

Distressed foreign job seekers

A dire need for weeding out fake agents

POVERTY in Bangladesh has been exploited in many ways. One recent example, where unethical and conscienceless persons not only ripped off the gullible and the poor but also sent many of them to their deaths, came to public attention through two appalling incidents that cost the lives of 24 Bangladeshis in the space of a month.

In both the instances Bangladeshis seeking livelihood abroad were made the victims of diabolical designs of some unscrupulous among the manpower and travel agents both at home and abroad. Each of the unfortunate victims had to pay between six and eight lakh takas for the elusive employment overseas.

It is no secret that exploitation of the job seekers has become rather commonplace in the freewheeling and dealing environment of manpower business in Bangladesh. Many, finding no job opportunity in Bangladesh, fall victim to the lure and enticement of the eldorado and the corrupt machinations of manpower agents, only to be left high and dry, some literally on the high seas. Those lucky to survive the ordeal returned home but only as paupers.

In our eagerness to export manpower, the laxity in oversight of the agencies, in some cases deliberate due to the collusive arrangements of the relevant government organisation and the manpower recruiting agencies, becomes a recurrent feature. The wrong doings and the shortcuts that the recalcitrant recruiters resort to make it imperative that constant vigil is maintained by the government agencies on their activities.

We feel that the problem needs to be addressed in a comprehensive manner and there are at least three ways in which this can be done. First, exemplary punishment must be meted out to those found involved in this sort of manpower business which is tantamount to trafficking in persons. Second, there is need for stringent monitoring of all manpower related activities. Basically, there is need for building awareness at the village and ward levels about all aspects of foreign employment including the traps laid by the racketeers to induce the credulous out of their homes and cheat them out of their money.

The ministry for expatriate welfare may consider forming a special cell in this regard to spare Bangladeshis the fate that some of their compatriots have had to face recently.

Travesty of justice

Truth makes itself felt, but at what cost?

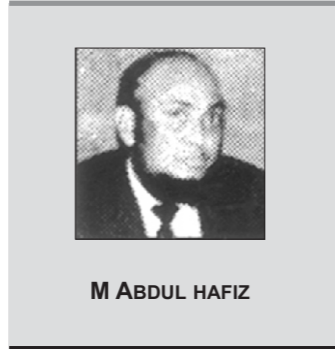
FRAMING innocents up or falsely implicating them in criminal cases with or without vendetta is nothing new in a country where blokes have routinely earned the epithet of being litigious in nature. In consequence, some of them might have suffered jail terms while others were just lucky to have gotten off the hook through lack of credible witness accounts, or of evidence to put it in legal parlance. Or, better still, the prosecution case had been too weakly prepared to be tenable and actionable in the discerning eye of the law so that acquittal has been the natural outcome to the relief of the implicated.

On a different plane, this having to do with politically charged atmospherics, one has known cases to be concocted or dropped down the drain depending on which party ruled the roost at a given point in time.

All of these pale before the extraordinary tale of Manik Sheikh, now almost a middle-aged man, thanks to serving a seven-year jail term out of a sentence for life imprisonment he had been served with back in 1997 for murdering a woman which was basically ghosted; for she has been lately arrested alive by the police on a tip-off by an inexplicably delayed good Samaritan's piece of work. Accused of abducting and killing one Josna in 1996, Manik was chargesheeted following what must have been a devious exercise of going through the motions of a sham investigation by some police officer. The case should now boomerang on the victimisers, but to echo the million dollar question of Manik's father, who will return the seven years his son lost languishing in the dungeon of an overcrowded prison?

Even in a country where under-trial prisoners lose time in confinement without being convicted or acquitted, Manik's predicament is an eye opener to the deeper malaise of not just our society but also the imperfections of our justice system.

The Ayatollahs taking up the gauntlet thrown by the Americans!



M ABDUL HAFIZ

THE US-Iran stand off over the latter's nuclear programme has reached almost a point of no return. The volume of rhetoric threatening Iran with military action has, of late, assumed unusual stridency. Starting with President George Bush, those in charge of the administration have hardly concealed their plan to mount an attack on the Islamic republic as one of the options to dismantle her nuclear programme. Meanwhile Israel -- itself a nuclear proliferator -- argues that a nuclear Iran with its long-range missiles will be a major threat to Israel, pro-US Gulf states and even Europe and urges for a pre-emptive strike to destroy Iran's nuclear capability. The media projections in the US also have reinforced the effort to rattle Iran. Writing in the *New Yorker* magazine the investigative journalist Seymour Hersh claims that Iran will perhaps be the next target for the US' democracy projects in the Middle East and possible regime change.

According to Hersh the US special forces are already operating on reconnaissance mission inside Iran

to identify the three dozens or so nuclear and missile sites to be destroyed subsequently by precision strikes and commando task force aided by information from Pakistan in exchange of assurance that it would not have to hand over Dr AQ Khan to the US for his illegal transfer of nuclear technology. The same report also reveals that an American Commando task force had penetrated eastern Iran from Afghanistan in a hunt for underground installations.

have effectively countered the rhetorics emerging from Washington and Tel Aviv. They clearly seem to be in a mood to take up the gauntlet thrown by the US and give a fitting reply to her bellicosity -- notwithstanding an asymmetric power balance. Iran's top national security official Hassan Rowhani said that Iran's armed forces were prepared for any military attack by the US. "Our plans are ready and although an attack is very unlikely the plans have been approved by

confronted -- never before the country was so resolute to face America after the early days of Islamic Revolution in 1979 when it successfully held at bay the 'great satan.'

Iran's Foreign Ministry spokesman, Hamid Reza Asafi said, "We consider (US threat) to be its psychological warfare unless some one wants to be making a major strategic mistake." Adding his voice to the Iranian criticism of the US' policy the Intelligence minister of Iran, Ali

going talks with the Europe's big three -- Britain, France and Germany -- Iran has brought its nuclear enrichment programme to a halt. Following these negotiations the Europeans, instead of issuing threats, are advocating the necessity of a sustained dialogue to defuse the crisis.

Iran's dialogue with the International Atomic Energy Authority (IAEA) also appears to be progressing satisfactorily. IAEA chief El Baradei opposed the idea of coer-

prices. In the long term China also hopes to participate in an Iranian pipeline project that would take oil to Caspian Sea 386 km away. From there a link with another planned pipeline from Kazakhstan to China is envisaged.

For its part Iran is turning to China for building its infrastructure including motorways and underground railway lines in Tehran. Some Chinese companies seeking niche abroad have also moved into Iran. Chinese automaker Cherry Automobile Company Limited opened its first overseas production in February 2003.

Iran has also entered into an estimated \$40 billion tie up with India. It covers an Indian commitment to import natural gas from Iran over a 25-year period and develop two Iranian oil fields and gas fields. Of the two oil fields the oil and natural gas commission will have full rights in the development of Jufair oil field which produces 300,000 barrels a day of crudes.

The development of Yardavan oil field is strategically significant as it draws Iran, China and India into a major commercial partnership that has strong geo-political overtones.

Iran with her eastward thrust in defence is now poised for the history's another unequal war after Iraq. It's efficacy will be inquisitively watched by the world if there is at all a showdown. But if the history -- the history of Iranians fired with an unparalleled zeal during and after the great revolution bringing the Ayatollahs in the citadel of power -- is any guide they gave at least a brave account of themselves.

Brig (ret'd) Hafiz is former DG of BIISS.

PERSPECTIVES

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In Israel an anti-Iran rhetoric has been brought to an yet higher pitch with campaign launched to stop Iran's nuclear programme in its tracks. The head of Israel's military intelligence Majcen Aharon Zeevi recently disclosed that Iran was only half a year away from achieving independent capability for producing enriched uranium to make atomic bomb. There are indications that Israel may in desperation repeat its feat in destroying Iraq's Osirak nuclear facility in 1982.

The US has not denied the story told by Seymour Hersh except she pointed to some inaccuracies in the report. Pakistan has however denied the report altogether.

Iranian leaders, in the meantime,

Supreme National Security Council and given to the military forces for implementation when required". Rowhani added "we will not react to an attack with diplomacy. We are ready to cut off the aggressors' hand."

Many Iranian commentators dismiss the spate of threats from the US. They consider those threats the result of domestic compulsion faced by Bush administration. "Much of what is being currently said about is for domestic consumption. George Bush who is dependent on invented image of a tough anti-terrorist super hero is equally dependent on invented enemy image. Hence is his desperate attempt to portray Iran as next villain". If however Iran is at all

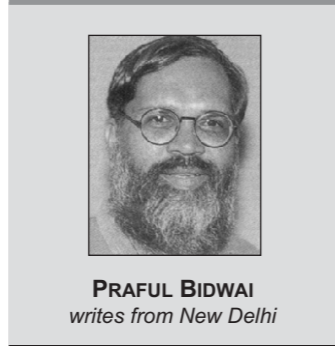
Yuneri expressed the opinion that Washington would make 'stupid mistake' if at all she translates her military threats into action. He added that "Iran was neither Afghanistan nor Iraq, Iran is the entire Islamic world and all of history." "It will neutralise any plot through its great national, military and international capabilities," he observed. Yunesi also dismissed the reports that Americans had launched a covert operation inside Iran.

In countering the propaganda barrage that it is facing, Iran has engaged the European Union in active dialogue to allay the EU's fear about the direction of its nuclear programme. As a result of the on

tion which in his view will only push Iran with its full blown technology underground. Iran is capable of rebuilding its bomb even at a later stage. He feels satisfied with the present state of cooperation by Iran.

In developing new strategic partnerships Iran is offering India and China lucrative investment opportunities in its oil sector. Iran has formalised a deal with China which conservative estimates say would amount to upwards of \$70-80 billion. It includes Chinese Commitment to purchase 250 million tonnes of Iran's liquefied natural gas over 30 years, develop the giant Yardaran oil field in South West Iran and import 150,000 barrels a day of crude from the field at market

Behind the mess in Jharkhand Drama with no heroes



PRAFUL BIDWAI
writes from New Delhi

SUCH is the ineptitude that the United Progressive Alliance demonstrated in Jharkhand that it nearly lost in 10 days some of the goodwill earned in the preceding 10 months. First, the Congress refused to negotiate alliances with the Rashtriya Janata Dal and the Left -- despite the handsome victory in 13 out of 14 Parliamentary constituencies this delivered.

Then, the UPA took office despite having only 33 seats (against the NDA's 36) in the 81-member Assembly. This was widely seen abuse of the Governor's powers. The UPA was badly mauled by the fiasco.

Actually, neither alliance won the election. In fact, the NDA's vote declined from 36.8 percent last year to just 27.4 percent -- fully 10 percentage points lower than the Congress-Jharkhand Mukti Morcha-RJDS-Left's total (37.6 percent).

Despite this, the NDA staked its claim -- because it was confident of

inducing defections, buying MLAs, and spiriting them away.

Such tactics are hardly democratic. But rather than let the NDA discredit itself, the UPA began competing with it. Sections of the media, sympathetic to the BJP or manipulated by it, helped the NDA's image-building.

In reality, there were no heroes in Jharkhand. Everyone played a questionable role, exposing weaknesses in institutional arrange-

Orissa, Delhi and Jaipur. No MLA was allowed to use the telephone, or even to go to the toilet on his own. Such was their "free choice".

Clearly, the NDA beat the UPA at a well-planned, elaborate, multi-state operation involving backroom manoeuvres, kidnapping, and force. This was a grotesque parody of democracy.

Democracy isn't just about winning elections or mustering majorities. It's also about account-

ive. He used disorder as an excuse to adjourn the Assembly.

Mercifully, the Centre, at last, asked Mr Soren to resign. But it must take some responsibility for going along with the Governor's decision to swear-in Mr Soren.

No less *unheroic* was the BJP. It paranoically evoked the Emergency, but indulged in horse-trading and coercion while claiming democratic virtue.

Neither the BJP-Jana Sangh nor

Supreme Court. Under the Constitution, the President has no function in appointing Chief Ministers. The Governor alone matters.

Yet, President Kalam repeatedly received BJP delegations. He asked Mr Razi to advance the floor-test. This was *beyond* his authority. His office didn't once counter the false report that he received the NDA's 41 MLAs.

No less unfortunate were the Supreme Court's pronounce-

courts have no jurisdiction over legislature proceedings.

Article 212 reads: "(1) The validity of any proceedings in the legislature of a state shall not be called in question on the ground of any alleged irregularity of procedure. (2) No officer or member of the Legislature [empowered to regulate procedure] ... shall be subject to the jurisdiction of any court in respect of the exercise by him of those powers..."

Second, the Court prejudices the Governor's and the *pro tem* Speaker's guilt. And third, it imposed the Speaker's function on the latter, although he has just one task: electing the Speaker.

This blurs demarcations between executive, judiciary and legislature. *Separation of powers* is a pillar of India's democracy.

Countless Governors have failed democracy by dismissing governments -- more than 100 times so far. We must expect more balance, moderation and wisdom from the highest judiciary. At stake is India's Constitutional democracy.

We must have a clear, unambiguous resolution of the issues raised by the Court's intervention. This won't precipitate a "confrontation" with the judiciary. On the contrary, a Presidential reference will clarify matters and help ensure that the BJP-NDA cannot exploit the Court's pronouncements as licence for its irresponsible politics.

Praful Bidwai is an eminent Indian columnist.

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One villain was Governor Syed Sibtey Razi. For mysterious reasons, he favoured Mr Shibu Soren over Mr Arjun Munda. He could have credibly argued that *discretionary power* is available to him under the Constitution but backed his judgement with evidence. He didn't, and granted a long interval to Mr Soren to prove his majority.

Meanwhile, caretaker Chief Minister Munda bribed and rounded up MLAs like Enos Ekka, Harinarayan Rai and Madhu Kora. Senior BJP leaders Ravishankar Prasad and Rajnath Singh "managed" them.

Thus began the 41 MLAs' *odyssey-under-duress* to West Bengal,

able political parties, which respect their members' choices of candidates, honour the popular mandate, and follow conventions of decency -- for example, of not conjuring artificial majorities through bribery.

What happened in Jharkhand was *not* democratic. Going by the Westminster convention -- that a ruling party which loses elections should not be the first to be invited to form the government even in a hung Parliament -- Mr Munda shouldn't have staked his claim. But horse-trading was allowed to catapult him into power.

Pro tem Speaker Pradeep Balmuchu didn't honestly implement the Supreme Court's direc-

NDA has been better than the Congress as regards abusing the Governor's office. Mr Sunder Singh Bhandari wanted Ms Rabri Devi dismissed in Bihar in 1999 on bogus grounds. He was overruled by President Narayanan. In 2000, Governor Vinod Pandey swore in Mr Nitish Kumar who patently lacked majority support and quit.

The Jana Sangh led the campaign in 1977 to dismiss all Congress-ruled state governments.

For the BJP, democracy and the Constitution are mere *instruments*. It wanted to alter the core of the Constitution by ushering in a highly centralised presidential system.

The worst aspect of Jharkhand is the role of the President and the

ments. While hearing Mr Munda's petition, it said: "If [his] averments ... are correct, then the action of the Governor ... is a fraud on the Constitution." The "if" is all-important. The Court shouldn't have made this indictment without determining on merits that the allegations were indeed true.

Worse, the Court intruded into the Assembly's domain. It ordered a confidence vote on March 11, dictated the agenda, and said the *proceedings must be videographed* and the results "announced by the *pro tem* Speaker faithfully and truthfully."

First, this seriously interferes with the autonomy of legislatures. Articles 122 and 212 are explicit:

OPINION

Hartal: Purpose and prosecutor

KHANDAKAR QUDRAT-I ELAHI

SINCE the first government, elected under the caretaker system, took office in 1991, hartal has become a controversial political issue in the country. Although the subject has received critical scrutiny in our public media, the problem has remained unresolved. In different words, instead of uprooting the problem, the debate has made it more complex and controversial. And naturally, ordinary people have become fatigued and frustrated.

One reason for this disappointing outcome of the public debate is that the hartal analysis has hardly examined the issue from the perspective of citizens' right and authority in democracy. This paper, in order to inject some fresh ideas in the debate from that viewpoint, addresses the issue anew by raising two questions: First, who are imposing hartals in Bangladesh? Second, what is the purpose of these hartals? Why are the ordinary people being asked to suffer harsh personal and socioeconomic hardships that often accompany this political power game?

These questions must appear stupid. For, their answers are known to virtually anyone interested

in Bangladesh's current affairs: First, the opposition parties execute hartal. Second, the main purpose for executing hartals is to 'protect and promote welfare of the people or nation'.

The above answers, although appear quite intuitive, are overtly oversimplified. They are, therefore, elaborated below to divert the query to a different direction, i.e., to inspire a different tone in the hartal analysis.

Bangladesh's political battleground is soldiered by several dozens of political parties. All of them, however, do not call hartal. This is not because they consider this partisan protest as a wrong political move. Such kind of political wisdom is fabulously foreign in this land of democracy. The main reason is, these parties are too small to benefit from this so far effective and popular political weapon.

Over the past fifteen years -- the so-called golden period of democracy in Bangladesh -- two political parties, Awami League (AL) and Bangladesh Nationalist Party (BNP), are alternately ruling the country. This means that when AL forms government, BNP becomes the main opposition and vice versa. Thus, when BNP forms government, AL rejects the election out-

come complaining 'cute' conspiracy, boycotts Parliament and executes hartals demanding the resignation of government. In their turn, the BNP follows AL's footprints when people return them to the opposition position.

This is the truth, and the whole truth, of the hartal democracy in Bangladesh. AL and BNP execute hartals when they fail to form government, i.e., they become the main opposition. More specifically, when either party fails to form government, boycotting Parliament and executing hartals become their constitutional right.

Both AL and BNP argue that hartal is a political right that is guaranteed in our constitution! And we, the citizens of Bangladesh, seem to have tacitly accepted this explanation.

But what does this really mean? In democracy, people are the sovereign authority of the state and by this sovereign right, they choose a political party to manage the government machinery for a given period of time. This principle is followed all over the world. However, we, the Bangladeshis, seem to follow another principle that is unique in the world. Along with appointing the government, we also authorise the political party becom-

ing the main opposition to reject the election outcome, boycott Parliament and execute hartals. And this they do with the full knowledge that the opposition will disrupt their normal life, and might even bring about untold hardships in their personal and social life.

With this knowledge, we can now investigate the answer to the second question, i.e., the sole purpose with which AL-BNP make people suffer.

Politics is a public affair, which means that anyone involved with this activity must claim that the sole objective of their actions are targeted to improving public welfare. This was indeed the perception when the term was originally conceived. However, politicians around the world have played the game so badly that this denotation has virtually vanished and been replaced by an acrimonious and satirical connotation.

Thus, no matter what AL-BNP politicians say, people know that they are after one target and one target only -- capturing the state power. And they pursue all political manoeuvres to achieve this objective, no matter how mean that may be. They do not give a damn about what happen to people, whose welfare they are pretending to

protect and promote. They do not care if their actions humiliate the nation before the world, make her a laughing-stock and give the impression that people living here must be uncivilized since they do not know the simple rules of civilized society.

To illuminate the idea, let's evaluate how hartals 'enhance people's welfare' by examining their effects in public and private universities.

Individuals peopling universities can be classified into two groups -- students and non-students including both teachers and employees. The manner and magnitude by which hartals affect the members of these educational establishments depend first upon this classification and then are determined by the nature of the establishment.

In public university, students definitely suffer, because their course calendars are disrupted. For example, in the past, four-year curriculum used to take eight years to complete. Any way, the disruption of course calendar again inflicts two types of effects. First, it imposes heavy fiscal burden upon the parents, particularly those who are poor. This is something most obvious and often lamented in private as well as in public media. However, the most critical cost of hartal, which can never be recovered, is of non-

monetary nature. By disrupting the course calendars, hartals cause havoc to young life.

University students are supposed to take up independent life after completing their degrees. They are expected to support themselves, and if required their families, get married and plan for starting their own families etc. Since hartals delay this process, this loss in young life is painfully permanent.

The hartal impacts on the non-student group, however, seem diametrically different. First and foremost, they are assured of their salary no matter how long hartals continue. Since their means of living are guaranteed, hartals should not appear unbearable to any significant degree. In fact, hartals are welcomed in all public and semi-public institutions, because they privilege them with a sort of bonus holidays.

The picture turns out to be very different in case of private universities. The universities are kept open during weekends in order to make up classes lost due to hartal. Thus, except the ordinary inconveniences imposed by hartals, students of private universities are little affected. All the costs of hartals, therefore, fall on the non-student group. Their regular family routine is

disrupted. They pass lazy times at home during the hartal days and then work seven days of the week as the university authority reschedules class routine to complete the programme calendar on time.

This kind of inconvenience and discrimination is certainly known, but nobody cares. Perhaps, the main reason is that the victims have little complaint about their inconveniences. The question then is, why? Why our private university teachers do not raise their voices against this injustice? To understand this peculiar phenomenon, we must see who are teaching at private universities? This is a different issue and will hopefully be dealt sometimes later.

But, there is something very serious about the effects of hartal on private and public universities that deserves our sincere attention. Students of private universities are getting degrees on time, but those of public universities do not. Thus, in addition to creating monetary and non-monetary hardships discussed above, hartal originates a process of life-long inequality between students of two types of institutions for higher learning. Are the victims aware of this kind of life-long loss created by hartal?

The effects of hartals can be substantiated with many more

examples. That is perhaps not necessary. It seems quite obvious that hartals create both beneficiaries and suffers. Employees in public establishments definitely benefit from hartals. But people in private sector clearly suffer and the degree of their sufferings varies inversely with their economic position. Those who need most supports from society are worst hit.

We can sum up the whole situation relating to hartal with one overwhelming proposition: This so-called political culture in our society is a sinister source of social injustice. It is a virulent violation of the fundamental principles of democracy and unacceptable infringement in citizen's right and authority. And AL and BNP, whom we have entrusted with the responsibility of institutionalising democracy in our country, are carrying out this undemocratic political activity!

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