

## Violence against women and children

### Legal process needs adjustment

NO one would argue with the proposition that violence against women and children has reached an unacceptable level in recent times and that it is the responsibility both of the government and of every one of us to ensure that such crimes are prosecuted and punished to the fullest extent of the law. Ideally of course we all need to work towards empowering women and children and building a society where such outrages do not occur in the first place.

Nor would anyone argue that there is much to do to combat the problem and that not enough is being done. It is bad enough to have to read and hear about rapes and acid attacks on a daily basis, but what makes this epidemic of violence even worse is the fact that justice is often denied to the victims due to the vicissitudes and failures of our legal system that is meant to protect them and give them justice. This is utterly scandalous.

One main problem with prosecuting such cases is that the system is stacked against the victim and that there is widespread manipulation of the legal process. It has been reported that starting from the investigation and medical check-up all the way to the trial, the doctors, lawyers, and law enforcement officials involved are subject to manipulation by perpetrators of crime for financial, political, and so-called security reasons.

In addition to this, the legal process is cumbersome, humiliating, and time-consuming, doctors often are insensitive towards and uninterested in the victims, rendering the needed medical examinations very unpleasant to obtain, and the public prosecutors assigned to the cases often give them low priority.

If we are serious about combating violence against women and children, we must redress these problems. Being raped or abused or tortured is a terrible enough ordeal without the legal and medical system in place adding to the woes of the victims and hindering their quest for justice.

The government must take immediate steps to address the shortcomings of the system in which over 3,000 cases are pending, and in which following through with prosecution is so burdensome and difficult that thousands more are never brought to trial by the traumatised victims.

## Highway robbery

### Laudable police action

AS if to give a glimpse of the challenge facing the newly-launched highway patrol police, bus passengers were robbed of their belongings on the Comilla-Brahmanbaria road by a group of inter-district dacoits who had travelled from Dhaka to the place of occurrence, slinking through the surveillance net of the police.

The incident ended on a grisly note with at least one policeman killed when a police patrol car was rammed by the minibus controlled by the robbers, and five dacoits losing their lives in the encounter with the police. The incident has once again laid bare the vulnerability of bus passengers on the highways, particularly during nighttime.

The police action against the robbers was robust and timely. However, the report suggests that law enforcers had actually responded to a tip-off by a passenger of the minibus who was thrown out of it by the robbers. In other words, there was a surveillance failure in spotting the bus at any point of its 150-km journey from Dhaka. It is in chasing and arresting the criminals that the police demonstrated great efficiency.

We condole the death of the policeman and laud the role of his injured colleagues who put their lives at grave risk, as they chased the armed robbers.

Now, the highway drama in Comilla was an operation carried out after a robbery. However, there is ample scope for preemptive action by the police. Intelligence reports, if gathered with a fair amount of accuracy, will help the police track down the criminals well before they get the opportunity to commit crimes. Such reports will also help the police to pounce on the network of inter-district robbers.

The formation of highway patrol police has fulfilled a long-felt need. Now they will have to be trained and equipped properly to curb crimes on the highway that have been on an upward spiral. The Comilla incident should convince the decision makers of the need to provide effective highway patrol for the security of passengers.

# The democratic tradition

KAZI ANWARUL MASUD

IN a recent speech to the American Foreign Policy Association, Francis Fukuyama (of *The End of History* fame) praised President Bush for putting democracy promotion as the centre-piece of US foreign policy, but pointed out that "the United States is never the prime mover in promoting democracy in any country."

Despite American efforts helped Japan and Germany to become well-functioning democracies after their defeat in the Second World War and the US played a significant role in ushering in the "third wave" of democracy in the 1970s, 80s, and 90s (the first wave being after the First World War and the second following de-colonisation), but for democracy to come about in any society it has to be strongly sought by the local actors – elites, the masses, or civil society.

Fukuyama thinks that basically four conditions have to exist to facilitate democratic transition: (a) the level of development, (b) culture, (c) neighbourhood effect, and (d) ideas.

Virtually all industrialised economies are functioning democracies, while relatively very few poor countries are democracies. There are of course exceptions such as India and Costa Rica which despite their relative underdevelopment have been thriving democracies, while Saudi Arabia and Kuwait despite having high per capita income are struggling with the idea of opening up their governmental machinery to their own citizens, despite American pressure on them to do so.

The West is particularly incensed by the fact that the majority of 9/11 terrorists had Saudi passports and Saudi munificence, unknown to its benefactors, helped Islamists like al-Qaeda to flourish. In the case of Kuwait, but for the US-led coalition forces in the first Gulf War, Kuwait could not have been liberated from Saddam Hussein's brutal occupation. The Saudi Arabian and Kuwaiti examples also raise the profound

question as to whether the Western reading of Islam hindering separation of religion and the state inhibits Muslim countries from becoming democratic societies.

Historian Bernard Lewis states that democracy is peculiarly a Western concept devised to conduct public affairs which may or may not be suitable for other people. Lewis mired in his belief of eternal

Suharto Indonesia as countries sustaining democracy.

Undeniably the Muslim world has been deficient in practising democracy perhaps because Islamic culture puts more emphasis on obedience than on asking questions challenging the conservative status quo. How else would one explain the upcoming elections in Iran where all candidates approved by

fies the problem faced by many Muslim countries. Princeton Professor Michael Doran depicts Saudi Arabia as a fragmented entity in the throes of a crisis in which the monarchy functions as an intermediary between a westernised elite that looks to the West as model of political development and a Wahhabi religious establishment that holds up its interpretation of Islam's

erty and getting education. Evidently people living in poverty are too busy making both ends meet to worry about elections and votes. Besides political scientists worry that even if countries have elections and make democratic transition, democracy's sustainability becomes a challenge "in a society that is close to subsistence, that does not have any kind of

enced extra-constitutional rule several times in their brief history. Nepal currently has no democratic government and Maldives has just taken a faltering step towards a democratic order.

The fourth factor Fukuyama thinks necessary for a sustainable democracy is that to have democracy the people have to believe in democracy. He cites the cases of Argentina, Brazil, and Peru in the 60s and 70s, Marcos' Philippines, Roh Tae Woo's South Korea, and US support of "no" referendum against Chile's Pinochet in 1988. Arrival of democracy in these and many others was possible because people believed in democracy and fought for its establishment.

This has also been Bangladesh's history, when people fought and died in the liberation war not only for freedom but also for democracy and later again fought against autocracy and died to re-establish democracy. Going by Fukuyama's conditions for sustainable democracy, Bangladesh lacks some but possesses others.

Since we can not reach \$6,000 GDP per capita income in the near future, the people and the leaders of Bangladesh have to be very careful in treading the democratic path. Politics should not continue to remain the conduct of public affairs for private advantage. Our rulers have to understand the Aristotelian definition of democracy and oligarchy in the sense that wherever men rule by reason of their wealth, whether they be few or many, that is an oligarchy, and when poor rule that is democracy.

Bangladeshis are too wise (though poor) to abdicate both their authority and conscience to a select few who may prove to be more adept at maladministration than at good administration. One hopes that regardless of Fukuyama's stated preconditions for sustainable democracy, in view of our long struggle for representative rule, Bangladesh's quest for democracy, peace, and prosperity will not be allowed to falter in the face of the parochial interests of a few.

Kazi Anwarul Masud is a former Secretary and Ambassador.

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clash of civilisations (Islamic vs. Christian and post-Christian, rigid theocratic hierarchy vs. permissive secular modernism) argues that the millennial rivalry between the two great religions has been caused Muslim humiliation over being defeated by the "inferior Christians and Jews."

He further argues that while democracy requires democrats, "even when in power to give freedom and rights to Islamist opposition. The Islamists when in power are under no such obligation. For Islamists, democracy, expressing the will of the people, is the road to power on which there is no return."

Fukuyama is, however, not totally convinced that Islamic culture, which does not separate the mosque and the state and therefore can not sustain a true liberal democracy and may use "one man, one vote, one time as a route to establishing theocracy of the sort that exist in Iran today" is necessarily reflective of the situation prevailing in the entire Islamic world. Fukuyama cites the examples of untiring efforts by the Islamist party ruling Turkey to change its laws in order to get into the European Union (now all the more uncertain after the French and Dutch referendum on the European Constitution), Afghanistan's Hamid Karzai and post-

the Guardian Council (former President Hashim Rafsanjani is leading the pack) are all conservative clerics though the majority of the population born after the 1979 Iranian Islamic Revolution question the concept of *velayat-e-faqih* (the supremacy of the Shia jurists), are unimpressed by the outgoing President Khatami's Islamic democracy, are irreverent to the Iran-Iraq war, and aspire for freedom and democracy?

But then again, the current Western pressure on Iran to abandon her nuclear programme despite the Iranian government's pledge not to build nuclear weapons can only fuel anti-Western bias in Iran and help strengthen the hands of the clerics. If there has been Islamic revivalism it has been caused by the failure of secular nationalism to achieve economic self-sufficiency, to stem the widening gap between the rich and the poor, and the overwhelming political and cultural hegemony of the West which sometimes acquire a conflictual position with the Islamist purists who consider Western culture as socially corrosive and threatening the identity and cultural fabric of Muslim society.

The Saudi Arabian case, described by Bernard Lewis as a "rejection of modernity in favour of a return to the sacred past," exempli-

golden age as its guide.

Muslim efforts towards democratisation have been further impeded by post-9/11 Western adoption of extreme security measures and policies leading to an erosion of civil and political liberties, diminishing the welfare of Arabs and other Muslims living in Western societies. The predicament of the Muslim diaspora in the West has been aptly described as "susceptible to being essentialised as fanatical and irrational, a potential fifth columnist in a clash of civilisations and suffering from spiralling progressive alienation" from mainstream Western society, doomed to continually negotiating the parameters of minority citizenship.

While analysing the stages of development necessary for acquisition of democracy it was found that barring exceptions virtually all industrialised countries are functioning democracies. Indeed once a country attains per capita GDP of \$6,000 it transforms itself from an agricultural society to an industrialised one and that country also attains sustainable democracy. Empirically it has been found that not a single country which became a democracy ever reverted back to authoritarianism. Fukuyama thinks that it is because of the growth of the middle class owning private prop-

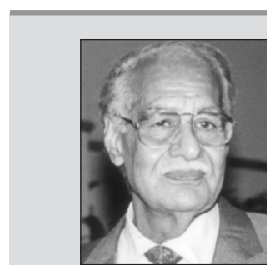
resources, have very low level of education, very severe ethnic and other kinds of cleavages."

On the other hand, countries with authoritarian governments who have transitioned from agrarian to industrialised stage have got out of the vortex of authoritarianism and have embraced democracy. Taiwan and South Korea are two such examples. One hopes that once China attains that stage of economic development its political system will also become democratic.

In support of his thesis that countries opt for democracy if their neighbours are democratic, Fukuyama cites the examples of Ukraine, Georgia, and Serbia where toppling of autocracy in one country had domino effects on neighbouring countries. In the case of former East European countries, Fukuyama believes that democratic transition came about easily because many of these countries believed Western Europe to be their real home and communism was only a barrier on their way to return to their natural abode.

But the argument of "neighbourhood effect" does not have universal applicability. While India continues to be the largest democracy in the world for close to six decades, both Pakistan and Bangladesh experi-

# Scars of the emergency



KULDEEP NAYAR  
writes from New Delhi

SOME scars do not go away. They remind a nation of the rough period it has gone through. One ugly mark on the face of India is the emergency. The then Prime Minister Indira Gandhi imposed it in June 30 years ago. She wanted to suppress the demand for her resignation after the Allahabad High Court unseated her on a poll offence. Not only did she suspend fundamental rights, but also put one hundred thousand people behind bars without trial. The press was gagged and effective dissent smothered. There was a general erosion of democratic values.

Because of the Janata Party's squabbles, its government fell, enabling her to return to power within three years. That probably explains why some of the scars have stayed on. She did little to revive the institutions she had destroyed. They still have not regained their health. Yet the worst is the tinge of authoritarianism which the governments since then have come to acquire.

State chief ministers are particularly bad. They behave like Mrs Gandhi, aggressive and vindictive. Had political parties tried to curb the

ills which came to the fore during the emergency, some scars would have disappeared by now. But they have done little. Congress in the last three decades has not been interested to find out what went wrong, because it would have meant finding fault with Mrs Gandhi. The non-Congress governments were merely coalitions which had supporters of the emergency as their allies.

Justice J.C. Shah was the only person who examined the excesses committed during the emergency.

what has happened.

Some senior retired police officials, who met Prime Minister Manmohan Singh a few days ago to follow up Shah's concern, requested him to make the police accountable. The officials also wanted every victim of communal riots to be compensated. Manmohan Singh proposed yet another law to determine the responsibility of the police.

What the government does not realise is that the people's confi-

controlled CBI has come to the Congress' rescue. There is no doubt that Rajiv Gandhi had opened a "parallel channel" for the payoffs from the contract terms specifically precluded middlemen or agents. In fact, an apology is due from the Congress which detained opponents and critics without trying them in courts. Some 20 months of their precious life got wasted in jail. Even college boys and girls were denied examinations because they dared to protest. How would Congress

ples. The alarming aspect is the weakening of public opinion. People are still afraid to speak out. They are afraid of repercussions. In fact, protest has vanished from the Indian scene. It reflects sheer helplessness, not acceptance.

The bureaucracy was India's armour. It is now full of chinks. After having lost its "chastity of independent functioning" during the emergency, it has become a tool of tyranny in the hands of rulers. The ethical considerations inherent in

in the Jharkhand assembly proceedings has raised fresh doubts. Lok Sabha Speaker Somnath Chatterji is right in saying that the judiciary should not cross the *Lakshman rekha* drawn between it and the legislature.

The media men, to use L.K. Advani's words, began to crawl when they were only asked to bend. Things have improved since, in the sense that they can express their opinion freely. But now their efforts have got directed towards amusing readers, not informing them. Very few in the media have any social obligation. The top looks too comfortable to pose any challenge if it ever came to something like the emergency.

The worst wound that has been inflicted is the credibility that the erstwhile members of the Jan Sangh, the Hindutva elements, got because of their arrest during the emergency. They are out and out communal, but they try to parade themselves as pluralistic. I thought the BJP had decided to be different when I read Advani's remark that Jinnah was secular. But I was proved wrong. Advani has turned out to be a false god. He has lost his credibility on the one hand and has put the party still more at the mercy of the RSS. He has no choice left. He will be driven out of the party if he ever pursues what flickered in his mind in Pakistan. Maybe, I was trying to indulge in wishful thinking.

Kuldeep Nayar is an eminent Indian columnist.

## BETWEEN THE LINES

What the government does not realise is that the people's confidence in the police and other wings of the administrative machinery has been shaken. What do they infer when they find in the Manmohan Singh cabinet the same old faces that were part and parcel of the extra-constitutional machinery under Sanjay Gandhi? Top Congress leadership is no different. And there is no evidence that it has changed.

But his recommendations were not even considered because soon after he submitted his three-volume report, Mrs Gandhi came back to power. Still those recommendations are worth a debate. He said: "The circumstances in which the emergency was declared and the ease with which it was accomplished should be a warning to the citizens of the country." He specially drew the government's attention to the manner in which the police was used and allowed themselves to be used for purposes which were questionable. He warned: "Employing the police to the advantage of any political party is a sure source of subverting the rule of law." This is

dence in the police and other wings of the administrative machinery has been shaken. What do they infer when they find in the Manmohan Singh cabinet the same old faces that were part and parcel of the extra-constitutional machinery under Sanjay Gandhi? Top Congress leadership is no different. And there is no evidence that it has changed.

Knowing well the barbarities committed during the emergency, the Congress spokesman had the temerity to say that those who vilified the party for the purchase of Bofors gun should apologise. The case has failed on technical grounds. The government-

make up for the loss which the victims and their families suffered?

The scars on the Indian face became indelible after Prime Minister Lal Bahadur Shastri's death. Until the end of the sixties, Jawaharlal Nehru's liberalism animated the country. There was only one ugly mark the communist government's dismissal in Kerala – when Mrs Gandhi, as the Congress president, forced it on Nehru, to his regret.

Then the culture was different. Certain things were not done. There was a *Lakshman rekha*. Mrs Gandhi was the first prime minister to cross it. Since then, the governance has become devoid of values and princi-

public behaviour have become generally dim and, in many cases, beyond the mental grasp of public functionaries. No administrative reforms commission (Manmohan Singh's proposal) can set things right until the government servants realise that they can be dismissed.

Institutions like the judiciary and the media also did not come up to people's expectations during the emergency. The first threw the egg on its face when it upheld the emergency and said that fundamental rights could be suspended. It is still trying to live down that verdict, and some of the subsequent judgments have retrieved its prestige to a large extent. However, its "interference"

# TO THE EDITOR TO THE EDITOR TO THE EDITOR TO THE EDITOR TO THE EDITOR

Letters will only be considered if they carry the writer's full name, address and telephone number (if any). The identity of the writers will be protected. Letters must be limited to 300 words. All letters will be subject to editing.

### Don't refuse flowers

We were glad learning that Sajib Wazed Joy, son of opposition leader Sheikh Hasina, accepted the bouquet sent by Tareque Rahman, son of Prime Minister Khaleda Zia, when he was visiting Bogra. We thought it was a good sign because flowers sent by Tareque Rahman had not been accepted in the past, and the bearers had been mistreated at Shudha Bhaban.

But our happiness was short lived, later we came to know that when the representatives of Tareque Rahman were offering the flowers, Joy's mother Sheikh Hasina who was behind his car, rolled down the window of her vehicle and shouted. Because she thought there might be bombs in the bouquet. The flowers were thrown a few metres away.

This was rather unfortunate.  
Nur Jahan  
Chittagong

### Pre-paid cards for political service

Since necessity is the mother of invention, I was wondering if pre-paid cards could be issued for compensation for rendering genuine political service. Our society, including politics, is suffering from human systems losses of various kinds, led by corrupt practices and misuse of funds, mainly using the services of the political networks. Politics in this country appears to be above the law, and below detection monitoring. The regulators cannot catch the political godfathers, for reasons, which are well known.

One theoretical remedy is to reduce the human interfaces in a system, to discourage bribes, false documentation, and other unfair means, well known to the victims and the perpetrators. If the hypothesis is correct, then the details of the operation of prepaid cards could be

drafted for trial runs in pilot projects.

The motto is: no actual, factual, visible service, no payment (subject to pre-audit)? What is happening these days is payment for non-services. To avoid political tangles, politicians connected with a project have to deposit as security in cash 50 to 30 per cent of the required/relevant amount of the final bill/s in advance; to be adjusted and reimbursed later through pre-paid cards (PPC). Actually it is the PPC system working in reverse.

If computer viruses could be barred, why not political viruses? Give the assignment to our IT whiz kids.  
AZ, Dhaka

### Our Test status

I fully endorse the views expressed by Architect Dr Nizamuddin Ahmed in his exclusive write-up under the above caption published on June 3, 2005. Dr Ahmed's article, laden with facts and figures from the history of

cricket, amply prove that Bangladesh as a Test playing nation has done little or nothing so far to be subjected to a state of humiliation by former cricket stalwarts. The Tigers' defeat at Lord's against England recently by an innings and 261 runs is not that much derogatory and insulting as it had been in 1938 when today's vigorous Australia suffered the shocking defeat by an innings and 579 runs against England.

The orchestrated howling against our Test status by the cricket heroes of previous years obviously suggest that they might have rightly sensed some quantum of silver lining across the dark clouds over our head at the moment. I believe, cricket personalities like Richie Benaud, Kim Hughes, Ian Botham, Shane Warne and even Javed Miandad are adept in future telling and they are seemingly scared of being humiliated back by the

wounded Tigers some day somewhere in the field.

The days are not far off when our youngsters like Mortuza, Moshfiqur Rahim, Aftab Ahmad, Nafis Iqbal, Enamul Hossain, Razzak and even the up-coming ones like Golam Rahman, Farhad Reza, Shamsur Rahman, Hasanuzzaman and Arafat would don the headlines of the media world.

We would not remain minnows forever.  
Alfaz Tarafder  
Pallabi, Mirpur  
Dhaka-1216

### Give them due honour

I am really astounded reading the article titled "Politics stops DU to honour Professors" in the May 27 issue of The Daily Star. It is a great shame for our country that because of depraved politics DU would not award its prominent professors the highest post of honour 'Emeritus

Professor' after the year 1982. We all know teaching is a noble profession. As teachers are the builders of the nation, so they deserve the greatest respect of the people. They deserve the highest honour. But politics stands in their way!  
Sumon Dutta  
Wari, Dhaka

### Kalpana abduction

The ninth anniversary of Kalpana abduction was observed on June 12. Kalpana Chakma was the organising Secretary of Hill Women's Federation (HWF).

The caretaker government was in power at that time. Though it seemed neutral but it failed to take any steps to give exemplary punishment to the culprits. After the caretaker government, the Awami League and the four party alliance government led by the BNP also failed to do anything in this respect. The government should publish

a report on the issue and make it public.

Rupan Chakma  
Rajshahi University

### Spare parts lifters

A good number of new shining cars are nowadays seen moving in the city roads.

Eyes suddenly stop at particular places of the cars where one will feel that something is missing and the whole beauty of a car is spoiled. This is because the members of an organised gang operate in the city to take away the monograms, logos, car names, wipers, car radio antennas and other small spares thus distorting the beauty of the whole car. I myself had a similar problem with my almost new car. I replaced the logo of my Toyota Allion purchasing the same from a spare parts shop near the Scout Bhavan.

All the spare parts are taken away by the thieves and sold either at Dholair Khal or at shops near the Scout

Bhaban. I strongly believe that spare parts lifters have a close nexus with some of the people in those shops. Otherwise, how can one get all the spare parts of his need at a higher price? The law enforcers should look into the matter.  
Dr. S.M. Rahman  
One-mail

### Withdrawal of water

I was in Bangladesh from March 2 through March 18, 2005. I was a speaker and participant in the Chilmari protest rally against India's diversion and withdrawal of water from the common rivers and their impacts on Bangladesh.

I think only enough echoes from the West can make the difference. The government must act now or it will be too late.

M. Anwarul Haque  
One-mail