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Post-quota crunch

Early warning signal to RMG business

E needn't panic, but the alarm clock is ringing loud and clear for us to wake up to the harsh realities of post-quota RMG export world. The initial buffeting has been experienced through the export loss in woven items to China in the US market in January, 2005 marking the first month since the withdrawal of MFA quotas. Whereas China's garments export soared by 546 per cent to the USA in that single month, Bangladesh's export of woven apparels has dropped by 28.13 per cent from the previous level.

The Chinese boom has been the outcome of price undercutting by a maximum of 48 per cent. Moreover, China has out-speeded us by miles in shipping the merchandise to the US market. After the quota phase-out, China in January alone, delivered such a quantum of apparels in the USA that we couldn't match in the last three years put together, to borrow the words of Anisul Huq, president of BGMEA.

This, we think, is the heart of the problem. Our garments exporters are chronically short of lead time. Largely importdependent as the manufacturing processes are, due to extremely limited local value addition, it's port efficiency that holds the key to invigorating the production lines. And, when it comes to export, even a greater premium is put on the role of sea port in particular.

A whole range of transportation, customs, cargohandling, clearing and forwarding, and transshipment formalities need to be completed expeditiously so as to cater for the business orders in due time. Competitiveness is not all about pricing, nor even quality, although these are vital elements of the same; it has also to do, and very critically at that, with speedy delivery at the destinations.

Improvements in banking, insurance, fiscal and port services are achievable goals, but these have to be orchestrated for a maximum effect; and that's where the challenge

Our loss of market to powerful competitors can be stemmed by some strategic moves taken sooner than later. The post-MFA challenge had theoretically loomed over us for a long time, and the air, too, was rife with suggestions of what needed to be done; yet here we are now caught unprepared to meet the challenge. We should move for WTO safeguards for our export vis-a-vis China's overwhelming dent in the market. This is something we need to associate the US with, but mainly we should pursue with Washington to give us duty free access to its market.

Power sector game

Ban on evening consumption in markets is not the answer

HE government decision to impose ban on evening consumption of power in the shopping malls is seemingly aimed at reducing load-shedding during the SSC exams which have already begun, and the HSC exams that are forthcoming.

However, by alluding to pressing circumstances and dire needs, the decision makers can hardly absolve themselves of the blame they ought to take for keeping the energy sector in a dire state. By taking an ad-hoc measure, which is rather punishing in nature, they have actually sidetracked the principal question of mending the fault lines of the power sector and developing it to meet the ever growing demand. The evening ban on power use could be a big blow to trade and business. It could have been justified if all other possibilities of improving the supply situation were tried out and exhausted. But that is not really the situation.

There are many areas where improvement is called for. To begin with, illegal connections still account for draining of a substantial amount of electricity. If these were eliminated, there would have been megawatts of electricity saved for supply to the consumers. All aspects of the debilitating systems loss like pilferage, technical leaks and wastage etc have to be addressed.

Then, addition to the power generation system has been more a matter of projection than reality. Even the projects in the pipeline are taking an unusually long time to be on the ground, thanks to the bureaucratic procrastination and alleged corruption at different levels. These are precisely the issues that the government should try to resolve in order to streamline the power generation and distribution sys-

The shortage of power supply is nothing new. According to the projection made about five years ago, the country was going to face acute power shortage unless new generation plants were built. But the present situation does indicate that the decision makers could not solve the problem despite knowing very well what was coming up. They should concentrate on ensuring regular and uninterrupted supply of electricity, instead of resorting to measures of tokenism.

Time to rethink contempt?



ZAFAR SOBHAN

think that the time has come for us to give serious consideration to rethinking the concept of contempt of court as it understood here in Bangladesh, as has happened in so many other jurisdictions around the world

The contempt law as it exists in Bangladesh is something of an anachronism that is inconsistent with the functioning of a modern democracy.

Contempt is governed by the Contempt of Courts Act, 1926, and the line of cases that it has engen-

The act was promulgated by the British colonial government in 1926 -- as were many of the laws that regrettably remain on the books in Bangladesh -- to serve the purposes of an unelected authoritarian administration.

It makes sense that a foreign authority ruling over a restive native population would wish to severely restrict dissent -- but this abridgement of free speech has no place in a democracy in which freedom of expression and the press is enshrined as a constitu-

To be sure, Article 39 of the Bangladesh Constitution makes it quite clear that freedom of expression and the press is subject. among other things, to reasonable restrictions imposed by law in relation to contempt of court.

Nor would anyone argue with the

fact that freedom of expression and the press must be subject to reasonable contempt laws.

I agree that contempt power is indispensable to the smooth functioning of the judiciary. It is the power by which the court can enforce the effective administration of justice.

The court must have recourse or means by which it can ensure compliance with its rulings and demand obedience to its orders. Without the power of contempt, the courts are powerless to ensure the

is simply inconsistent with the imperatives of liberal democracy.

Such a doctrine presupposes that the courts are either infallible, or if not infallible, must be seen to

An authoritarian administration that arrogates to itself the power to rule indefinitely regardless of performance has a readily apparent stake in ensuring that its courts retain the imprimatur and appearance of infallibility.

In contrast, however, a liberal democracy that depends upon

simple criticism of a case as long as it is offered in a fair and reasonable manner should be beyond ques-

That is the first reform to the law of contempt that I would suggest. The second reform would be to permit a defense of truth in cases of

contempt The way the law stands now, it does not matter whether what is said or written about a judge or the judiciary is true. If it is construed as bringing the judge or the institution of the judiciary into disrepute, it is its faith in the institutions of government and that gratuitous insult or aspersion not be cast against the

But in circumstances where the judiciary is far from infallible, surely

it does more harm than good to

The cornerstone of good governance is accountability and transparency, and excessive deference to the judiciary is inconsistent with these this understanding.

maintain such a charade.

In Bangladesh today we need to give serious consideration to

For its part, the press itself has a duty to report on legal matters responsibly and ensure that they do not write stories that bring the dignity of the judiciary into disrepute or call into question the integrity of the court without due care and caution.

The press must educate itself about legal matters so that its coverage of the court is informed and even-handed and avoids sensationalism and scandal. The right to fairly criticise the court does not give the press the right to demean the court or to make unfair or unjustifiable allegations and accusations. Respect is a two-way

In fairness to the judiciary in Bangladesh, it has, in general, not misused its contempt powers, and has ruled with moderation and temperance when it comes to cases of contempt before it.

Rules and applications have typically been disposed of with acceptance of unqualified apology or been set aside on appeal. resetting the scales when it comes In a significant number of cases the courts have shown lenience and generosity to the respondents and disposed of the cases

> Nevertheless, the fact that the judiciary has exercised considerable prudence and circumspection in its application of contempt of court does little to limit the chilling effect of the doctrine of contempt as it exists under Bangladeshi law

> The simple truth is that the media is itself unduly circumspect and often chooses to censor itself rather than run the risk of a contempt order. In the long run this kind of excessive circumspection benefits no one.

The right to freely be critical of a judge or the judiciary -- if warranted - is a right whose time has come in Bangladesh.

Zafar Sobhan is Assistant Editor of The Daily Star.

STRAIGHT TALK

The fact that the judiciary has exercised considerable prudence and circumspection in its application of contempt of court does little to limit the chilling effect of the doctrine of contempt as it exists under Bangladeshi law. The simple truth is that the media is itself unduly circumspect and often chooses to censor itself rather than run the risk of a contempt order. In the long run this kind of excessive circumspection benefits no one.

administration of justice.

The court needs means to ensure that subpoenas are honoured, that witnesses testify, that court orders are complied with, etc. In all these cases the contempt power of the court is indispensable.

Contempt of court can be defined, according to this understanding, as one, doing something that interferes with the court's administration of justice, or two, of not obeying or respecting the authority of the court.

But it is the third element of contempt as it is understood in Bangladesh -- what is knows as "scandalising the court" -- criticism of a judge, his judgement, or the institution of the judiciary -- that believe needs to be rethought.

I can readily comprehend why an authoritarian administration would wish to ensure that the workings of the judiciary remain above criticism, but such a doctrine

robust debate and where administrations can and do fall due to their non-performance or malfeasance has no need to retain such an appearance.

facade runs counter to the very notion of liberal democracy where administrations must rise and fall on their merits Courts are fallible and judges

Indeed, maintaining such a

are human. They can make mistakes. Why, therefore, should they be shielded from critical scrutiny? In many countries the law holds that fair criticism of a judicial deci-

sion that does not cast aspersions on the judge in question cannot be construed as contempt. Such a theory has not been tested in Bangladeshi courts, but until and unless such fair criticism

is found to be not contempt, the media will continue to avoid comment on the merits of a judgement. It seems to me that permitting subject to a charge of contempt. Truth should always be a

defence. If someone falsely maligns a judge, the judge can always bring a simple defamation cause of action. But if the criticism is true, why should the person making it be punished?

The idea that a judge must remain above criticism and imputations of impropriety makes no sense unless judges are infallible

If a judge has issued a corrupt judgement or has otherwise acted in an improper manner, he or she should be held to account.

Neither the legislature nor the executive branch arrogate to themselves the power to remain above criticism. So why should the

I understand that denigration of the institution of the judiciary can have harmful consequences. It is important for the public to repose

to balancing the needs of a free media with those of the dignity of the judiciary. Right now the balance is tilted

quite heavily in favour of the judiciary, and it is my firm belief that such a tilt cannot possibly be in the long term interests, either of the judiciary, or of the country as a whole. The tilt serves only to shield the

udiciary from careful scrutiny, and in a polity where the make-up and performance of the judiciary is a crucial issue of national importance, it makes little sense for the matter to be off limits to debate.

Indeed, perhaps the best way to protect and safeguard the institution is to expose it to the slings and arrows of robust criticism and debate. Nothing is so injurious to an institution of government than blanket immunity from critical

and was ready to repeat his own

Why does it hurt when children

where do they go, coming to

mother's womb like travelers

checking into temporary lodge?

These selfish creatures feed their

tired bodies on her flesh and blood,

and drink the milk from her breast

until they are fully rested and ready

cycle of pleasure and pain. But he was not expected to die so young like a plant that dies after bearing fruit but for once. His two daughters are going to grow up without their father like seeds sprinkled in the wilderness. Who is going to look after them if their mother gets married again? May be she should ask her

husband to give up the house, and bring the children home instead. What is the comfort in the bricks and mortars, if one's own blood and flesh must trudge along the road? She saw them in her dream last night, looking like orphans they were running on the street in tattered clothes their faces looking pale and tired. She thought she ought to cry for a while, discharg-

> going to suffocate her. Out on the courtvard, a mother hen was parading her chicks like a drill sergeant proud of his troop. She watched them with glazed eves, the miracle of life that was unfolding in front of her as these chattering creatures motioned around each other. A happy family together now, but soon they will go under the farmer's knife one by

ing the vapor of grief that was

The farmer raises these chickens for the same reason death raises life. Life is nothing but a harvest of death. Her son is gone, now she must wait for her turn. Only regret is that fate broke the sequence and took him before her, because it makes a mother's life more painful than death.

A mother's monologue



MOHAMMAD BADRUL AHSAN

he mother said she was glad that her son was gone from this insensitive world. His body was still warm in the grave, his flesh still clinging to his bones, when the young man of thirty-four was already forgotten. While the space emptied by him was still ringing in the air, this cruel world, the mother wept, had no time to mourn his death.

The son left behind two little daughters and a wife of tender age, his house and his business, everything in the possession of his in-laws. Now everybody was busy sorting out what was there, but the man, whose blood and sweat put all of these together, was lost in that scavenger hunt. But how could a mother forget her son, the grief of that loss sticking to her heart like a fresh stain of blood!

That loss aches in her womb which conceived him, in the breasts which suckled him, and in the arms which rocked him. She regularly marked his forehead with collyrium when he was a child, to protect him from the evil eyes of the world. But she did not realize

that life itself had cast its evil eve on him and that there was no protection against a man whose destiny had already marked him for death. She does not sleep well at night; cough and sorrow wreck her chest like a raging storm while rest of the world wallows in deep slumber.

Her two granddaughters are now in the middle of a custody battle, their maternal grandfather hoping to keep them with him so that he could keep their father's house. Her daughter-in-law is too girded his grave as if guarding some fragile plant Her son has left behind a burden

mosque where bamboo fences

of debt because he had borrowed money for his treatment and his employees skimmed the cash in his absence. His father is worried to death, looking for ways to repay the debt, the old man spending his days going in circles in the courtvard like an animal tethered to the stake. Her son's father-in-law wants that she and her husband should write their share of the

from another life. A mother's grief is like a ruffled sea, the trickling tears rolling down her cheeks showing only the tranquil surface which hides the agitation under it. She misses her granddaughters

soul of her luckless son hovers in

the air, and whispers to his mother

and wishes she could keep them to her, holding them in her bosom as if to keep warm in the heat radiated from an extinguished hearth. Her son will not come back to her, like fleeting time, which, once gone, never returns. But his daughters

to move again! Who are these children but the debris of ecstasy that a man shares with a woman which nature collects in a mother's womb? die, when the debris returns to

debris, the dust to dust? Life goes

CROSS TALK

The farmer raises these chickens for the same reason death raises life. Life is nothing but a harvest of death. Her son is gone, now she must wait for her turn. Only regret is that fate broke the sequence and took him before her, because it makes a mother's life more painful than death.

looking for a suitable boy to give her hands. The youth of a girl is the heaviest burden to weigh on a father's shoulder.

young, and her father is already

It is even a heavier burden on a mother's heart to live in the memory of her son who died so young. He was tall and handsome, his limbs as if cut out of blocks of rock. Who could tell that death was lurking in that body, like an enemy waiting to strike? When she sits in her bed listening to the yelps of foxes rending the darkness of night, when the drone of crickets fill the air, and the frogs croak on rainy nights, she thinks about his son laid in the field next to the village

house in the name of their two granddaughters so that he would be able to put it on rent for an income to raise them.

She wept that this cruel world

was more interested in the finances of his son than in the fact that he was gone. His wife is going to remarry and should a son be born in that wedlock, her two-anna share in the house could go to him. She never understood the complex calculation of inheritance. how the existence of a deceased person is reduced into fractions of numbers, split amongst his dearest ones like a dismantled puzzle. Every time the wind blows, it rustles in the leaves as if the desolate

will grow in the image of their father, his flesh quivering in their flesh, his blood running in their veins. Perhaps they will show some of his mannerisms, carry some of his features, the smirk, the dimple on the left cheek and the walk with jolts.

When the dogs bark in the lazy afternoon, which spread out under the scorching sun like a fallen drunk, when the fireflies glow at night like flying sparks, and when the cry of thirsty rails come from the far-off marshes early in the morning after they have their first drink of water, her heart wrenches in the agonies of everything lost. Where do children come from and

lust, men and women in their inebriated moments forgetting that pain is always the residue of pleasure. It hurts her every time she thinks of her son, how it was a pleasure to raise an object of pain for thirty-four years! It was painful to carry this son in her womb for nine months, give birth to him, raise him through sickness and want.

through the passions of love and

It was painful to watch when he struggled to make his grades at school and set up his business after much hard work. Again it was painful to realize that the clod of flesh, which came out of her body, had grown up to become a man

Mohammad Badrul Ahsan is a banker

OPINION

Too little but not too late

SAIFUL ALAM LYTTON

INALLY the government has swallowed the bitter pill by banning (only) Islamist outfits named Jagrata Muslim Janata, Bangladesh (JMJB) and Jama'atul Mujahideem Bangladesh (JMB). Considering the gravity of the situation by this small step the government has at least recognised the existence of Islamist militants, whose presence in the country has persistently been denied by the government for so long. Apparently the government took the steps under pressure from the donors and diplomatic quarters in the wake of an alarming rise in militant attacks across the country. That is why, it appears, this sudden change in government's position may be a calculated attempt to distance

itself from these forces for a

Government's inaction against the Islamist extremists for a long time has frustrated the whole nation. Not only the government showed its utter callousness in taking action to tackle the problem but also ridiculed sincere efforts of those who tried to attract its attention time and again in various ways. When newspapers started reporting on the activities of much talked about Bangla Bhai and JMJB in the northern region about a year ago ruling BNP and its alliance partners dismissed the reports blaming the media for creating such a 'fictitious' character. Even prime minister herself, while exchanging views with editors in August last year, said there was no existence of Bangla Bhai. Whereas everybody knows

about their activities as they marched through the streets of Rajshahi city in broad day light. Now that the government has

finally made its move one could hope that they would take giant steps not only to curb but entirely uproot extremism from society. But it is easier said than done Because the government's action to ban two extremist organisations is too little to bring about any meaningful change in arresting the frightening escalation in extremism and fanaticism. Violence and unrest in society created by so called religious extremists cannot be stopped only by banning two organisations. To do away with these, politics in the name of religion and political parties which harbour extremists should be banned.

Besides, there is an extensive network of criminal organisations

able to get to the root of the problem, which lies also within the ruling alliance itself, we cannot expect the situation to get any better. It is open secret that the ruling BNP's coalition associates Jamaat-e-Islami Bangladesh and Islami Oikya Jote (IOJ) are linked with militant groups. The activists of these parties on record chanted slogans in favour of making Bangladesh a Talebani state. Above all, each of the political

in the country and unless we are

parties, when in power, has gone soft on extremist forces to woo the hearts of traditionally religious voters. That weakness in electoral policy only helped the fanatic groups grow in strength very methodically throughout the state mechanism. The situation is destined to go out of control if the major political parties fail to take a common stand to fight in unison

years of negligence by successive governments contributed to the cause of extremists, so the issue should be resolved politically because religious extremism cannot be stopped by use of force Being in power the onus pri-

against religious militancy. As

marily lies with the BNP that has to decide now on fundamentalism and its association with Islamist coalition partners. Though the party appears, of late, to be very much concerned about the ominous rise of Islamist extremism, yet the BNP may drag its feet in confronting the Islamist militancy spiraling across the country out of fear of hurting the electoral balance in the next polls. Given the prevailing political equation in the country BNP badly needs the support of fundamentalist forces to win the next elections. Therelittle committed to face the issue effectively So, there is enough reason to

fore, it seems, that BNP will be

believe that the current crackdown on Islamist militants is probably an 'eyewash' to gain confidence of the international community, to whom Bangladesh's image has gone down significantly in recent times. Major donor countries and agencies have been raising the issue in every meeting with the government. Even recently concluded Washington meeting on Bangladesh jointly organised by the European Union, the World Bank and the US State department was held without representation of Bangladesh. As the government has been facing a serious image crisis abroad for the last several months over the Islamist militant issue so it has to wake up to the

militant threat at last. Which is why there are much

doubts whether the government would continue its on-going drive against Islamist militants or just use it to befool the people and the donors as had happened in the past. Because similar instructions were given after a bomb explosion in Dinajpur on February 13 and arrests of several Islamist militants made in Chapainawabganj in March 2003. The government then began a driver against militant groups which further intensified following the August 14, 2003 gunfight between police and JMB operatives in Joypurhat and the arrests of about two dozens of militants in its wake. But the drive was suddenly abandoned. Similarly, findings of the investigations into the 22 killings and innumerable incidents of tortures

last year did never see the light of the day. Islam does not support any act

on villagers by the JMJB cadres

of terrorism. Those who are involved in terrorist activities in the name of Islamic organisations are the enemies of the country and Islam. Those enemies of Islam should be brought to justice for exemplary punishment before it is too late. Given the sincerity of the government it would not be a difficult task. Because still the Islamist militant groups are localised in hardly one or two regions of the country. Vast majority of peace loving people have nothing to do with these forces. In this age of RAB, CHEETA and COBRA, to find out one or two Bangla Bhai and the likes does not seem to be impossible.

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