

The litigation game

Is it to root out corruption or subdue opponents?

WE are all too conversant with the proclivity of party in power to involve its political opponents in litigation on corruption charges. The process commences, soon after a newly elected government has taken over the reins of power, sometimes with the issuing of what is euphemistically called a 'white paper' containing 'black deeds' of the past government, preceded by a period of witch hunting aided by various agencies. Interestingly, all such cases against the government ministers or stalwarts when they were in the opposition are inevitably quashed or are held up for a variety of reasons subsequently.

We ask whether these cases are really motivated by the desire to root out corruption from public domain starting with the politicians or it is merely a ploy to wreak vendetta and reprisal on the political opponents? We are constrained to make the query, given the outcome of most of these cases we have seen all these years, that are either quashed by the court for lack of evidence or are set aside particularly in respect of those that were against the ruling party members, by the party in power. Regrettably, we are yet to see a juridical conclusion of or any conviction in, any of the cases.

The government's recent decision to revive cases of corruption against the Awami League, on the eve of the next general election, with the proviso that conviction resulting in more than two years' imprisonment would consequently disqualify him/her from election has raised public eyebrows. It has also called to question the motivation behind the decision.

While no one can contest the idea of rooting out corruption, the political motivations must be shunned and seeking political mileage in the name of fighting corruption must be eschewed. A holier-than-thou attitude towards the issue by the party in power tends to encourage rather than deter corruption from within. What is even more disconcerting is the fact that this approach, dubious because of the intention behind it, dilutes the focus on corruption, results in political instability and saps public trust in the political leadership.

Corruption must be curbed at all costs and by all manner and means, and dishonest individuals must be called to account, whatever be the rank or political status, but such action must not be bereft of objectivity and transparency.

Environmental crime

Organised polluters most culpable

THE worst environment-related omissions and commissions are taking place, surprisingly, not among ignoramuses but in perfectly knowledgeable circles. These are the handiwork of leaders in organised sectors whose ranks are growing thanks to the sidelining of environmental concerns before commercial considerations.

The latest to figure on the list of major polluters are some 75 industries in Savar disgorging untreated waste into nearby water-bodies, and the omniscient brick-kilns -- 4000 in and around the capital -- which are belching sulfur for the people to breathe instead of required amounts of oxygen.

The offending industries are located in the Savar Export Processing Zone, ironically, the most high-profile industrial area. They were mandated by the licensing authority to be treating the effluents as a public health precaution before releasing these into Bongshi river and the adjoining Dholai beel and canal. The worst part of the tale is that such industries do have waste treatment plants but they are not using them to save money, or let's say, make extra money at the expense of public health involving well-being of some two lakh people.

Whose responsibility it is to enforce the relevant environmental laws -- the ministry of industries, the department of environment or the EPZ authority? We would like to know. Can the EPZ authority absolve itself of the responsibility for not holding the industries accountable by merely pointing at the prospect of a central effluent treatment plant scheduled to be set up with World Bank assistance in a year's time?

Simultaneously, we voice our concern over the lethal air pollution issuing from a few thousand brick kilns in the suburbs of Dhaka. The raising of their chimneys has hardly helped matters, given the dangerous fuel mix the kilns use. The basic question is: why the kilns have been allowed to operate within one kilometre of human habitation when the relevant Act specifically debars establishing them within three kilometres of the habitat?

The air pollution has had such a telling effect on life that not merely diseases have been spawned, even the livelihood pattern is changing. When will the government wake up?

MOHAMMAD MOZAHIDUR RAHAMAN

ALARMINGLY, there are two diverging views emanating from the contemporary order both at the local and at the global stage. At one extreme are the so called rational thinkers who believe that Islamic fundamentalism is the root of all problems and backwardness in the Muslim world and it is democratic secularism that has the cure for all the traumas.

On the other extreme, there are the so-called Islamic fundamentalists who think that the root of all problems in the Muslim world is the lack of Islam itself and it is an Islamic state that is the panacea for all the troubles.

In essence, the centrepiece of the divergence of the worldviews is Islam and Progress. Both views converge on one single point, that is we need progress in the Muslim

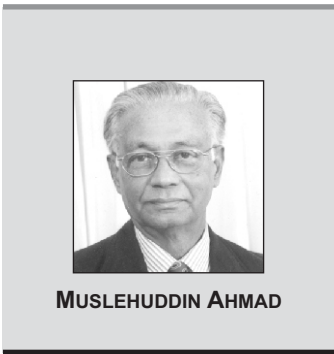
world. But how to deliver that progress: Is it an Islamic state or is it democratic secularism that is the vital ingredient.

I do not intend to argue who is right and who is wrong. Rather, I believe that a deconstruction of the core of this divergent view is necessary to foster a constructive debate towards a better understanding.

Progress, to the rational thinkers, has two dimensions, i.e. (i) material or economic prosperity, and (ii) human liberty. When God becomes the source of all power, the democratic institution, based on human freedom, simply cannot thrive. And the market mechanism, by construction, needs freedom of enterprise to deliver the maximum benefit to society. And hence, the choice of becoming an extremist and the choice of becoming a free entrepreneur are in stark contrast with each other.

Most importantly, the new millen-

Towards a contiguous and viable Palestinian state



PRIME Minister Tony Blair of the UK deserves congratulations for holding another conference on the issue of establishing a Palestinian State that can live side by side with Israel in peace. The conference took place on February 1, where the Secretary General of the UN Kofi Annan, Secretary of State of the US Condoleezza Rice and the representatives of several EU and quartet countries including France and Germany and also representatives of the Arab world were present and made effective contributions to the deliberations. Israel was not a participant. Some reports say Israel was not invited as it was not intended to be a negotiating forum. As it seems, the entire exercise was undertaken to work out measures that could strengthen the institutional base of the Palestinian Authority (PA).

Tony Blair's "preemptive" strike at the long stalemated Palestinian-Israeli conflict issue may be seen in the following light:

(a) To improve his damaged image within his Labour Party as well as that with the British people.

(b) At long last he openly accepted that the main source of terrorism in the world is the long-standing Palestinian-Israeli conflict. He, however, did not specifically say that this was due to Israeli occupation of Arab land and its state terrorism against the occupied people to keep them under control. Israel and its friends say all terrorist infrastructures need to be dismantled. This is in the hand of Israel. If Israel ends

occupation and withdraws its deadly forces to its border of 1967, the "terrorism" will end forthwith. Anyway, Israel has to clearly realise that any form of occupation or attempt to subjugate people will lead to revolt and consequent offensive to end occupation or subjugation, which Bush, Blair, Howard and company see as terrorism.

(c) Prime Minister Blair appears to have persuaded President Bush to understand that action in Palestinian-Israeli front is a must to recover from Iraq disaster. Bush's own visit to Europe following Condoleezza

Gaza and hopefully the rest of the West Bank and run the Palestinian state democratically and with reasonable accountability. London conference said that the path to peace required direct talk leading to "a safe and secure Israel and a sovereign, independent, viable, democratic and territorially contiguous Palestine, living side by side in peace and security." The other purpose was to bring support of the international community as a whole, apart from the Quartet, for a Palestinian state. Indeed, Blair did it wittingly as too much of his support to Bush brought him to the brink of

ous territory; it was all scattered -- areas punctured by Israeli settlements and their connecting roads. Indeed, Arafat could not have accepted a truncated Palestinian state. Even if he did so for the sake of having a state, this would not have been acceptable to the Palestinians. Probably Arafat could have maintained good relations with the US and others but would have been a failed leader with the Palestinians. In fact, this would have led to more violence. Therefore, he decided to remain a failed leader to Israel and the US but faithful to his people.

The other important achievement

personnel. So this could again be seen as a compromise by Mahmud Abbas. But these concessions are indeed eroding his position with the Palestinian opposition including Hamas.

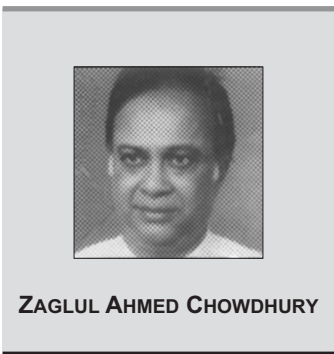
This conference gave the opportunity to Abbas to have more fruitful communications with the EU which has been giving support to PA. He met the President of EU Manuel Barroso, Foreign policy Chief Javier Solana and other important leaders of EU. EU is the biggest donor to the PA. So it was important for President Abbas to maintain

Syria's turn and may be Iran thereafter. It's Sharon's long-term plan. But the west including the US should understand that Bashar al-Assad is not a person to indulge in such criminal activities. The US also joined Israel in blaming Syria for the murder. President Bush openly asked for complete withdrawal of Syrian troops from Lebanon and insisted that it must not be a "half-hearted" one. France and some other countries including important Arab countries supported Syrian withdrawal. What a double standard in international politics! Israel has been having its occupation forces in Palestinian territories since 1967 and the US occupation forces in Korean Peninsula and Japan for many years and in Iraq for over one and half years.

Any way, as there is a serious demand for withdrawal, Syria should withdraw. Indeed, all occupation forces in Middle East and elsewhere must withdraw from respective occupied territories. Syrian President Bashar al-Assad, however, said in the Parliament on March 5 that he would do so if there is a "consensus" on withdrawal. He knows that there could be no consensus as there is a group in Lebanon that wants Syria to remain in Lebanon. It's a ethnicity-infected territory compounded by the presence of Hezbollah and a large number of Palestinian refugees. Fresh attack from Israel on Lebanon on the plea of controlling Hezbollah cannot be ruled out. But Syrian President said he would withdraw Syrian forces to the Bekka Valley near to Syrian border. May be thereafter to Syrian border. This will obviously not satisfy Lebanese opposition. Thus the problem in Lebanon would continue and indeed multiply in the coming days with uncertain consequences.

Muslehuddin Ahmad is a former Secretary, Ambassador and Founder VC of NSU and Presidency University. He is also the Chairman of Civic Watch- Bangladesh and Convener of Movement for Corruption-free Society.

Indian political scene : Government and opposition on collision course



THE otherwise not much excited political scene in India suddenly seems heated up with activities bringing the United Progressive Alliance (UPA) government on a collision course with the opposition National Democratic Alliance (NDA). Since the ruling alliance took over in May last year, following the national elections, this is the first major development that engaged two sides in a bitter brawl with the opposition accusing the government of "murdering democracy" in India with its whimsical decisions that ran contrary to democratic norms. The ruling alliance led by Sonia Gandhi's Congress denies the charge of having taken any step that subverts democracy, but two sides seem inexorably moving towards a confrontation. Both houses of parliament -- the Lok Sabha and the Rajyasabha -- were adjourned several times with the vociferous opposition causing pandemonium over the government's "undemocratic steps". The opposition is now seeking to launch a countrywide anti-government agitation. The government-opposition relations have taken an

unprecedented low turn since the change of rulers in New Delhi.

At the heart of the crisis is the just concluded assembly elections and the formation of the government following the results. Three states that went to polls were Haryana, Bihar and Jharkhand, but the political tensions are brewing mainly on Jharkhand since the UPA government that has been formed there is being accused by the opposition as "undemocratic" because it alleges it is the NDA and not the UPA that emerged winner. The post-polls

which side won more or less seats. As the pendulum swung from this side to that, the governor Syed Sibt-e-Razi finally invited UPA and Shibu Sharan, leader of the Jharkhand Mukti Morcha (JMM), a constituent of the UPA, was made the chief minister. This angered the NDA not only at the state level but to the extent that its central leaders including former prime minister A.B. Vajpayee, leader of the opposition in Lok Sabha Lal Krishna Advani and former defence minister George Fernandes met president

constitution and was convinced that the UPA can provide a stable government. The Shibu Sharan government has been asked to prove its majority in the house by March 21. Sonia Gandhi's son Rahul Gandhi, in his maiden term as a lawmaker, has criticised the frequent adjournment of the houses by the opposition, saying "temple of democracy" should not be desecrated in the name of protests. He also mentioned how much money is being spent for the parliament and this will not be worth if the houses cannot

central minister Laloo Prasad Yadav, the key figure in the state politics, and Lokshakti of another central senior minister Ram Vilas Paswan fought against each other while the NDA was very much in the field. In Bihar RJD of Laloo was the single largest party followed by the BJP but all were well short of absolute majority. Paswan's party did not have too many seats but is in a position to play vital role in formation of the new government. Congress won only ten seats in the 243-member house not unexpectedly

government there but felt that the governor would give preference to UPA. The formation of a government in Bihar was proving difficult.

But it is Jharkhand that is staging the government-opposition confrontation. The opposition is sparing no effort to keep the pot boiling, charging that democracy has been "killed" in the world's largest democracy. Not surprisingly, the government shrugs off the accusation and says the opposition is seeking to make an issue out of "non-issue". Arguably, no side would probably budge from its known position but the situation is raising a lot of dust in the political arena of India. The UPA government headed by prime minister Manmohan Singh is facing the political heat on the Jharkhand issue, but is unlikely to bend although it is a minority relying on the outside support of the leftists, who appear to be siding with the government on this controversy. The non-partisan president of the country has summoned the Jharkhand governor but he is not expected to take any hard line even if he is convinced about any wrong doing in asking the UPA for formation of the state government. The opposition is likely to make every use of this opportunity to embarrass or trouble the ruling alliance even though less possibility exists about the chances of the crisis snowballing into a development leading to the collapse of the government. However, it is also unlikely that the problem would die easily as many Indians seem not convinced that things went fine in formation of new government in Jharkhand.

Zaglul Ahmed Chowdhury is a senior journalist.

MATTERS AROUND US

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situation in Jharkhand is certainly murky as no side won an absolute majority in the 81-member assembly with the BJP-led NDA bagging 36 seats followed by Congress-led UPA securing 28 seats. Support of a minimum of 41 members is needed for forming a government which no side has and hence the "horse trading" luring independent members and engineering defections from rival alliance.

NDA claimed it should be given the first chance to form the government as it won more seats, a contention contested by the UPA which said the side that had minimum support required for a government be given the chance regardless of

A.P.J. Abdul Kalam to lodge the protest against formation of the UPA government, which they alleged did not have majority. They accused the governor, who is a seasoned Congress leader from Uttar Pradesh, of being partisan and acting at the dictates of the UPA leaders from New Delhi.

Proceedings in both houses of parliament were disrupted following adjournment and other programmes were initiated against the government in New Delhi as well as the new one in Jharkhand. Law minister Ghulam Nabi Azad denied that democracy was trampled by the decision of the state governor, who said he did not act against the

function. The opposition reacted by saying that the "murderer of democracy" is shedding crocodile tears and charged that the UPA government did the same thing about government formation in Goa.

In Haryana Congress had a clear sweep by dislodging the Lokdal government of Om Prakash Chautala while the scene in Bihar is not clear as no sides won majority. The electoral scenario in Bihar, one of the most important and populous states in India, was interesting. Rather paradoxically, major partners of the UPA at the federal government fought against each other in state polls here. The Congress, Rastriya Janata Dal (RJD) of senior

since the party is a weak force in Bihar for sometime but it is otherwise important. The situation in Bihar was unclear till writing this as Laloo was trying to form a government with support from Congress and others. But Paswan was unwilling to support either RJD or the "communal" BJP. Congress sided with Laloo but not Paswan. Their differences created chances of rupture within the UPA at the centre unless steps were taken to heal the wounds.

The state assembly elections have not been a happy experience for the ruling UPA as far as Bihar is concerned. The NDA was also exploring chances of forming a

OPINION

Does Islam stifle progress?

MOHAMMAD MOZAHIDUR RAHAMAN

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nium has dawned on the triumph of human freedom and globalization, using market economy as a vehicle, is connecting the world through global value chains. At the same time, the rise of extremism, a dead enemy of free enterprise, is a looming threat waiting to be materialized. Rational thinkers believe that unless we disentangle the political economy behind the choice of extremist and design appropriate policy mechanism to increase the economic opportunity cost of the greed as well as the need of the extremist, the local as well as the global architecture will eventually be shattered.

Progress, to the so-called Islamic fundamentalist, is uni-dimensional and it is the success in the life after death and the world is a mere harvesting ground for the believers. Democracy based on absolute human freedom undermines the supremacy of God and secularism, which essentially implies "here and

now," is an impediment to their version of progress. They perceive themselves and their faith as a victim of the force of democratic secularism and take on their shoulder the sole responsibility of emancipating the society from the grasp of current establishment by creating havoc on it.

Between the two extreme worldviews, common people in Bangladesh and around the world are being sandwiched and a very misunderstood notion of Islam has emerged. Some of today's young generation Muslims do not identify themselves as just Muslims, rather they call themselves progressive Muslims to disassociate themselves from the extreme elements of Islam. The biggest sacrifice of the war between the fundamentalists and the rationalists is Islam itself. And both are equally blamed for the torment on this age old but modern system of faith. Perhaps, a great

deal of harm has been done to Islam by the ignorant mullahs than the fame-seeking rationalists who take every chance to take a jab at Islam without much of an understanding of this faith.

Islam, as a system of faith, defines every aspect of human life i.e. economic, social, and political, and the governing principles of Islamic *Shari'ah* emanate from the Islamic worldview. The fundamental difference between Islamic system and the conventional one lies in the sources of guidelines. In the conventional system, application of reason provides the basis of rules and regulations, whereas in Islamic system divine sources of laws (*Quran* and *Sunnah*) along with the application of reason (*Ijtihad*) provide the basis for rules and regulations and of course, the former gets the priority over the latter due to human limitation of knowledge and pure reason.

Moreover, Muslims need no proof for accepting divine guidance. No human mind can fathom a divine order; therefore it is a matter of faith (*Iman*).

Islam, by its very nature of being all-encompassing, is also political. Islam without politics is an empty shell without much of its essence. In fact, historically Islam flourished the most under the banner of an Islamic State in Medina during the time of the Prophet Muhammad (pbuh). Human being, according to Islam, is the representative of God on earth, His vice-regent; that is to say, by virtue of the powers delegated to him by God, and within the limits prescribed, he is required to exercise divine authority.

Every individual in an Islamic society enjoys the rights and powers of the caliphate of God and in this respect all individuals are equal. No one may deprive anyone else of his rights and powers. The agency for

running the affairs of the state will be formed by agreement with these individuals, and the authority of the state will only be an extension of the powers of the individuals delegated to it. Their opinion will be decisive in the formation of the government, which will be run with their advice and in accordance with their wishes.

Hence, Islam and democratic secularism seem to be a logical impossibility. However, Islam and democracy under the banner that God is the source of all power goes hand in hand perfectly. Neither the mullahs nor the rational thinkers should take on their shoulder the burden to emancipate the society but it is the individuals who decide through a democratic process what kind of government, legal system and society they want.

In Islam, the shape of the society emerges from the choices people make at the very individual level. If

we want to recognize ourselves as a Moderate Muslim country then who are those mullahs to impose their version of society on us. If people give the mandate to a political party with the worldview of an Islamic State then who are those rational thinkers to tell them that they are wrong.

Progress is the power to identify ourselves with the choices we make and being recognized by others that our views and choices are being treated with respect and dignity. In that sense, progress is not a new invention to the world. It is at the very heart of Islam and it is for us to discover it and make it happen.

Mohammad Mozahidur Rahaman is a PhD Candidate in Financial Economics at the University of Toronto and Selwyn Scholar, recognized by Selwyn College, Cambridge.