

Dhaka with shaky buildings

Construction codes need to be enforced

We are not surprised at all by the concern expressed by experts over the vulnerability of buildings in Dhaka to any earthquake with a 7-point intensity on the Richter scale. In fact, our fear was that, not just 28 percent of the buildings, but many more that had been built without following any rules or regulations, would have been under serious risk in Dhaka. Indeed, by official admission, most of the recently built high-rise structures have not followed the building code. And, that's why, we can not help but be extremely worried about the physical safety of Dhaka dwellers in the event of an earthquake of more-than-mild intensity.

The recent earthquake under the Indian Ocean creating tsunami with devastating consequences in and around South and Southeast Asia has sounded an alarm bell about the tectonic tremors in general. In this context, we should take a hard look at our vulnerabilities of all kinds in order to try and reduce them.

It's not just about following the building codes, it's also about stopping unplanned growth of the city. Let's not forget that not too long ago Dhaka was at the top of UN's 'Earthquake Disaster Risk Index'. The authorities and builders alike came under criticism for their indifference towards construction rules and regulations including those on use of standard materials in construction works. But has anything been done to reverse the pattern?

We have to change the corrupt and the mealy-minded attitudes to the rules that put the lives of thousands of people at grave risk. At the same time we urge the government to take stern actions against those not following the rules. There must be an effective regulatory body to check whether the laws and building codes are being complied with by the construction companies. Action must follow against anyone found guilty of irregularities. The government must also conduct a survey of the buildings with faulty design and fragile construction and have these reinforced to make them earthquake-proof.

Last but not least, we need to update our building codes in order to conform to internationally accepted technological standards. Let's make an all-out effort to beef up our preparedness level against earthquakes.

Tsunami and us

Whatever happened to our sensitivity

We have been touched by the solidarity that Europe is showing for the tsunami victims of Asia. For three minutes throughout European countries, life came to a halt as people stopped and silently prayed for the victims of tsunami, the greatest disaster to have befallen mankind for a long long time. The traditional New Years celebration in most of the big cities of the West were cancelled so were most of the post Christmas celebrations. There were also news reports that Christmas trees wrapped in black clothes, were a common sight in many parts of Europe and the United States.

There is no way that we can bring back those who have fallen victims to this great tragedy. There is also very little we can do to assuage the pain and sufferings of those who have been injured and those who have lost their loved ones. But we can share in their grief and demonstrate solidarity with them by some symbolic gesture as the West has done. We can also participate materially and with human resource in providing immediate humanitarian relief. We are proud that Bangladesh has sent some relief to Sri Lanka.

However we feel compelled to point out that we are guilty of tremendous insensitivity in this matter. Of the five severely affected countries, three belong to SAARC—namely India, Sri Lanka and the Maldives. Have we shown the type of solidarity in this matter as the situation calls for? The most disappointing response so far has come from the Muslim countries. Compared to Germany offering US\$ 664 million, Australia US\$ 674 million, Japan US\$ 500 million, the United States US\$ 350 million and 13,000 troops and volunteers along with huge logistical supports, among all the Muslim countries Saudi Arabia has offered US\$ 30 million and Kuwait US\$ 2 million. The EU and individual countries together have already pledged about US\$ 2 billion.

It is shameful how we are participating in the post tsunami relief and rehabilitation activities. Bangladesh deserve some credit for its early response but should now seriously examine what it could do more. At the level of the people the civil society and the NGOs there must be some actions of solidarity and support. We must give a better example of solidarity as a people.

Reforms and caretaker government



M. M. REZAUL KARIM

THE principal area in which demand for reform has been repeatedly voiced recently in some quarters is about the caretaker government in vogue in the country. The caretaker government is a unique system bred out of political expediency and is designed to ensure free, fair and impartial parliamentary election.

The system of caretaker government was formally introduced during the 1996 election of the parliament, though the 1991 election conducted under a caretaker government was so done as a sequel to political compromise but only on one time basis. This unprecedented system designed to ensure impartial election was unfortunately, a product of enormous distrust prevalent among our major political parties and the outcome of a long and painstaking search for a solution acceptable to all concerned. It is irony that the principal political parties, who are committed to the principle of democracy, yielded to the institution of caretaker government, which is basically a non-elective and thereby an undemocratic apparatus. They accepted its rule, albeit for a brief period of 90 days prior to each election.

The most important element of the caretaker government is neutrality, which must be observed in carrying out its functions. Ordinarily, in most democratic countries, following announcement of the election schedule the outgoing government acts as a caretaker government and conducts election till the inauguration of a new government. The outgoing US Administration continues to govern for as long as almost three months after the election is over.

The formula consisted of the last retired Chief Justice of the Supreme Court to act as the Chief Advisor of the caretaker government who would thereafter choose his fellow members of the Advisory Council. There is no constitutional requirement for the Chief Advisor to consult with political parties on the matter of

selection of his advisors. Anyway, he received lists of candidates suggested by the two major political parties for consideration. The two elections that were held in 1996 and 2001 under the caretaker governments were universally recognised as fair and impartial, though the defeated parties promptly made mild allegations of rigging before finally yielding to its outcome. Only lately, the main opposition party, the Awami League and its associates, made a demand for reform of the caretaker government system. The concept of the caretaker govern-

ment was easily bagged over two-thirds seats. The amendment was passed in a marathon session in one night before dissolving the parliament, thereby providing the legal basis to hold the next elections under caretaker government. To manifest its resolve, the BNP bestowed permanence on the caretaker system in contrast to the Awami League's demand for its operation during three consecutive elections.

What then prompted the Awami League to demand replacement or modification of the system for the introduction of which it had organ-

ised and was at beck and call of the BNP high command. What he, in fact, did was to transfer some government officials against whom either of the political parties had reservations about their fairness and impartiality, but he never replaced them with officials suggested by any party. He may also have recommended to the President for issuance of some Ordinances, but mostly after consultation with the Election Commission with a view to facilitating the latter's work. However, nothing would prevent the elected government to repeal such ordinances

caretaker government and, therefore, will be more severely opposed by the Awami League itself.

The second possibility would be selection of impartial and highly respected personalities to constitute a neutral caretaker government by way of consultation and mutual agreement of the major political parties. Alternatively, any other formula acceptable to them would serve the purpose. But this is also most unlikely to hold good. If there were scope for a compromise, there would have been no need to demand for the caretaker government system

parties. Such an arrangement, one apprehends, would curb authority of the Chief Advisor, entail chaos in the Advisory Council and hinder its smooth functioning. Again, any or all such measures to modify the existing system of the caretaker government would call for constitutional amendment, which again presupposes agreement among the major political parties. Of course, one can empower the Election Commission and make it truly independent by way of providing it with sufficient funds to be used at its discretion and with the authority of appointing its own personnel. However, as all governments showed definite reluctance to implement their pledge on this issue while in office, it may be worthwhile to seek their agreement now and enact necessary legislation, which would, however, be effective only after the next election.

So, it is difficult to suggest any new method of reform that would make the existing system of the caretaker government more neutral and effective. One may recall that Justice Shahabuddin Ahmed and Mr. Abu Sayeed who had been appointed and adored by the Awami League as President and Chief Election Commissioner respectively, later fell from grace and were severely criticised by the Awami League. So, since a favourite may lose his charm and become unacceptable, by the same logic an unfavourite may likewise be a favourite and acceptable to the same political party later. Furthermore, the nation should expect to get justice, which contains the inherent attribute of neutrality, from a Chief Justice, even though he had retired. His political background should not be held against him in which case all students with political affiliation would smack of partisanship and become suspects when they join state services. His real test would lie in his record as a judge and I am not aware of any of his judgments or actions which can substantiate claims of unfairness or partisanship. However, one is free to appeal to him not to accept the post of Chief Advisor, but it would depend upon him entirely to reject the offer of the prestigious position or not.

Finally, in the absence of a suitable alternative acceptable to the two major political parties, it would be in the national interest to expect that the caretaker system, which conducted two general elections in the past, both fairly and impartially, should be allowed the opportunity to prove its mettle again in future.

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CURRENTS AND CROSSCURRENTS

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ment, though originally advanced by the Jamat-e-Islami party, was later taken up as the prime force of movement by the opposition Awami League during the second half of the BNP regime established in 1991. The movement was spearheaded with that sole demand and won support from people far and wide. The ruling BNP opposed it on the plea that the demand was unconstitutional, as no such provision for establishment of caretaker government existed in the constitution. But in the teeth of heavy demand and intensive movement the BNP agreed to make the requisite amendment to the constitution. But the Awami League became unhappy with the person of the next Chief Advisor following government's recent decision to raise the age of retirement of the Judges of the Appellate Division, hence the demand for reform. The opposition party appreahed that as he had been appointed as Chief Justice by the BNP government by superseding some other judges, he might unduly discriminate in favour of the BNP during the next election. However, it is worthwhile to note that the Awami League itself had earlier superseded the same Judge in order to promote the Appellate Division some other Judges of its choice. The BNP may claim it had merely righted the wrong done earlier by the Awami League.

The Awami League quarters have been highly critical of Justice Latifur Rahman as Chief Advisor of the caretaker government in 2001. He was alleged to have been discrimina-

tory and was at beck and call of the BNP high command. What he, in fact, did was to transfer some government officials against whom either of the political parties had reservations about their fairness and impartiality, but he never replaced them with officials suggested by any party. He may also have recommended to the President for issuance of some Ordinances, but mostly after consultation with the Election Commission with a view to facilitating the latter's work. However, nothing would prevent the elected government to repeal such ordinances

promptly. Furthermore, there exists no motive for a retired Chief Justice to deviate from the set standard of justice and fairness in dealing with different political parties. Neither he nor any other Chief Advisor has since taken up any job under the government of the victorious party. For that matter, no Advisor has got a job subsequently which may bear semblance to acts of gratitude to their alleged mentors. It is, no doubt, most unfortunate to politicise the highest organ of the judiciary of the country which should not only be fair and just in delivering its judgment and advice, but carries the solemn duty as guardian and defender of the constitution of the land. Casting aspersions on judges would demean this noble body, which again has been infested with the entry of some controversial figures, both on political and ethical grounds. Appointment of judges on political consideration and in large numbers must be shunned in order to maintain the respect, neutrality and effectiveness of the highest rung of our judiciary. As for the replacement or modification of the caretaker system, there could be a few alternatives. Firstly, one may revert back to the old system under which the outgoing government would conduct election. This was precisely the system to change which the Awami League had led the countrywide movement for introduction of the

original. After all efforts through inter-party talks failed since 1992, the Commonwealth facilitator Sir Ninian Stevens came to Bangladesh in 1994. But all his month-long hard work to effect a compromise between the two major political parties came to naught. Earlier, along with a friend of mine from the opposition camp we came out with a formula for solution, on the Kurmitola Golf Course, only to be rebuffed later by our respective leaders. Both the Ninian Mission and the golf diplomacy suggested various formulas and lists of personalities to the two parties, but to no avail. It was in stark contrast to the success of the ping-pong diplomacy.

Also much later, during Shaikh Hasina's tenure as Prime Minister an attempt was made to secure acceptance of a compromise formula on some fundamental issues by President Justice Shahabuddin Ahmed, and it was to take the same to the then Leader of the Opposition. But the Prime Minister thereafter publicly advised the President not to meddle in politics. Unfortunately, when our leaders turn their face away from each other even while being seated on the same sofa, chances of any compromise through consultation between their parties are almost destined to be an exercise in futility. The third possibility may be that the Chief Advisor may appoint an equal number of advisors suggested by the two major political

powerful, creative, joyous and free. Whether we have got these supermen can be always debated. But we have definitely got men who are bifurcated in their moral foundation. These men are torn between their two minds, weighing options before taking a call. These are calculating people, who must find their best interests in a desperate bid to affirm life, irrespective of their moral context.

The most disappointing phenomenon of modern men is that morality has no meaning for them. It echoes the words of Victor Cousin, the French philosopher of the 19th century. We must have religion for religion's sake, morality for morality's sake and art for art's sake, he said. Then he added that the beautiful could not be the way to what is useful, or to what is good, or to what is holy. It leads only to itself.

Morality leads only to morality, the cause leading to further cause without producing any desirable effect. It is just another merchandise in a commercial venture to maximize private return on social investment. A man keeps the receiver off the cradle to give the impression that his phone is busy, because people are calling to congratulate him. There are those who go even further, encouraging admirers to publicize that congratulation through newspaper advertisements or posters on the wall.

Two moralities again, but modern men are not torn between them. The new morality that morality can be extrapolated, because private devotion is more important than social consideration. The modern men have no moral anxiety, because they do not know what it means.

Mohammed Badru Ahsan is a banker.

Two moralities



WHAT should I do?" a young French student once asked Jean Paul Sartre. His father wanted to collaborate with the Nazis, but he wanted to avenge the death of his brother, who was killed by the Germans. Sartre told the student that he was free to choose, because there was no general ethic, which could tell what is the right thing to do.

Sartre later pointed out that the student was torn between two fundamentally different kinds of morality, the morality of personal devotion and the morality of defending the whole society. Does it sound familiar to the rest of us? It should, because we also get torn between two moralities as we take decisions in life.

Here the conflict is not necessarily between good and bad, or right and wrong. Here you may have to choose between two rights and two goods, where the moral line takes an elusive turn. You are free to steal from others if your only other choice is to starve. Perhaps each side is right or both sides are wrong. Morality is a para-

doxy can be a fancy term, just like looking for 5-star facilities in a deadly forest. For man, the greatest morality is staying alive because that is the wellspring of all moral judgments. Morality is like the shadow of a man. It does not exist if the man is gone.

Think of war, when two sides fight on separate moral grounds. The Iraqi insurgents fight the Americans to liberate their country. The Americans fight them to defeat terrorism. Who is right and who is wrong? Perhaps each side is right or both sides are wrong. Morality is a para-

doxy. If you take it between more people, then you see conflict of interest. This is where it all begins. Interest is the power to excite one's attention or curiosity. Morality is a way to justify that interest. You must feel right about what you rightly feel.

Hence, the oppressor oppresses and the oppressed fights back.

Hence, the preacher preaches and the sinner sins, the guilty feels innocent and the innocent is smitten by his conscience. Hence, the world is full of so much conflict, confrontation, war and chaos. Hence, everybody tries to speak, nobody wants to

CROSS TALK

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dox when compared to truth. How it looks has to do with where it stands. So right or wrong depends on where you stand. The thief is right to steal when he sees it from his side, although others may not agree with him. The buyer is right to quote his price as much as the seller is free to do the same. It is evident that the killer and the victim have their separate ways. It is a kind of strange. Everyone is a moral position, yet so many things can go wrong!

Quite a mystery, you must say. All things must evolve in contradiction, when two opposites confront each other. If you take a single person, he is torn between personal and social

listen, those who think they are right and others are wrong. Politics proliferates, mistakes repeat, evil dominates, and vices win. Hence, we acquiesce to certain anomalies. We accept greed and we accept lust. We accept that the winner takes it all. We accept that nothing is perfect. To err is human, but to forgive is divine.

Hypocrisy is the mean of two moralities, when people get electric and bland half of one with half of another. It is like the road divider, where the pedestrian perches himself when he crosses a busy road. Hypocrisy is nothing but a less acceptable morality in the disguise of a more acceptable one. It is a mask

defend the society, and hide their real face behind improvised looks. They act like champions of society, but privately cash in on their achievements. They win awards in the name of others, but put the award money in their private accounts.

Only ordinary folks always stick to their face. They believe in private devotion and there is no pretension within that devotion. But they have their two moralities nonetheless, the morality to accept what they get and the morality to get what they want. They submit either to fate or fancy, while most of them wobble in the balance between both.

But then Nietzsche also offered a solution. He suggested that the greatest need of civilization was to develop new type of individuals, supermen who will be hard, strong and courageous, and who will be intellectually and morally independent. The only morality of these supermen will be to affirm life: to be

for God. The madman then announced to the jeering crowd that God is dead. By the death of God Nietzsche meant the death of our belief in God. He claimed that the crisis of the modern world is that, in the loss of our belief in God, we have lost the foundation of our truth and value.

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Containing corruption for development

MONZUR HOSSAIN

LAST month (9 December 2004), the international anti-corruption day was observed worldwide with lots of enthusiasm and commitments. Much earlier the UN general assembly approved an anti-corruption convention on October 31, 2003 in a bid to make world's economic system fair and reduce corruption.

There are various visible and invisible forms of corruption such as bribery, forgery, nepotism, ransom taking and rent seeking, tax evasion through collaboration with tax collectors, grafts in government and private purchases, wrong auditing, false bidding etc. These types of corruption are not only depriving the people of their own rights and justice, also the country as a whole is suffering from low-profile image. The widespread corruption indicates our moral weakness.

Development is hampered to a great extent due to widespread

corruption. Due to this corruption, majority of our people who are living in abject poverty, and in rural areas, are deprived of their basic needs. Nobel Laureate Amartya Sen used the term 'deprivation' as lack of access to entitled capabilities, which he described as, "...what he can or cannot do, he can or cannot be". A genuine capability to function -- to choose and to react -- is necessary for quality of human life and hence for absence of deprivation.

Although Sen's entitled capabilities include nourishment, shelter, community life, freedom to travel and associate etc. that are clearly the legacy of basic needs, 'corruption' is a factor that can affect all these to a certain extent from both the quality and quantity points of view. Therefore, corruption can be an influencing factor to deprive people of their basic needs.

Due to widespread corruption, the commission needs to be equipped with modern facilities with young, talented, dynamic, energetic and overall honest staff. Although honesty is a relative term, there might be some indicators by which minimum honesty of a person can be judged. Some of our expectations on the commission are as follows:

Quick disposal: Quick disposal of 'corruption cases' is very important for containing corruption. For this enacting some situation-demanding law is necessary. Some special anti-corruption tribunals can be formed for disposing of the cases. We hope that the ACC will take proper initiatives to convince the commission to revise the relevant laws and other rules.

Data base: The ACC should have a national database on the claims/allegations of corruption and it should be updated daily basis

on the present status of the claims. An IT section can be opened in the ACC by appointing young IT professionals with attractive remuneration packages. This section should be the most restrictive section of the ACC where only the commissioners may have direct access.