and when the United Progressive Alliance (UPA) assumed power?

The delay only heightened suspicion.

It is a belated reaction but Tamil Nadu chief minister Jayalalitha has at

should realise that a rescinded law has no validity and any punishment under it is illegal.

Still more disconcerting is the government's move to reenact certain provisions of POTA. Jaipal Reddy has said on behalf of the government that the new legislation will be enacted to "take care of concerns of internal security." That the innocent will not be touched was his assurance. But this is what the BJP-led government said when it enacted POTA. Its misuse

of human rights but that of a political system which gives no leeway to those who challenge its outmoded structure. The "insurgents" are, no doubt, different from the rulers socially, culturally and ideologically. But all that they want is to have their own space. They want parivartha (change), something which Jayaprakash Narayan advocated to give the lower half a place under the sun. The upper castes, the landlords and the vested interests do not want this to happen. The authorities support them in their nefarious deeds. This is what the different groups, who are known as the Naxalites, tried to convey when they met at New Delhi a few days ago. The media, for reasons best known to it, ignored the four-hour meeting where some 800 activists from all over the country were present. Their objective was clear: the nation does not have to be ruled through oppressive laws and political subterfuge, even after 57 years of independence.

People cannot be labelled unpatriotic just because they raise the demand for a normal, legal and transparent rule. They too want to participate in the country's development provided the intelligence agencies and the security forces leave them alone and not involve them in one framed-up case or the other. Their fault is they think differently and believe that the policies that New Delhi pursues benefit only a few. A readiness to comprehend such forces is needed, not measures to suppress them.

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BETWEEN THE LINES

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Kashmir. Terrorism may well be a sign of desperation but when driven to the wall, the "committed" see no other way out. A law passed as far back as in 1958 to meet "a piquant situation" at that time has continued for 46 years. People have suffered at its hand to the last family in the two states. A jawan still has the right to search a place on suspicion, to detain anyone without a warrant and to kill with impunity. Comical as it may sound, Article 21 of the constitution guarantees our right to life and personal liberty.

Why has the law with such sweeping powers as the AFSPA continued so long is the question. Obviously, the authorities have got used to untrammeled powers and they want to retain them. A poignant remark by the

causes why she wants to sacrifice her life.

Secession is probably the biggest crime. But there has been no such demand in Manipur. People's main grievance is that the state has empowered the armed forces to ensure that they do not complain against the excesses committed against them to register their entity. Even the demand for jobs or development is taken as an example of defiance.

Instead of attending to such things, Home Minister Shivraj Patel and Defence Minister Pranab Mukherjee say that the AFSPA will not be withdrawn. It is not an exhibition of authority, but authoritarianism. In this way, the rulers only display their ugly side of power. This type of

least withdrawn the POTA cases against her political opponent Vaiko. New Delhi should have also announced that all cases relating to POTA would lapse once the law is scrapped. However, the official word is that POTA will apply with retrospective effect. In other words, those who commit the "same crime" today will not be touched but those who were responsible for a similar crime yesterday will not be released.

The record of the central government is full of stains. It has continued to pursue the cases of the detainees under TADA which lapsed nine years ago. It is obvious that in the eyes of the authorities, TADA detainees are a dangerous lot. If it is so let the government try them in open courts. It

is well known. Gujarat chief minister Narendra Modi went to the extent of invoking it against the Muslims.

The UPA government which is considered liberal in comparison to the one led by the BJP should have turned a new leaf, a rule without any draconian law. The Congress-led government should realise that the reason why the Left and its different organisations have supported the Manmohan Singh government is the belief that it will not detain dissenters and not chastise those who want to preserve their own entity. The revolt of "insurgents," whether in Manipur or in other parts of the country, is not against India's federal structure but against conformity.

The question is not that of violation

Managing migration : The Berne initiative

S WAHID-UZ-ZAMAN

BANGLADESH participated in The Berne Initiative : Regional Consultations for Asia and the Pacific held on 29-30 July, 2004 in Guilin, China. Representatives of about 25 countries of the region and international organisations like IOM, UNEP, APC, UNHCR took part in the elaborate deliberations with a view to explore the concept of developing an international agenda for migration management. The Swiss Federal Office for Refugees launched The Berne Initiative in 2001 with an objective to ensure better management of migration at the regional and global levels through enhanced cooperation among the states. The Berne Initiative is based on spirit of partnership, trust, transparency, good neighborly relations and respect of the sovereignty and interest of all states. In this third regional consultations

of the Berne Initiative the participants emphasized that while migration is not new, a turning point has been reached for two principal reasons: (1) the reality of a mobile world, and (2) the fact that most countries are no longer exclusively countries of origin, transit or destination but more often now, all three simultaneously. This new understanding and acknowledgement that migration is a fact of modern life and that all countries are in it together, brings new possibilities for the development of a common platform on migration based on cooperation between states. The central challenge, therefore, is how to work together most effectively to manage migration so as to reduce its negative impact and maximise its positive and beneficial impacts.

The most important outcome of the Berne Initiative is projected to be a policy framework facilitating cooperation between states in managing the movement of the people in a humane and orderly way. Before holding this Regional Consultations for Asia, the Swiss government invited government migration experts from all regions of the world, as well as academics and representa-

tives of destination:

*the pre-eminent role of full and effective inter-state cooperation to address the challenges and opportunities of migration;

*the positive potential of migration, if it is properly managed, for both countries of origin and destination, as well as for individual migrants and their families;

*the need for transparency with regard to national policies on migration and for making available information about legal migration opportunities and the procedures that accompany them;

*migration is a complex issue, at the national level and it is imperative to bring all relevant ministries -- justice, home affairs (police), environment, social welfare, labour, commerce and trade and healthy, to name just a few -- into migration policy development and implementation.

between facilities of migration for legitimate purposes particularly labour migration;

*the need to establish linkages between migration and related policy domains such as trade, environment and health, without seeking to resolve these related issues in migration for;

*potential of migration for development as migrants bring skills, investment and resources back to support the development of their countries of origin;

The inputs from the Asian and Pacific governments as well as other interested stakeholders in broad and regular consultations will be reflected in the further development of the Berne Initiative process for Migration Management by the end of 2004.

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