

## Combating terror, crime

Regional cooperation the best path

WE commend the pledge made by the BIMSTEC countries at a recently concluded high-level meeting to launch a joint offensive against terrorism and transnational crime. Terrorism and much of the crime that plagues the region is fundamentally transnational in character, and thus it is only a multilateral regional approach that can offer any hope of resolution.

There are many advantages to the proposed cooperation, both for the region in general and with respect to some of our principal concerns here in Bangladesh in particular.

Whether we are talking about the trafficking of women and children or the scourge of firearms and bombs or illegal smuggling or drug trafficking -- most if not all of the serious crime that bedevils the authorities either originates from outside the country or has significant linkages outside.

There is a limit to what our law enforcement authorities can accomplish on their own when it comes to investigating and apprehending terrorists and criminals. It is for this reason that we should welcome all the assistance we can get from outside. In addition to access to greater information with respect to the sources of much of the crime that is committed in the country, we can also benefit from the better training, experience, and technological expertise of law enforcement officials and agencies in the region.

Indeed, to the extent that greater regional cooperation can help to contain violent crime, and can also effectively counter the many insurgencies that are operating in the region, we will all benefit from the greater regional stability and security.

The other main benefit of the proposed initiative is that it advances the cause of regional cooperation in all other sectors. If we can cooperate on such sensitive matters that affect national security, then this shows that we can cooperate in other crucial areas as well.

The fact that Bangladesh and India are both parties to the pledge is very encouraging. The two countries have traded accusations with respect to alleged insurgency camps in Bangladesh and alleged criminal hide-outs in India for some time now, to say nothing of other hot-button issues such as arms smuggling and illegal migration.

Now, perhaps the two countries can join hands to get to the bottom of things. A cooperative approach will hopefully help both countries satisfy their concerns. But more importantly such cooperation will help create an atmosphere of trust and mutual confidence which has been sorely missing lately.

## Childhood under threat

How can we overcome it?

THE Unicef report on the State of the World's Children released Thursday portrayed the imperilled plight of children across the globe. Their rights to existence and physical growth and overall welfare due to three major factors: poverty, armed conflict and HIV/AIDS. Even though in some regions and countries, Bangladesh included, child mortality has gone down, enrolment in primary school has increased and overall improvement in access to water and sanitation has been achieved, such advances risk being negated by the 'three threats' mentioned above.

As for Bangladesh it is poverty that puts the children's fate in jeopardy. The sheer prevalence of poverty kills off quarter of a million children annually with fifty per cent of the entire child population remaining malnourished or undernourished at any given time. Thirty-six per cent of the babies are born underweight. They are victims of trafficking and repression. The floating children, in particular, are vulnerable to juvenile delinquency and crime.

Yes, armed conflict is not much of a problem here, although child labour is yet to be eradicated in Bangladesh, particularly the various invisible forms of it. HIV/AIDS related impoverishment and destitution of children may not have assumed any problematic character in Bangladesh; yet the need for mounting guard over it cannot be made a short shrift of.

It is hardly any solace to see Bangladesh ranked 130th among the 192 countries evaluated for the state of the global children. The child immunisation programme in Bangladesh has been a model of success but we have a long way to go in terms of securing healthy childhood in a wider sense of the term.

Unicef country representative Morten Giersing's emphasis on incorporation of child welfare in the poverty reduction strategy paper, empowerment of local body institutions and commitment to a fair and sound childhood to address children's deprivation in Bangladesh merits attention.

M. ABDUL LATIF MONDAL

THE much talked about Anti-Corruption Commission (ACC) became functional in the last week of November with the appointment of its chairman and two commissioners and absorption of the officers and employees of the defunct Bureau of Anti-Corruption. Some people may think that with the coming into existence of the ACC it may not be necessary to make functional the office of Ombudsman. This article discusses briefly the powers, functions, responsibilities, etc. of the ACC established under the Anti-Corruption Commission Act, 2004, and the powers, functions, responsibilities, etc. of the office of Ombudsman established under the Ombudsman Act, 1980, to help arrive at a conclusion on the question of whether the ACC is a substitute for the office of Ombudsman.

According to the Anti-Corruption Commission Act, 2004, ACC comprises of three commissioners who are appointed by the President from a list of six persons recommended by a five-member selection committee. The President appoints one of the commissioners as chairman of ACC (section 5 and 7 of the Act). In fact, the President appoints the commissioners and the chairman from the list as per advice of the Prime Minister. According to Article 48 (3) of the Constitution, in the exercise of all his functions, save only that of appointing the Prime Minister and the Chief Justice, the President shall act in accordance with the advice of the Prime Minister. Appointed for four-year terms, the commissioners are not eligible for re-appointment. They can be removed in the same way a judge of the Supreme Court is removed.

The functions of the ACC include, *inter alia*, (i) conducting inquiry into the offences under the Anti-Corruption Act, 2004; (ii) conducting inquiry into the punishable offences under the Prevention of Corruption Act, 1947; (iii) conducting inquiry into the punishable offences under sections 161-169, 217, 218, 409, and 477A of the Penal Code, 1860; (iv) filing and conducting cases relating to (i), (ii), and (iii) above; (v) instituting *suo moto* inquiry or on the basis of application from aggrieved person(s); (vi) performing duty to be vested by anti-corruption law; (vii) reviewing existing anti-corruption arrangements and making recommendations to the President for their effective implementation; (viii) creating public awareness against corruption; (ix) arranging seminars, symposia, workshops, etc. on the functions and responsibilities of the Commission; (x) identifying the causes of corruption and suggesting remedies to the President; and (xi) performing any other duty deemed to be necessary for the prevention of corruption.

Particular reference may be made to the punishable offences under the Prevention of Corruption Act, 1947, and under the aforementioned sections of the Penal Code, 1860. These offences include, among others, submission by any person of a false statement of movable and immovable property held in his own name or held by any other person on his behalf; public servant taking gratification other than legal remuneration in respect of an official act; taking gratification by somebody, by corrupt or illegal means, to influence public servant; public servant obtaining valuable thing, without consideration from person concerned in proceeding or business transacted by such public servant; abetment by any person of these

offences; public servant framing an incorrect document with intent to cause injury to any person; public servant unlawfully engaging in trade; public servant unlawfully buying or bidding for property; public servant disobeying direction of law with intent to save person from punishment or property from forfeiture; public servant framing incorrect record or writing with intent to save person from punishment or property from forfeiture; breach of trust by public servant, or by banker, merchant, factor, broker, attorney, agent in respect of property entrusted with; willful destruction, alteration, or mutilation of documents and falsification of accounts by any person in his capacity as a clerk, officer, or servant.

The ACC has been empowered to serve summons and interrogate witnesses, reveal any document, collect deposition on oath from witnesses, ask for public record or its copy from any court or office, issue warrants for interrogation of witnesses, and examine documents. The ACC has the

power to ask any person to furnish with any information relating to investigation or inquiry and the person concerned will be bound to give that information.

The ACC shall, not later than March each year, submit to the President a report on the performance of its functions during the previous calendar year. The President shall cause the report to be laid before Parliament.

affirms that such action has resulted in favour being unduly shown to any person or in accrual of undue personal benefit or gain to any person; and (b) he receives information from any other source that the action is of the nature of (a) above.

When the Ombudsman decides to investigate a case, he will (a) send a copy of the complaint to the concerned ministry, statutory

under the Ombudsman Act and submit it to the President who shall cause it to be laid before Parliament.

A close look at the aforementioned functions and responsibilities of the ACC shows that the ACC deals with some punishable offences committed by a public servant or any other person. The offences are mostly related to financial corruption and irregularities. The ACC is not tasked "to defend rights of ordinary people in dispute with government agency or public authority." On the other hand, the functions and responsibilities of Ombudsman reveal that the office of Ombudsman is "(a) to ensure that the ministries, departments and the statutory authorities are responsive, adaptive and sensitive to the needs of citizens, and (b) to investigate the complaints against the decisions or orders of the administration. The role of the Ombudsman is pivotal in providing redress to individual complaints."

It appears from the above discussion that the ACC is not a substitute for the office of Ombudsman. The Ombudsman Act needs to be made functional without further delay in view of the fact it oversees the activities of public sector organisations which are the number one actor in the high corruption drama of Bangladesh. It is learnt that government is considering a few amendments in the Act before it is made functional. It is likely that there are a few holes in the Act. But the present version of the Act could have been put into operation till the amended bill got Parliament's sanction. A constitutional obligation should not remain unimplemented for decades.

M. Abdul Latif Mondal is a former Secretary to the government.

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## Modi's plan takes shape



KULDEEP NAYYAR  
writes from New Delhi

TIME is a great healer. I wish I could say that for Gujarat. Nearly three years ago the BJP nay, its state chief minister Narendra Modi, instigated the killing and uprooting of thousands of Muslims. Wounds are far from healed and those who inflicted them stay in power.

I vainly searched for embers of understanding in the heap of scorched hopes. There was no repentance, no remorse among those who directly or indirectly participated in what was ethnic cleansing. True, the refugee camps have been wound up. Many of the houses which the mob had destroyed with the help of police have come up. The victims too have fallen to silence after repeatedly narrating their tales of woe. Yet something tugged me from within to tell that peace was superficial.

Ahmedabad, where I spent three days, appears normal. The traffic is heavy as usual and shops full of goods and customers. But whatever trust was built between Hindus and Muslims after the 1969 riots lay shattered. Then the state was helpless, not a party, and many people

tried to put the pieces together to span the distance the two communities had developed. Today the state itself is opposed to any effort at conciliation. The dwindling tribe of Gandhians and some youthful human rights activists are trying to help people restart their life and to revive Hindu-Muslim unity in the land of Mahatma Gandhi. But they find most Gujaratis so alienated and the government so hostile that

Modi is not affected by such protests. For him, Gujarat is a laboratory to experiment with the BJP's new thinking to divide the society on religious lines permanently. Most of the people have been taken in because he has wrapped Hindutva in the identity cover. They feel Modi is winning the Gujarat identity which even Sardar Patel, the son of the soil who was India's first Home Minister, had failed to

detour of six, seven kilometers to avoid a locality like Juapur, known as mini-Pakistan.

Of course, Muslims are the worst sufferers because they have been boycotted economically. Very few Hindus buy from their shops. Contacts at the social level have been decreasing for some years; they have become still fewer. Prospects of job for Muslims have never been bright. They have become bleaker

ing that "the Muslims are again rearing their heads." They continue to justify that what happened to the Muslims on the ground that "it was coming to them."

The Gujarat unit of the PUCL does not hide its concern. It is conscious of the "enormous task before it." But it finds the government "uncooperative" and most Hindus "unconcerned." In a report, it says: "While the government is

## BETWEEN THE LINES

**Modi has appointed civil servants as chairmen of boards and corporations. His secretariat directly controls them. MLAs who normally head such bodies are resentful but fall in line because of the instructions of the party bosses from New Delhi. If there were a free and fair election for leadership by the BJP MLAs, Modi would be ousted in no time.**

they find it difficult to have even a place to hold their meetings in the open.

The annual meeting of People's Union for Civil Liberties (PUCL) took place behind closed doors. Modi is so hostile to persons helping Muslims that he does everything to make their life miserable. It is as if he fears that the whole "work" he has done to polarise the society may face some sort of danger. The detention of a leading lawyer, H.N. Jhela, is a typical example. He has been fighting the cases of wrongly detained Muslims. That he has been sent to jail has irked even the contaminated bar at Ahmedabad. The lawyers have observed strike to voice their grievance. So much so, the public prosecutor refused to appear for the government.

deliver. Strange, even the educated do not feel that in the name of dignity they are heaping indignities on the Muslim population. The jingling of coins -- Gujarat is a prosperous state -- is not letting the majority of Hindus in the state to listen to the feeble cry of the suppressed minority.

Modi's experiment has succeeded to the extent that both Hindus and Muslims have got segregated. They live in separate localities. A sense of insecurity haunts both of them. So much so, a Muslim judge of the High Court has preferred a congested "Muslim habitation" to a sprawling government-allotted bungalow. This is no triumph for BJP because Modi has ghettoed Hindus as well. They do not dare go to Muslims localities. Even government buses take a

because there is now a blatant scheme not to employ them at all. Some Muslims have migrated to other states. A few who have returned feel lost.

"My wife has told me many a time to send the children out," says a Muslim whose family made sacrifices during the independence movement. "I have told her that things will improve." But the tragedy with Gujarat is that the chief minister himself sees to it that the situation does not normalise and that the distance between Hindus and Muslims does not lessen. Several human rights activists told me that the conditions had "deteriorated" since the carnage. On the one hand, many Muslims are growing beard and women wearing burkha to register their identity and, on the other, Hindus are feel-

callously indifferent, the people are yet to be awakened." It recalls the days of the emergency saying, "Gujarat was an oasis of individual freedom and human rights." But it is no use harking back. The Gujaratis live in terror and dare not say anything against what Modi is doing lest they should be punished as some have been for expressing their protest.

Modi is no less authoritarian than Mrs Indira Gandhi was. The backing of the BJP high command has made him ride a roughshod on others' rights. The majority of the BJP MLAs are against him and his predecessor Keshubhai Patel has conveyed this to the party leaders at Delhi. But the RSS is reportedly in favour all that Modi is doing to establish a "Hindu rashtra."

As for the civil servants, they are

part and parcel of Modi's dictatorial set-up. The fear generated by the mere threat of taking action even under the amended POTA is so pervasive that the general run of public servants act as willing tools of tyranny. Their sole motivation for being the "Yes Men" is the desire for self-protection -- the desire for survival.

Sensing this, Modi has appointed civil servants as chairmen of boards and corporations. His secretariat directly controls them. MLAs who normally head such bodies are resentful but fall in line because of the instructions of the party bosses from New Delhi. If there were a free and fair election for leadership by the BJP MLAs, Modi would be ousted in no time.

In the case of police, it is worse because Modi bypasses even the district superintendent of police and orders the officer in charge of a police station directly how to act and when. Atrocities committed in police custody are innumerable. One example is that of Rajkot where the police applied tiger balm in the eyes of the seven accused. Again, some time ago, a home guard killed an innocent young man at Millatnagar, Ahmedabad. But no action is taken against those who commit such crimes.

Recent developments -- Zahira Sheikh's retractions -- suggest that what the Gujarat police and administration was attempting is nothing but a repeat of the very fraud, for which they were severely castigated by the Supreme Court only a few months ago. But neither Modi nor the BJP high command is bothered. They have a different plan.

Kuldeep Nayyar is an eminent Indian columnist.

## 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.

### Mosquito menace

The people of Chittagong City suffer from the mosquito-menace now a days. The alarming number of mosquitoes in the area has tremendously intensified this pain. They come out in swarms and seem to prevail all around.

People cannot do any serious work. Especially the students and children suffer much from mosquito-bites. On the other hand the poorer sections of the people who cannot afford mosquito nets and coils to prevent mosquito bites are the easiest victims of this menace. Our municipal corporation has not been able to take any effective measures to stop the breeding of mosquitoes in the area. The drains, dustbins, ditches are full of dirt and filth, these are the ideal places of

mosquitoes in the area. If we want to get rid of mosquitoes, dengue and malarial fever there must be some good efforts on the part of the Municipal Corporation to eradicate mosquitoes from the area. Sumala Sharmim Dept of ELL IUUC

### Taxicab attention

Taxicabs are now the common media of transport of the terrorists and hijackers. When I read it in the newspaper, I was very shocked and wondered in which way the country was moving? Though there were lots of complaints about taxicabs, nowadays some taxicab drivers are committing crimes. This is unbearable! I urge the authorities to take

proper steps to solve this problem. Tinnat Ronnaana Dept of ELL IUUC

### Drug addiction -- a social cancer

A social cancer has extended its poisonous claw all over the world. Drug addiction has now become a serious global problem. Because of romantic curiosity, young people get addicted to drug. But the root cause is frustration, unemployment problems and social insecurity. Political unrest and lack of family ties are also responsible for it. Drug addiction is the cause of various crimes in the society. Drug damages the brain as well as other organs of the human body. Thus it kills a man, slowly but surely. Therefore, it is very essential

to prevent the problem if we want to have a bright future for our young generation. For it, there is a need for an effective programme of the parents and of the government's. Nusrat Sharmin International Islamic University Chittagong

### Addition to Kibria's reply to Justice Latifur Rahman

Mr. Shah A M S Kibria's reply to Mr. Justice Latifur Rahman was published on December 5. It seemed that Mr. Kibria had missed some points in his reply. In the rejoinder Justice Latifur Rahman said, "Reform of a caretaker system is a matter purely within the domain of the parliamentarians and the

politicians of Bangladesh." In democratic views it is within the domain of people of the country. Parliamentarians are the representatives of the people. They act in accordance with the people's wishes. He undermined the right and power of the people.

The system of caretaker government has been introduced in our country to make the general election more acceptable to all political parties and to the people as a whole. So, it is expected that advisors should be selected in a manner that they can enjoy the maximum confidence of the participating parties and the people. In view of this, consultation with the political parties in selecting advisors may yield congenial atmosphere. But Justice Latifur Rahman expressed totally opposite view in

this regard. He said that the Chief advisor is fully empowered to appoint his advisors and he was not required to seek advice of any political party in appointing his advisors. Someone may term his attitude as authoritarian rather than democratic. We strongly believe that Justice Latifur Rahman is very much aware about statute law and convention.

Although in statute law, in this case in the constitution of Bangladesh, there is no compulsion for consultation with the parties to the appoint advisors, but convention was there. President Justice Shahabuddin Ahmed told him that BNP and AL also sent lists in 1996. If he were respectful to conventions Justice Latifur could accommodate wishes of both the Parties. His disclosure of appointing two

advisors from AL list is appreciable. It could be more appreciated if he could disclose how many advisors were taken from BNP list and how many were of his own choice.

This could help him to exhibit his transparent image. Justice Latifur Rahman has perhaps forgotten the procedures of functioning of the government machinery. He wrote that the President had forwarded those lists to him perhaps for the fact that he also received lists in his time, although there was no provision in the present constitution for sending such lists to the Chief Advisor. It might be the case that Justice Shahabuddin Ahmed had respect for convention for which he had forwarded them to the Chief Advisor. Moreover, in government offices if anything is felt necessary

to be addressed it is sent to the concerned authority. President Justice Shahabuddin Ahmed might have felt that were by the Chief Advisor needed to consider the lists and as such had forwarded it to him.

It seems that Justice Latifur Rahman pretends not to understand what Mr. Kibria means by "both sides." AL and BNP submitted their lists to him. President Justice Shahabuddin Ahmed also forwarded the same to him. Other parties did not submit any list, neither to him nor to the President.

On this ground reality, there was scope for Justice Latifur Rahman to understand what Mr. Kibria meant by "both sides." Md. Rafiqul Islam Rail Road, Jessore