

High court appointments

Transparency and consultation must always be key

IN the midst of the crisis in which the nation currently finds itself, the recent fracas over the appointment of nineteen new additional judges to the High Court is extremely regrettable. This is a time for national unity, but such unity will not come from controversial appointments and consequent protests intended to bring the judiciary and especially the office of the Chief Justice into disrepute.

In the first place, the government should never have hurried through the appointment of the nineteen judges in the manner it did. The appointees have been accused of being partisan supporters of the government -- and they may well be -- but partisanship is largely a subjective matter. What is not subjective is the credentials, experience, and integrity of those appointed and the procedure which is followed for their appointment.

The recent appointments can be called into question both on grounds of qualifications and procedure. The appointees lack the credentials and experience that High Court judges typically possess, and there can be little argument that they do not have the reputation and background that one would expect for such an august appointment.

Similarly, the way in which the appointments were made, was extremely unconventional, calling into question the integrity of the entire procedure. There was no consultation, as is customary, with senior members of the Bar, and no transparency as to who had made the recommendations and on what basis the appointments were made. The Chief Justice swore in all nineteen in one day, raising the question of how he could have considered the applications in such a short time, and questions have been raised as to the necessity for rushing through such an appointment just before the court is due to break for recess.

Finally, that the government would attempt to push through such controversial measures not three days after August 21, at the same time that it is preaching the need for national unity, beggars the imagination.

Nevertheless, we do not feel that boycotting the court of the Chief Justice is an appropriate response, and wonder whether the Supreme Court Bar Association could not have found a more appropriate means of expressing its opposition to the appointments that does not bring the office of the Chief Justice into controversy.

That said, the Chief Justice should certainly heed the request of the Bar to convene a full-court reference with representatives from the Bar to reconsider the appointments.

Olympics end

Greeks have done a splendid job

THE Athens Olympics came to an end amid an air of unblemished fulfilment, with the Greeks doing more than enough to silence their critics. They have shown, with a scintillating display of organisational capability, that the return of the world's biggest sporting event to its land of origin was indeed a smashing success. We congratulate the organisers and the people of Greece.

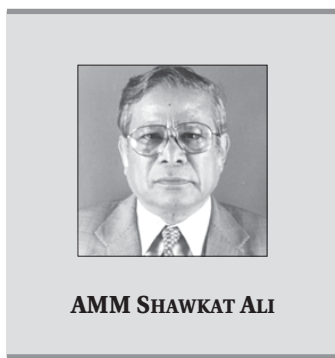
The Olympics carried an important message at a time when the world is passing through a grave crisis, as the shadow of terrorism looms large on the human race as a whole. We have watched how athletes, sportsmen and women from all around the world fought for supremacy in different disciplines in a fiercely competitive yet perfectly friendly way. They upheld peace and bonhomie above everything else. That is what the world is missing when it comes to international politics and relations among the nations. This great sporting meet should be a source of inspiration to the peoples and nations embroiled in mindless hostility.

The Olympics also provide an opportunity for us to watch how the athletes are scaling new heights in their quest for excellence. The Chinese are now very close to the pinnacle of glory, though the Americans have managed to maintain their top slot. But the job has been far from easy. The Chinese are surging ahead at an amazing speed. Other Asian nations, except Japan, have not done well, though Iran and Indonesia can feel happy with their performance. The Africans have done well to defend their reputation of being unusually resilient as middle and long distance runners.

Our subcontinent seems to be the least prepared region for such a big meet. India and Pakistan are no longer a force to reckon with even in hockey! But credit goes to the Indian shooter who won silver.

The Olympics have rekindled the hopes of building a world that will have no place for terrorists and trouble mongers, as it went on smoothly in a delightful atmosphere of festivity. That spirit must be kept alive.

The gathering storm



THE carnage of August 21, 2004 has led to widespread condemnation at home and abroad. The aftermath of the heinous crime has been reflected in a series of analytical discussions in the media, both print and electronic. It is also reflected in widespread protests and hartals that appear to continue unabated. Political parties, other than the four-party alliance in power, have joined the Awami League (AL) in voicing protests articulated by hartals that swept the country in the past few days. There are apprehensions that politics of agitation will continue until a political understanding is reached between the four-party alliance and the political parties, in particular, the AL.

The move towards understanding

The leader of the four-party alliance, the Prime Minister, took the first step towards such a course of action. She wanted to meet the Leader of the Opposition. The offer was rejected by Sheikh Hasina who is yet to recover from the trauma of August 21. Her decision in this respect has been endorsed by other political parties with leftist leanings.

The Prime Minister took the second move to meet with all political parties. This move came in the wake of the request of the leaders of business of the business community whom she had met last Thursday. Apart from this, the

Prime Minister expressed her willingness to meet the political leaders during an exchange of views with the journalists. It may also be recalled that the diplomats of different countries had also emphasised the need for dialogue between the Leader of the Opposition and the Leader of the House.

Climate of understanding vitiated

Many newspaper reports and analysts in the electronic media looked at the issue of the climate of understanding and concluded that such a climate, if past events were of any indication,

that this was not the first time that attempts to assassinate Sheikh Hasina have been made. The political parties and other independent analysts hold the view that the government was not serious about ensuring the security of the Leader of the Opposition. This probably is the major reason why the government's offer of reconciliation was rejected.

The present trend of events

There is little doubt that the past events cast their ominous shadow on the present state of politics. The present trend of events appears to strengthen the perception of the

already been initiated by the police.

Rejection of one-member judicial commission

The political parties led by AL have rejected the one-member commission of inquiry on the ground that past experience has proved that no fruitful purpose was served by such inquiries. The Supreme Court Bar Association (SCBA) has already formed a six-member committee on the issue. The committee, consisting of eminent lawyers, has begun its investigation. At the other end, a former president, once a leading BNP leader, and an eminent jurist demanded that a three-member

violent behaviour of some of the policeman on duty, and (ii) the declaration given by the BNP to organise rallies and meetings in protest against the August 21 carnage. In any event, either of the options taken singly or in combination is likely to further worsen the political climate.

Consultation with former foreign secretaries

On the issue of whether or not to commission international inquiry, the Prime Minister is reported to have consulted some retired foreign secretaries. These secretaries, as reported

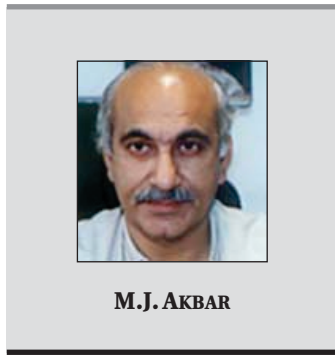
The website of Interpol containing the fact sheet is reproduced to provide the answer. "Interpol receives, stores, analyses, and circulates criminal data in cooperation with its member countries around the clock in its four official language (English, French, Spanish, and Arabic). Interpol deals only with international crimes; that is, crimes that involve two or more member countries. It does not deal with crimes planned and committed in just one country, or with a subsequent investigation if it is limited to one country." A multi-pronged approach to terrorism adopted by Interpol involves among others:

- increased information to member countries on terrorism groups and assistance to countries in the identification of suspected terrorists operating in their countries;
- support to member countries in building counter-terrorism capacity through training and analytical services;
- assistance to member countries in the event of terrorist incidents/investigations through the contribution of analytical and database support.

As things stand now, the AL wants the traumatic event of August 21 to be investigated impartially without any government involvement. The appearance of Interpol at government request is not acceptable to AL because, by its very charter, Interpol can only provide technical assistance. The task of investigation remains the responsibility of our police department. This department, by all accounts available, is ill-equipped to deal with such cases. What then is the answer? It is felt that the major responsibility in this regard lies with the government. The time is to act now before the gathering storm overtakes everything else.

AMM Shawkat Ali, PhD, is a former Secretary, Ministry of Agriculture.

Whose Dharam? Who's Bharti?



AT what point does a new government start looking old? When the cares of office begin to etch acid lines on the face. The first lines are beginning to show on the United Progressive Alliance.

Government extracts a price. Opposition is free. That is the nature of the democratic system. You can see the difference in the body language. BJP leaders may not accept this, but you can already see that the party down the line is happier baying for blood than paying for power. The government, conversely, is beginning to wander around with a pained look on its face, the kind of face that suits the suggestion that there is something personal about the disruption of parliament, or that such acrimony has never been seen before. The Speaker, Somnath Chatterjee, has, as usual, been more honest and candid in admitting that the roots of the mess travel back to the breakdown between government and opposition over Bofors. The disrupters-in-chief of the late 1980s included V.P. Singh, Ram Jethmalani and of course Somnath Chatterjee, with the BJP providing wholesome support from outside (it barely existed inside the Lok Sabha). Those were the days, my friends. And if you thought they would never end, you were absolutely right.

The larger problem may not be in the collapse of procedure. Bofors was a

genuine issue. Politics is now propelled by a tide of non-issues, as substance cedes space to sentiment. Emotive issues have their place in public life. The voter does not live by bread alone. The problem is that emotive issues have occupied centre stage. Mani Shankar Aiyar should have let sleeping plaques lie. It was non-political, at the very least, to take snipe at Veer Savarkar in the Andamans, where the Maharashtrian icon spent years in a British prison. But for the Shiv Sena to

election campaign in Tamil Nadu more than fifteen years ago. That remark was apparently authored by Mani Shankar, and was cited as one of the reasons for a massive pro-Karunanidhi vote that year. If sentiment about Veer Savarkar does energise the Shiv Sena-BJP vote in Maharashtra, it will not be the first time that Mani Shankar has nudged the fate of an Assembly election. Then there was a statement by Rajiv Gandhi during the Bengal Assembly elections when he was Prime Minister, describ-

ing Calcutta as a dying city. Even

famished Calcuttans were upset at being told by a Prime Minister that they were dying. I have no idea who authored that sentence. Last week the Economic Times reported in its edit page diary that Mani Shankar Aiyar told the employees of the Oil and Natural Gas Corporation in Chennai on 12 August, "I am an atheist. If God does exist I am completely convinced that He must be Allah. Wherever He is worshipped there is oil and gas." (Pakistan is an exception. Add one more item to Pakistan's list of complaints.) Personally, I thought the remark reasonably witty. It is certainly the kind of line that would ensure a top prize in an Oxbridge union debate. But I doubt if Tamil Nadu's Congressmen are distributing copies of the Aiyar comment in order to improve local humour standards. Politics requires more circumspection than a college

debate or a newspaper column. As own-goals go, however, the Uma Bharti episode is in a class of its own. If the BJP had ordered a script to bail out the party, the scenario could not have been bettered. Not only did the Congress solve a difficult BJP problem, it handed the party a populist momentum at a time when it was thrashing about for ideas. As a chief minister Uma Bharti was turning into a liability. Her brother might be a maverick, but his campaign against her was an

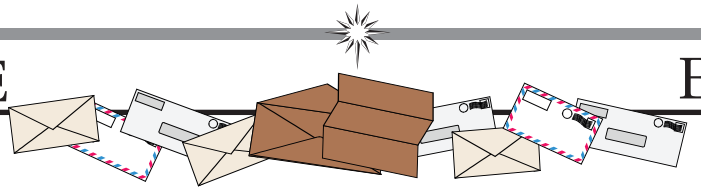
In the public perception, the Congress has chased Uma Bharti out of office because she went to an Idgah (a Muslim prayer-ground) in Karnataka to hoist the national flag, and that she has sacrificed a chief minister's comforts for jail and struggle. The Idgah angle suits BJP rhetoric perfectly. There have been strikes and bandhs; and now a group of holy men are marching to Hubli in Uma Bharti's support. The Congress' partner in Karnataka, H.D. Deve Gowda, who has seen

Will a decision taken in Andamans or an arrest in Hubli affect the vote in Maharashtra? Ideally, the voter should make his choice on issues of stronger substance: drought management, or the lack of it; confidence, or its absence, in the Congress-NCP alliance; security, or insecurity, of the minorities; empowerment, or helplessness, among the Dalits. A government is elected to provide a better life to the citizen, and should be retained or removed on such considerations alone. There will always be peripheral tugs, and they need to be addressed by whoever is in power. But the rim should not become the centre.

The temptation to exploit every emotive issue only indicates that the election in Maharashtra is going to be closely fought, and if the Shiv Sena-BJP alliance can milk victory in even half a dozen Brahmin-dominated constituencies by invoking the memory of Savarkar they will do so. Half a dozen seats after all could make the difference in an even battle. The general elections left the two sides evenly balanced. But the fact that they formed a government in Delhi has strengthened the Congress and the NCP. This election will go to the wire, and whoever has energy for the last spurt will claim victory.

MJ Akbar is Chief Editor of the Asian Age.

TO THE EDITOR TO THE EDITOR TO THE



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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.

Nightmarish experience

I would like to share my personal experience, feelings and mental shock of the blast incident with DS readers.

I was with my younger brother in a house in Kalabagan on that ill-fated day. We were listening to a BBC Bengali programme. At 8.10pm, I decided to return to my university hall. There was no bus running at that time on that route. I also failed to get a rickshaw. So I started walking. Everywhere there was a feeling of fear. I had to walk through the Elephant Road, a longer course for me, instead of the Nilkhet-Newmarket Road, because there was a rumour that there was trouble in Dhaka College area. While passing Kantabon, I suddenly recalled that my only friends in Dhaka, Uzzal and Sohag, always stay at Ramna Park till 9.30. I became worried

about them. So I decided to go to Ramna. When I came to TSC, I thought I would first visit the DMCH and then I would go to find my friend Sohag. This was the first time I witnessed a bomb blast in Dhaka. So I went there, but now I think it was a wrong decision. That visit left me with a scar deep within. I was confident that I would not react much seeing dead bodies and the injured. I entered the DMCH full of people, some crying, some weeping. At last, I found the room where they kept the dead bodies. I had to stand in a queue to enter that room. What a horrific scene! Nine dead bodies were lying there. I left that room as quickly as I could, but punishment for me was not over. I went to visit the wounded in block-29,30,35. A patient in Ward-30 was given a bed in floor. He was bleeding from his mouth. A nurse was crying, "Who are his relatives, please

hold him." Because he could not keep himself in bed.

The doctors and nurses were busy with tired, worried and frustrated faces. I could not remain there for a long time. I don't remember how I left that place.

I will never forget what I saw at the DMCH on that day.
Shabbir Ahmed Mukim
Law-2nd Year
Dhaka University

The bomb attack

Bangladesh is passing through a grave crisis. Nobody is safe in this country any more, not even the journalists. Bomb attacks have been going on for quite a long time. But we can notice a change in the targets of the terrorists. In the past, we saw common people falling victim to bomb attacks, but the situation is different now. Eminent

politicians are being targeted and the country has been pushed to the brink of total chaos.

The government must address the issue in right earnest, or risk a descent to chaos or confusion that might go out of control.

Md. Mahbub-ur-Rahman Bhuyyan
University of Dhaka

BTV news

BTV news is degenerating day by day. If someone asks a BTV viewer what is most disgusting to him/her, then the answer will be 'viewing the footage of BTV news', specially at 8.00pm and 10.00pm. Like all other days, the state-owned BTV failed to cover the news of the grisly grenade attack on an Awami League rally on 21 August, 2004. While the three Bangladeshi private channels were telecasting special bulletins, the foreign media were busy highlighting

this heinous grenade attack. All national newspapers published full page news of the incident. But BTV appeared to be totally oblivious of what had happened.

Neither the BNP nor the previous AL government gave autonomy to the state-owned BTV. But the two major political parties are firmly committed to the idea of having an autonomous BTV. Commitment does not seem to mean anything in our context.
Md. Zillur Rahman
Gandaria, Dhaka.

End of political rule?

The bomb attack on 21 August on the Awami League public meeting at its Dhaka HQs looks like a turning point in the political history of Bangladesh, as the attack was directed at Sk Hasina, the leader of the party, and former prime minister. There is the fear that

the revenge cycle would be unleashed now.

The timing of the attack gives rise to many questions, with the nation bogged down in post-flood rehabilitation activities affecting millions of people. Why this was ignored by the terrorists, and their godfathers? Not interested in human welfare during the emergency phase of resettling into normal life? Why this political crime got higher priority? Why political time is running short?

Now the migration (desertion) from political careers will increase, as few aspirants would ignore the insecurity of political danger to family life. Violence has entered politics, and it would be difficult to control it quickly (look at examples in the other countries). Second, religion comes in political policy-making, and it is dangerous and unpredictable, as it is ruled by the

heart (faith). Good-bye to logic and rationality. What are we fighting for?

The politicians failed to govern the country, as 14 years' experience proves. "Democracy" is touted as a propaganda gimmick, (not only in Bangladesh, but also elsewhere in the world). So the citizens are facing the Hobson's choice: who would rule the country in the near future. Leadership is in short supply, and those available have to rise to the occasion, or face the rule of default; a recurring phenomenon in the developing nations.

Immutable moral principles are independent of contemporary opinions; the more so the more political the viewpoint. Violence and hatred return to the source, and there is no escape from this retribution. Our public leaders are facing a trying test: worry more about self-security or devote more time to genuine public service?

This distraction is going to cost the nation dearly. The tension due to intolerance is becoming unbearable in different spheres of public life. The leaders and the workers are aware of the implications; but short-term gains rule the day-to-day policies. What are the limits of exploitation?

What next? That is the question haunting the minds of the 100 million adults and children who are aware of the dangers. On the morning of August 22, my 10-year old niece (a student of class V) rang us up and cautioned her elder cousin (age 25) not to take out his car for going to work. She cares for the safety of her near and dear ones. Why such mental impositions on such an innocent child?

The ball is in the court of the so-called leaders. Deliver or quit!

A Mawaz
Dhaka