

## Anti-graft commission at last Can it be independent and neutral?

THE much-vaunted anti-corruption commission has come into being. This is news given the long-winded course it took to get formed in the face of unrelenting civil society articulation and exertion of donor pressure to have an independent anti-graft commission in Bangladesh. It replaces an archaic bureau which, as part of the all-powerful prime minister's office, virtually did the latter's bidding and served as a mere showpiece of an anti-corruption body. Whether the replacement has a symbolic or practical value can only be determined from the extent of independence the anti-graft commission wields in its actual functioning.

Let's take a look at the composition of the much-heralded commission and try and flag off some questions basically arising out of it leaving it to the readers to judge their validity. Former High Court judge, chief election commissioner and chairman of Bangladesh Press Council Sultan Hossain Khan has been made chairman of the commission. He is octogenarian. We understand that it is in consideration of his physical fitness and good health that the President has appointed him to the position. Even so, without being disrespectful to him, may we point out the obvious which is that even in the advanced world 80 years of age is regarded rather too old to handle a full-time job. Even where the superannuating age is 65 as in the case of High Court judges evidently there is the retirement age. No umbrage taken; let's make it clear that this is no reflection on the capability of justice Sultan Hossain Khan or his credentials and wealth of experience. But we have to say that his appointment could get a wrong signal across that the anti-corruption commission might not have been perceived to be a dynamic body after all.

In truth, and for all practical purposes, justice Sultan Hossain Khan has the treble onerous responsibility of: (a) establishing an anti-corruption commission from the scratch; (b) leading it through its teething phase; and (c) creating healthy precedents for the future running of the commission. There is a biological clock, and even the most resilient person at certain age will have some limitations.

Former vice-chancellor and ambassador Maniruzzaman Mia is known for his association with the ruling party, although that shouldn't stand in the way of his functioning neutrally as a member of the three-man anti-graft commission.

In spite of all possible misgivings, we fervently hope that the chairman and members of the commission will prove their credibility and efficiency in the discharge of their mandated duties.

## Markets or death traps?

Banglabazar fire sets off alarm bell afresh

THE Hawkers' Market fire which left a trail of devastation on Sunday is a fresh reminder of how vulnerable the city markets are to the fire hazard. On at least two occasions in the past fire wreaked havoc in markets of similar types.

The damage caused by the fire has been colossal with the small cloth traders being thrown on to the street. However, a closer look into the situations prevailing in the markets, like the one which was burnt to ashes, will surely reveal that the risk factors present in those places are far too many. To begin with, there is no fire fighting mechanism available in the markets catering to the needs of ordinary people. Then the structural flaws of these markets, with many alleys and blind alleys, make them highly susceptible to fire. There is constant rush of people which aggravates the risk of heavy casualties in case of an accident. Finally, highly combustible materials are stacked up in the markets and the electricity wires are often found coiled up, or very indifferently maintained. It seems the structures that house markets for the people of the middle and low-income groups are plagued with all the risk factors as far as fire is concerned. The markets are veritable death traps.

The fire fighters' ability to quickly respond to such crises is still an elusive goal, thanks to a host of inhibitory factors. Things must improve vastly in this area.

We believe the incident will serve a notice on the DCC, DESA, fire experts and town planners as it has exposed, at a very high cost, the inadequacy of the plan to have markets in structures having none of the safety arrangements needed in a crowded place. They should put the heads together to develop a comprehensive fire prevention and fighting strategy for the markets and all such places. Let this not be confined to words only. What is needed is tangible action to avoid such tragic loss of life and property.

# Reform the Caretaker Government Law before the next general election



SHAH A M S KIBRIA

THE grenade attack on the Awami League meeting on 21 August has altered the political landscape of Bangladesh. An impression has gained ground that the BNP-Jamaat government has lost its mandate to govern the country. Morally, if not legally, this government has no right to remain in power. What happened recently in Rangpur, to put it simply, is disgusting. The regime not only ignores the law and the Constitution, it also flouts the norms of civilized societies. Former president Dr B Chowdhury had to save his life by shutting himself up in a bathroom. Dr Kamal Hossain also had to run for his life. The BNP-Jamaat government appears to be determined to use the muscle-power of its armed cadres to refuse any room to these dissenting voices.

Can such events happen without a signal from the highest level of the government? Police officials who stood nearby were merely amused by these events. Not a trace is left of the neutrality of the police forces or their respect for law and legal rights. In fact, the police have become a partisan force. Recently similar incidents took place in Mymensingh. What are we, ordinary citizens, to do under these circumstances? These questions are in every body's mind. We fought for democracy, installed an elected government and look what happened! The regime has turned autocratic, repressive and corrupt in the extreme. What is the way out of this intolerable situation? Some people talk about an 'unconstitutional' solution. But Bangladesh is not Pakistan. The people have had enough of military dictatorships and one is certainly not looking forward to such wild and

adventurous solutions. Indeed, we have no choice but to proceed along the path of democracy.

People, in significant numbers, are saying that the repressive, incompetent and corrupt government must resign forthwith. The government seems to be determined to deny any space to those who are agitating for their resignation. However, peaceful agitation against the government's misrule is a constitutionally guaranteed right of the people. The Pakistani military junta could not prevent the mass upsurge of 1969. Similarly, the

remained defective and incomplete. The first caretaker government was established for the election in June 1996. The flaws in the law and loopholes were detected even at that time. Especially, the division of executive authority between the president and the chief adviser caused much confusion and created uncertainty in the exercise of executive power.

Readers might recall that a political crisis was brewing in the country when the president dismissed the then chief of Army staff, Gen. Nasim. At that critical juncture, it was the

sure to be appointed chief adviser when the present government's term expires. We are fully aware that before his elevation to the Bench Justice Hasan was a member of the BNP. During the regime of Gen Zia, Mr Hasan was the secretary of the International Committee of the BNP. Gen Zia appointed him as an ambassador to Iraq. If such a person were to be appointed as chief adviser, the basic principle of the caretaker government's concept would be negated.

Under those circumstances, it would tantamount to committing

installed through a loophole of the law. After all, a group of unelected individuals are entrusted with the reins of the government. These individuals have to enjoy the confidence of both the sides of the House. This is the essence of the caretaker concept. Under these circumstances, in my view, the relevant law has to be revised to rectify these defects.

One proposal, (just a suggestion), is to make all the retired judges of the appellate division, including the retired chief justices, eligible for selection as chief adviser. Clearly, this will create a pool of senior persons out of which one may be chosen who happens to enjoy the confidence of both sides. Since the choice will be open to several individuals, it should be possible to settle on one who will be acceptable to both sides. Discussions on the acceptability of a person as chief adviser can be conducted by the president with the participation of the senior leaders from both sides. Such a reform will save the appellate division and the office of the chief justice from manipulation by the ruling party.

The nation is a witness to the manner in which Mauidud Ahmad enacted a new law on age limit of the judges in order to get his way. The party agenda appears to be the more important to him than the smooth functioning of the country's political system. Of course the BNP will not easily agree to revise the law. They have taken the trouble of amending the law on the retirement of judges with the ulterior motive of having a man of their choice at the time of the election. If they were interested in a fair election they would not have taken these steps. To retain power indefinitely is what they are aiming at and the calculated arrangement about the chief adviser is part of their master plan. In the light of the predictable response from the BNP, the Opposition parties have no choice but to launch an all-out political

**Democracy in Bangladesh will not take a firm root and gain in strength unless the electoral arrangements inspire confidence of the political parties in the country. Instead of sitting on the fence the press and the civil society ought to participate in the process of mobilisation of public opinion in favour of reform. The task should not be left only to the politicians.**

present government will also fail to suppress a spontaneous uprising of the common men and women. Just like in February 1996, the government will have to step down to save itself from public wrath. But what will happen after the government resigns? Surely we will have a new general election. Today's article of mine is on this subject. How will the election be held? Regardless of political views, most people want a free and fair election in order to ensure a truly representative and democratic government. In fact, there is no feasible alternative to an elected, democratic government in Bangladesh.

Begum Zia accepted, much against her wish, the caretaker government system against the background of the nation-wide agitation by the Awami League. She did not believe in the system and resisted the demand for a long time. Only under the pressure of strong and militant public opinion did she yield and accept Awami League's proposal. However, in enacting the law on the subject, she did not consult the Awami League. In fact, as far as I can recall, she passed the law in the Parliament hurriedly without any prior discussion or consultation with political parties, lawyers or members of the civil society. As a result, although the main concept of a caretaker government was accepted, the law

wisdom, firmness of character and resourcefulness of Justice Habibur Rahman that saved the country. The attempt to install a partisan regime with the help of the military was nipped in the bud. It is now generally recognized that the existing law contains enough loopholes to create conflict with two centres of power in the country—both seeking to influence the course of events. In order to ensure free and fair election, it is essential to do away with the dual authority in the country at a critical transition period. The president must, of course, remain the supreme commander of the armed forces but he should exercise his power as a constitutional head of state, through the Caretaker Advisory Council.

The main defect of the existing law on the subject is that the government holding office can, by careful calculation and manipulation, put a chief adviser in office who is known to be favourable to it and is not neutral. Thus the predictability of the chief adviser's identity makes it possible to manipulate and arrange to have a person of the government's choice. This is precisely what the present government has done. In order to get the man of their choice, the government increased the age limit for retirement for the judges of the Supreme Court. As a result, Justice KM Hasan is

suicide for the Awami League and other opposition parties to participate in an election when Justice Hasan will head the caretaker government. Latifur Rahman has shown us how the administration can be bent to serve a particular party's interests. No one will be surprised if Hasan follows in the footsteps of Latifur Rahman. In order to encourage the opposition political parties participation in the election, some one other than Justice Hasan ought to be appointed to this office. But this is not possible without reforming the existing law. Here lies the root of a major political crisis. It is very doubtful if the opposition political parties will agree to participate in the elections with Justice Hasan as the chief adviser. If, in fact, they do not join the election, we will face a volatile and unstable situation similar to the one we faced in February 1996. Confrontation and conflict will engulf the nation.

What is the way out of this dilemma? In my view, the consent of the major political parties and their trust is the sine qua non indispensable condition -- and the basic strength of the caretaker government. Indeed this is the rationale of the system, a pre-condition for its success. Without the trust of the governing party and the principal opposition party in the parliament, the caretaker government cannot be

campaign to force the present government not only to step down but also to agree to amend the relevant law according to an agreed formula.

The formula should include proposals concerning the selection procedure of the members of the advisory council. Latifur Rahman behaved as if he was an elected prime minister and could select his cabinet. Actually, the caretaker concept requires that the advisers be selected in a balanced way on the basis of consultation with both sides. The goal is to reassure the political parties that the chief adviser and his colleagues are truly neutral. However difficult to achieve this goal, this is what we have to aim at, not the type of group selected by Latifur Rahman. If the BNP-Jamaat government is genuinely interested in a democratic system in which elections will be free and fair, they should accept these suggestions. Otherwise they will opt for confrontation and conflict that nobody wants.

Any proposal for reform of the caretaker government must include new ideas about the election commission. We should reflect on the fact that the election commission in India is an institution that every body respects. Regardless of the changing political fortunes of the political parties, the election commission continues to enjoy the confidence of the whole nation. In the last election the BJP lost and the Congress party won. Votes have been written on the reasons for BJP's debacle but not one word of criticism of the election commission. We should aim at a similar situation but the existing condition does not inspire much hope. One may recall the recently held Dhaka-10 by-election and reflect on the spineless manner in which the commission surrendered its authority. Democracy in Bangladesh will not take a firm root and gain in strength unless the electoral arrangements inspire confidence of the political parties in the country. Instead of sitting on the fence the press and the civil society ought to participate in the process of mobilisation of public opinion in favour of reform. The task should not be left only to the politicians.

Shah A M S Kibria is former finance minister and presently an AL MP.

# How Bush's second term will influence global scene?



ZAGLUL AHMED CHOWDHURY

THE second four-year term for President George W. Bush is yet to begin, but his immediate post-re-election scene has been marked by a major development in the form of death of the undisputed leader of the Palestinian people -- Yasser Arafat. The death has shaken the world because it is just not the passing away of a world figure, but of a person who has stirred the global political scenario for more than four decades. Arafat's disappearance from the world scene will definitely have wide ranging ramifications of varying scale including his dream of establishing an independent Palestine state facing manifold obstacles. And certainly, the Bush administration will have an important role to play in the entire exercise even though president Bush was known to be not favourably disposed to the late PLO leader and considered him as an 'obstacle' to peace in the Middle East.

In any case, Washington will be expected to play a big role in the ME tangle and this has been further reinforced by the comment of president Bush that his new four-year term agenda includes the possibility of establishment of an independent Palestine state in the Middle East. It is assumed that Mr. Bush's new term

that starts from January 20 next year, or even the period preceding that, will witness some activities centring on the ME situation in the post-Arafat era. This can also be surmised that since Arafat is no more there, the chief executive of the most powerful nation on the earth will no more nurture disliking against the PLO leadership to the extent he did before and his role as far as Palestine-Israel issue is concerned can also be a bit different -- not so much pro-Tel Aviv apparently in the changing scenario.

However, the change in the state

United States saw to it that its scheme of things is implemented no matter who supported or opposed. Even it by-passed the United Nations, it is launching an all out military assault on Iraq early last year and paid scant importance to the sentiments of its European allies France and Germany. The new-found democracy in the form of Russian federation also could not cut much ice while socialist China did not approve American aggressive role in Iraq but nothing could deter President George W. Bush from his military operation with the

as it wanted. And this was done with considerable opposition in the United States itself. The point that is being driven home by all these illustrations is that American presidency can effectively bring about significant change in the global scene even if the rationale can be questioned. And President W. Bush is one such president who believes in the American supremacy in world affairs and he has fought the elections precisely on this point. He has reasons to believe that his policy has been approved by the American

Following the 9/11, the Afghan and more importantly Iraq tangle cropped up and Bush used political and military might to confront the situation. This made him controversial at the world at large and also to an extent in the United States itself. But fact remains that Americans appear to have endorsed his policy of internal and external security.

In the circumstances, the president on his re-election is likely to remain strong on Iraq. The same attitude may be reflected in dealing with Syria and the pro-Damascus

margin. His defeated rival has called upon the victor to unite the people and Bush himself has also remarked after the victory that he wants to become president of all Americans. He may also try to take European allies along with him on crucial matters like Iraq and may not like to be seen hawkish on Iran and North Korea or for that matter on the Middle East crisis. It is possible that Bush prefers such a relatively soft policy considering that uniting the American people in the aftermath of the polls and a larger acceptance in the international arena would earn him greater place in the history. However, cynics would tend to believe that characteristically, he would definitely pursue the attitude that was his hall mark over the last four years. Only time can tell how he would respond to the international issues in the coming days.

However, the bottom line is that as the person in charge of the sole superpower, Bush is expected in the second term to work for a world that is more safer and healthy not only for the Americans but peoples of the world as a whole since he can call shots on a global scale that no other can certainly do. The change effected in the position of Secretary of State may indicate that President Bush is giving a signal that continuation of the four-year legacy in the area of foreign policy is not a certainty. Mr. Bush's second term will particularly be tested in the ME situation in the post-Arafat era.

government in Lebanon and many fear that Bush's re-emptive action against adversary and recalcitrant may include Iran and North Korea on the nuclear issue. Elsewhere, also the same aggressive approach may find an echo while in south Asia tensions may continue to subside as Bush administration encourages rapprochement between the two principal players in the regional scene -- India and Pakistan.

On the other hand, some argue that in the second term Bush may be more accommodative since he is not going to fight re-election any more and may seek to acquire an image that gives him less controversy and more dignity at home and abroad. Undoubtedly, the elections have brought to the fore sharp division in the United States on Bush policy and he won popular votes by a narrow

**MATTERS AROUND US**  
The change effected in the position of Secretary of State may indicate that President Bush is giving a signal that continuation of the four-year legacy in the area of foreign policy is not a certainty. Mr. Bush's second term will particularly be tested in the ME situation in the post-Arafat era.

department, announcing Dr. Condoleezza Rice as Secretary of State in succession to Colin Powell, is being interpreted in some quarters as an indication of likely hard line foreign policy. It remains to be seen if such an assumption is based on objective assessment or an over-blown idea devoid of much rationale.

American president wields tremendous power and admittedly enjoys great clout in the international affairs. One particular administration or its policies may spawn controversy at varying degrees depending on certain issues, but there is hardly any scope to dispute the near-unassailable influence of Washington in the global affairs. This has been further reinforced by certain recent developments that have caught world attention and unquestionably the Iraq crisis is at the top of all. The

support of few allies like Britain and Australia.

This brings into sharp focus how the writ of the United States runs and finally it is Bush administration which carried its scheme through, regardless of the views of the rest of the world. That the America virtually turned a blind eye to sentiments of a vast majority of the nations in launching the armed adventure against a much weakened country hardly needs elaboration. In the earlier Gulf war, sparked by Iraq's occupation of its northern tiny oil-rich neighbour Kuwait, world's most countries supported the United States as illegal annexation of Kuwait by sheer force had thrown international laws and ethics to the wind. This time the case is different as most saw the United States by sheer military might shaped the affairs in Iraq

people as reflected by the mandate he has received in the polls. The offensive in Fallujah and Mosul by the US forces suggests that the president felt such strong attitude is in line with his policy in Iraq that earned him the re-election no matter what the outside world thinks about.

The post-election scenario is marked by discussions and speculations broadly on the subject -- how the second term of president Bush is going to be. It mainly involves two questions -- will he continue to pursue a policy of aggressiveness that was clearly demonstrated during the last four years, or would he be somewhat lenient in dealing with global issues? There is an impression in most quarters that he would probably follow the same tough policy if not a stiffer one since he may feel that he has secured a mandate in that direc-

## 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.

### Deaths in Thailand

Killings of 84 Muslims in Thai custody have shocked us greatly. The lame excuse made by the Thai government that the protestors were weak because of fasting is farcical and unacceptable. The way the protestors were handled was a flagrant violation of human rights; they were inhumanly tortured to death. The gruesome killings clearly reveal the attitude of the Thai government towards the Muslim minority in that country. How long will the Muslims have to face such cruelty? We must unlearn the international conspiracy and react accordingly. Here lies the necessity of strengthening the spirit of the Muslim ummah. Md. Samsuzzoha Dhaka

some manufacturers are producing and marketing drugs that can be used as intoxicant. The authorities concerned should look into the matter. Pradyut Kumar Saha Savar, Dhaka

### Overbridge

The DCC has constructed many overbridges in Dhaka city. Today I would like to write something about the usage of overbridge. On 4<sup>th</sup> instant I went to Gulistan via Farmagate from Shere-e-Bangla Agricultural University. For a while, I had to get down from my bus at Farmgate. After finishing my work, when I was crossing the road using the overbridge, I found people jostling for space. Most of the space on the overbridge is occupied by hawkers and beggars. Now the question arises, who should be rightful users of the overbridge? People, hawkers, or

beggars? The on-duty traffic personnel do nothing to dislodge the illegal occupants. When I asked a hawker why they were obstructing movement of pedestrians by occupying the overbridge, he said that he had to pay the on-duty policemen for using the space. So there is a reason behind things turning so bad. I request the authorities concerned to look into the matter. After all, overbridges were not built for pedestrians! Md. Rezaul Karim (Reza) Shere-e-Bangla Agricultural University Dhaka-1207

### Blanket immunity to WB

On 1 November 2004, a bill was placed in the JS by the ruling alliance to give World Bank a blanket immunity. This is something that no

organisation should enjoy however important it might be. The subject is technical too. We, as laypersons, can't determine which is good for the nation from the points made by the treasury bench and the opposition because they debate only for the sake of debate. And, as usual, no result comes out of these debates. M Aminul Islam DU

### 9/11

Mr. bin Laden, you seem to be laden with the world's best advice through top shrewd consultants and advisers. Your 9/11 riddle was the world's best kept secret; and your messianic advice three days before the US election is perfect in its timing and surprise. The drafting of the message to the Yankees (Americans, not red) was in real American style, short, crisp, and telling. The US Com-

mander-in-Chief should have been sacked several times, starting from the stance leading to the Sept 11 holocaust, followed by the wild goose chase in barren, rocky Afghanistan. Now Bush is not finding enough oil, at thrice the original price, to lubricate the voters for a second term with bin Laden. Many wonder if John Kerry carries enough ballast to survive in the thunderous sandstorms to be released by the intangible known as bin Laden. When the time comes, the rescuer appears. How to rescue Bush in the wilderness? Let him wonder in Nature's wantonness, for fresh reorientation. AA Dhaka

### Collapse of the co-op system

The parliament may review the decline and failure of the coop-

system in Bangladesh since liberation. It was introduced during the British Raj era, and its historical achievements are quite noticeable. Why it failed, and how to revive it?

Was it the system that failed, or was it due to human factors? In the latter category, the number one villain is obviously corrupt practices which eroded the link between the rural area and the markets. Now some big NGOs are doing well in running the modified system under micro-credit programmes which has drawn global attention. Has the government lost interest to revive a modernised coop network? It is part of life in the third world countries. The review documents available are very scanty, and not up to date. Some seminars are called for. The new network should be easier to operate with thousands of NGOs working in the rural areas. What is the problem?

The basic areas of approach to an honest, workable re-planning exercise involves management, administration, monitoring and regulation. Two areas are sensitive: decentralisation promises; and political interference. The latter dominates our society today in the most vile, negative aspect, thanks to the 'development' of our political culture. Our parliamentary stance is also not improving. Have we any alternative in the choice of governance?

Coop net is basic to the rural development, as rural marketing is the weakest link. The private sector has developed fast lately, but it cannot still be trusted 100 per cent, as there are pockets of affluence, and the playing field is not level. How about coop revival becoming an election issue? The proof of the pudding lies in the eating! A Mawaz Dhaka

### Private medical college

DS editorial on the above subject was a very timely publication depicting the true conditions of some private medical colleges. My heartfelt thanks to you for the valuable comments on the subject. Being an old retired medical educationist, I pioneered the first private medical college in 1986 (Bangladesh Medical College) surmounting all antagonism of the Health Ministry and the Medical Association with the hope of improving the standard of our medical education and producing qualified and dedicated medical graduates. But the commercial motivation of the powerful group made me disheartened and inactive. Dr. M.I. Choudhury Dhaka