

Murder of NGO workers

We must protect vulnerable minority

THE brutal killing of two men who worked for the international NGO Christian Life Bangladesh is both shocking and horrific. Any kind of murder is a terrible occurrence, but even more so when it is committed in such a gruesome manner against respected members of the community and for such a sickening reason. Our prayers go out to the deceased, Tapan Kumar Roy and Lipal Madandi and we would like to convey our deepest sympathy and condolences to their families.

In fact this is not the first attack that we have seen against faith-based NGOs and workers, and it is becoming clear that a pattern of rabid intolerance towards them and their activities is emerging. Nor is it only NGO workers and missionaries who are at risk. The on-going campaign against the Ahmadiyyas in many parts of the country is another example of the intolerant mind-set quietly taking hold.

Needless to say that the Bangladesh constitution upholds religious freedom and that no sentient person can be anything but appalled by these kinds of attacks. Bangladesh is a multi-faith society, in which different religions and communities have lived side by side for centuries.

There are two points to be made here. The first is that these murders and other attacks shame us all. The fact that any member of minority communities is denied as much right as every other citizen of the country is a blot on our national conscience.

The second point is less obvious, but well worth mentioning. The majority Muslim population of the country is very concerned about the rights of the Muslim minority in other countries. Just as we want Muslim minorities in other countries to enjoy equal rights with the majorities, so must we be prepared to give unfettered rights to followers of other faiths in our country. We lose the moral high ground of demanding equal rights for Muslims in other countries, if we fail to protect the same for the members of any minority community in the country. Let there be no mistake about it.

Voter list and ID card

Tools we need for credible voting

THE majority of the political parties, which met the Chief Election Commissioner at his initiative, have demanded a new voter list for the next general election. The opposition parties, led by Awami League which stayed away from the discourse had made it known earlier on that they wanted ID card for the voter with an electronic voting system to go with it, a demand that obviously requires a strong database.

The existing voter list was prepared back in 2000. This has to undergo a sweeping change, since a huge number of new voters are now waiting to be included in it. Furthermore, there were credible reports of flaws and omissions which also need to be addressed.

The list has to be accurate and fully inclusive of all the voters there are, so that the conduct of the election would be above reproach. The question of unimpeachable authenticity is relevant as allegations of leaving the names of people of a certain community or area out of the list were made quite a few times in the past, allegedly amounting to their disenfranchisement.

The most important task, in our opinion, is to introduce the ID card. The benefits to be had from it are multiple. It will bring discipline to the electoral process and render the elections so much smoother and devoid of fake voting. Moreover, it will make development planning for all other sectors of national life efficient, not to forget the value of ID card from the security point of view in today's murky situations.

As for electronic voting, it has been adopted in all the developed countries as a safety-valve against human error and manipulation. This is perhaps doubly important in our context as allegations of intervention and rigging are often heard against any ruling party at a given time.

It is the constitutional duty of the EC to prepare an authentic voter list and to do all that is required to conduct credible polls such as introducing voter ID card and adopting an electronic voting system. The EC must now get on with the tasks keeping in view the lead-time they have for the next general election.

M ABDUL LATIF MONDAL

FOR a week or so, presidential clemency granted to a convicted murderer has been in the news. The case was taken up for discussion on July 21 by the parliamentary standing committee on law, justice, and parliamentary affairs ministry. People are dismayed at the news and they want to know the whole truth of the case.

Like the constitutions of other countries that have a presidential, parliamentary, or dual system of government, the constitution of Bangladesh empowers the President to grant pardons, reprieves and respites and to remit, suspend, or commute any sentence passed by any court, tribunal, or other authority. He exercises this power in accordance with the advice of the Prime Minister.

The US President's power to grant pardons and reprieves is judicial in nature, and it is exclusive. The US constitution authorises the President to grant reprieves and pardons for offences against the United States, except in cases of impeachment. The King or the Queen of Britain can grant pardon and reprieves. He or she exercises this power on the advice of the Prime Minister. The constitution of France vests in the President the power of pardon. The constitution of India empowers the President to grant pardons and reprieves, and suspend, remit, or commute sentences to persons convicted by court martial, and in all cases in which sentences to death have been passed. In the exercise of his functions, the President acts in accordance with advice of the council of ministers headed by the Prime Minister. The President of Pakistan is empowered by the constitution to grant pardon, reprieve, and respite, and to remit, suspend, or commute any sentence passed by any court, tribunal, or other authority.

Let me now return to the case under discussion. According to newspaper reports, a Dhaka court,

in 1982, sentenced Mohiuddin Jhinto, a former leader of Jatiyatabadi Chhatra Dal, along with two other persons, to death for murdering two Demra businessmen -- Abdul Khaleq Rana and Firoz Al Mamun. The judgement was delivered in absentia. After evading arrest for more than two decades, Jintu surrendered to the metropolitan sessions judge's court, Dhaka on January 3 this year and appealed

"whimsically." The ministries or the departments concerned have played the vital role in exercising power. Some members of the committee reportedly accused the Law Minister and the Prime Minister of suppressing facts with a political motive. They also observed that the "presidential mercy was given in a hurry."

In a press briefing on July 24 the Law Minister further tried to exoner-

recorded. If no agreement is reached among the ministries/divisions concerned, the ministry/division placing the summary before the Prime Minister or the cabinet shall state in the summary the points of differences and the recommendations of each ministry/division concerned.

Secretariat instructions, which have been issued for efficient transaction of business in the secretariat

to follow the procedure laid down by the ROB and secretariat instructions for inter-ministerial consultations. It was a serious failure on the part of the home affairs ministry if it had not furnished full facts of the case to the law ministry and asked for its opinion on specific points. As of today, nothing has been heard from the home ministry against the accusation of the law ministry.

The law ministry cannot absolve

Presidential pardon to a convicted murderer has created frustration and anger among the law-abiding citizens of the country. The government should immediately go for a high level inquiry. Another probable remedy is the repealing of the presidential clemency to the convicted murderer. The constitutional experts and jurists of the country may address this issue.

to the President for mercy. He was granted amnesty within ten days of his surrender. In his petition to the President, Jintu claimed to be the founder of the Sweden chapter of the Bangladesh Nationalist Party (BNP).

As required under Rule 10 of rules of business, 1996, the home affairs ministry sent the case to the law ministry for its opinion. When the standing committee blamed the law ministry for not giving appropriate opinion, the Minister for Law informed the committee that the home affairs ministry, which sought the opinion of the law ministry on the petition seeking the President's mercy, did not mention the execution of two other persons convicted in the same crime in the summary note to the law ministry. He had to go by rules of business and he was not empowered to ask for other documents. But the committee chairman, Khandakar Mahbubuddin Ahmed, an eminent jurist and a BNP lawmaker, disagreed with the law minister and said that the law ministry should not give an opinion casually on a case referred to it. Echoing the committee chairman, the main opposition Awami League (AL) lawmaker in the committee Suranjit Sengupta has said that the Presidents of the US and India and the Queen of Britain have not exercised the power

ate his ministry by saying that his ministry did not recommend to provide presidential clemency to the convicted murderer Jintu. His ministry just opined that it was the discretion of the President to give or not to give clemency to any convict. Had the home affairs ministry mentioned in the summary note that the death penalties of two co-convicts in the case had already been carried out, his ministry would have definitely opined otherwise.

Let us see as to what extent the ministries and offices concerned discharged their responsibilities in dealing with the case.

Article 55(6) of the constitution provides that the President shall make rules for the allocation and transaction of business of government. Pursuant to the above constitutional provision, the President, in supersession of all previous rules and orders, has made rules of business (ROB), 1996. Chapter 111 of the ROB provides the mechanism and procedure for inter-ministerial consultation of the cases of the ministries/divisions. The ROB state that when the subject of a case concerns more than one ministry/division no orders shall be issued, nor shall the case be submitted to the Prime Minister or the cabinet until it has been considered by all the ministries/divisions concerned and their views are properly

commonly known as the seat of the government, have further clarified the issue. Instruction 158 says that the provisions of the ROB regarding consultations with other ministries/divisions will be carefully observed. The initiating ministry/division of a case will be responsible for consulting other ministries/divisions that may be concerned with it. Such consultation will be in the following forms: (a) by sending a written reference specifying the points on which the advice of the other ministry/division is sought; (b) by personal consultation in the event of a difference of opinion or delay. The instruction further says that attention will be paid to special instructions issued by the various ministries/divisions for consultation with them. As far as it is known, the law ministry and the finance ministry have issued long before special instructions on the procedure of consultation with them.

Rule 14 of the ROB has specified the cases that would require consultation with the law ministry. Rule 14 (1)(vi) provides that the law ministry shall be consulted before tendering advice on a mercy petition against an order of death sentence and pardon, reprieve, respite, remission, suspension, or commutation of any sentence.

In the instant case, the home affairs ministry was under obligation

itself of its responsibility in this case. If the summary note of the home affairs ministry did neither contain full facts of the case nor did it specify the points on which the opinion(s) of the law ministry was sought, the latter could return the file to the former for resending the case with necessary information and specific points of reference. The constitutional provision empowering the President to grant pardons to any convict is supposed to be known by any officer working in the ministries/divisions of the government. It was not necessary for the home affairs ministry to send the case to the law ministry only to be reminded of that constitutional provision. It seems that the law ministry avoided its opinion on the case considering its political implication.

Article 48(3) of the constitution says that in the exercise of all his functions, save only that of appointing the Prime Minister and the Chief Justice, the President shall act in accordance with the advice of the Prime Minister. In view of the constitutional provision referred to above, the Prime Minister was required to send this case to the President with a definite advice. And to give a specific advice in this case the Prime Minister needed clear-cut opinion of the law ministry. The constitution has not given the President any discretionary power to

grant pardon to a convict. In such a case, the President has to act according to the advice tendered by the Prime Minister.

The Law Minister has tried to shift the blame on the officers of the Prime Minister's office (PMO). He has said that blaming the Prime Minister on the issue is wrong, as it is not possible for a Prime Minister to look into each and every file. In fact, the officers in charge of the PMO scrutinise the files, and the Prime Minister just signs them. What has really transpired is that the PMO failed to discharge its responsibility in dealing with the case.

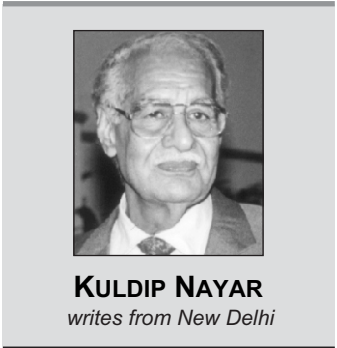
It has been reported in some newspapers that Local Government, Rural Development and Cooperatives Minister Abdul Mannan Bhuiyan who is also minister-in-charge of the home affairs ministry in the absence of the State Minister for Home Affairs has asked the home affairs ministry to submit a report on the ministry's role in managing amnesty for the convicted murderer Mohiuddin Jhinto. Many observers regard this as eyewash. When the home affairs ministry itself has allegedly mishandled the case on political consideration, what sort of report can be expected from it?

While talking to the journalists on July 25, Suranjit Sengupta, AL presidium member and a member in the parliamentary standing committee on law ministry, demanded neutral investigation into the "dubious quick process of appeal" to seek presidential clemency.

To conclude, presidential pardon to a convicted murderer has created frustration and anger among the law-abiding citizens of the country. The government should immediately go for a high level inquiry. Another probable remedy is the repealing of the presidential clemency to the convicted murderer. The constitutional experts and jurists of the country may address this issue.

M. Abdul Latif Mondal is a former Secretary to the government.

It concerns us all



WHEN President Bush introduced his wife to Prime Minister Manmohan Singh, he said there was a person who had more Muslims than any other country except Indonesia, but none of them was the Al-Qaida type. Subsequently, at a function in Washington, the prime minister said with pride that not a single Muslim from the 150 million in India was either part of Al-Qaida, the Taliban, or any other terrorist group.

This fact may have remained obscure from Indians. But foreigners, particularly those from the media, have singled out the nation for praise whenever they have traced terrorism to Afghanistan, Pakistan, or Iran. Indeed, no Indian Muslim is reported to have participated in jihad or any "holy" war that the fundamentalists have relentlessly fought in Afghanistan, Chechnya, or Palestine. Even in India, there has never been a Muslim from Moradabad, Patna, Coimbatore, or elsewhere joining the "liberation war" in Kashmir.

It shows how, over the years, the Muslim population, even alienated and dismayed, has fashioned itself

in such a way that it has instinctively felt in the manner the rest of the population has. The Muslims are convinced that the ethos of the country is secular. They have seen many storms of communalism gathering and disappearing to face the reality of day-to-day living and the demands of give-and-take in a pluralistic polity. They have come to terms with India as it is emerging.

The demolition of the Babri Masjid made the Muslims realise for

The brutality with which the media and the intelligentsia tore the involved government apart has sustained the Muslims' faith in the country. What has made them despondent is the state's reluctance to rehabilitate the victims or to make amends for the wounds it has inflicted on them with its partisan attitude.

An educated woman in Delhi told me the other day that she never felt any difference between one Indian

Bihar member till today. Different probe commissions have felt that "the alienation of Muslims is 100 per cent." They have confirmed the distance between the Muslims and the rest of the country. The commissions have given the government their recommendations. But, practically none of them have been implemented.

Some desperation in the Muslim youth is discernible. Some have joined the underworld. A few

separate culture and religion from politics. The question that L.K. Advani raised at Karachi was not whether the post-Pakistan speeches by Qaide-e-Azam Mohammad Ali Jinnah be recalled but whether the philosophy of secularism he adumbrated in a Muslim state was worth supporting by the BJP that equated Hinduism with secularism. He and his ardent supporters Atal Behari Vajpayee and Jaswant Singh lost courage. If

ters. For the first time, many occupying senior positions in the BJP showed guts. Differences were not ideological as the RSS was trying to project. In many years, George Fernandes talked sense for the first time when he wrote a letter to the RSS to stick to its socio-cultural agenda and not to dabble in the internal affairs of what is essentially its own political outfit. Fernandes was not speaking the language of Advani or Vajpayee. He was groping for a line which the NDA, sullied due to the links with the BJP, could take in the forthcoming elections in Bihar. But all was over when Vajpayee and Advani went to RSS chief Sudarshan and assured him that they would recede into the background in due course.

The Sangh parivar's violent segment, Vishwa Hindu Parishad (VHP), has gone to the Minorities Commission to give vent to its anger. The complaint is that Muslim leaders did not adequately condemn the attack on the Ayodhya temple. The commission, in turn, has conveyed VHP's angry comments to important Muslim religious leaders and the community's intellectuals at a meeting. They have attacked the media for not reporting their criticism of terrorism.

Both sides will soon meet at the instance of the commission to discuss the differences between the two communities. It's a good move. But it seems their leaders have yet to wake up to the diversity of India and to the futility of dividing the society on religious lines. This is not the concern of Muslims alone, but that of the entire nation.

Kuldeep Nayar is an eminent Indian columnist.

BETWEEN THE LINES

Vishwa Hindu Parishad (VHP) has gone to the Minorities Commission to give vent to its anger. The complaint is that Muslim leaders did not adequately condemn the attack on the Ayodhya temple. The commission, in turn, has conveyed VHP's angry comments to important Muslim religious leaders and the community's intellectuals at a meeting. They have attacked the media for not reporting their criticism of terrorism. Both sides will soon meet at the instance of the commission to discuss the differences between the two communities. It's a good move. But it seems their leaders have yet to wake up to the diversity of India and to the futility of dividing the society on religious lines.

the first time since independence that their assumption of safety of mosques, other religious places, and graveyards was wrong. They still feel perturbed. But the strong reaction to the demolition that swept across the country has assured them that their trust was not misplaced. They know that there cannot be forcible construction of the temple on the site where the Babri Masjid stood. They have the same conviction about the mosque-temple complex at Mathura and Varanasi.

The blow which had them staggering is the massacre in Gujarat. They had never imagined such carnage after 58 years of partition.

or another in the last 30 years, but Gujarat had made her realise that she was Muslim. True, the constitution guarantees minorities equality. Yet they have suffered most at the hands of law and its guardians. The Muslims have seldom seen any Hindu instigator of communal riots being punished. It has been the same sordid story from Bhiwandi to Meerut. Instances of police connivance are unending.

Even the Congress party is not all that secular. One of its former chief ministers has confessed in his autobiography that the Bhagalpur rioting was the doing of his party chief minister at that time. The party has not taken action against any

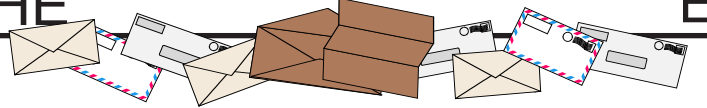
instances of bomb blasts in the country testify to the feelings of anger and religious propaganda. Most madrasas continue to belch forth the fundamentalists. Still none of them has gone the way of Al-Qaida or other terrorist outfits. It indicates that they, however brain-washed and misguided, want the countrymen to realise that their problem is economic. With the limited kitty, the problem has got aggravated further.

It is a pity that the BJP, which looked like realising the futility of stark Hindu line, has surrendered to the RSS, an organisation of fundamentalists, lock, stock, and barrel. The party seemed to be trying to

they had only chalked out a different path, the BJP might have been split but would have found an alternative from the RSS-supported BJP and the Congress.

Had the two-month-long crisis in the BJP been related only to the resignation of Advani as party president things would have been sorted out long ago. He is not a person who would have stuck to the office if not wanted. Observations by some of the BJP leaders must have hurt him really badly because they were practically his creatures. The question was whether the BJP had any entity of its own or whether it was at the end of a telephone call from Nagpur, the RSS headquar-

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.

'SIM card crisis'

To use a cellphone SIM card is a must for the subscribers. A few months ago it was available in the market and people could easily get it at a reasonable price.

They had to pay only Tk 80 or 100 for buying a SIM card. But after the announcement of the budget of 2005-06 it became an expensive one. The government has imposed a duty of Tk 1200 on mobile SIM. That is, every new cellphone subscriber has to pay the additional charge. Most of the dealers have stopped using SIM cards of different cellphone operators after the announcement of the budget.

In this situation when the customers go for buying SIM cards they are refused by the dealers. They claim that SIM card is not available in the mar-

ket. Why are they doing so? Are they waiting for any chance to make big profits? Maybe!

Shimul Dey
IIUC

Big mistake?

The Daily Star is in my view the best English newspaper in our country, but last Thursday on page four I saw an amusing advertisement. The ad was on Saifur's BBA (IBA) admission coaching centre. The Institute of Business Administration is the best place of our country to be in if one wants to pursue a degree on business and make a great career. A degree from IBA can be valuable on our job market. But the ad wasn't valuable at all. Let me interpret it just the way it was.

This ad tells us that it would be a big mistake if someone gets admitted into BUET, Medical

College or DU. The reason behind this is they would not get job easily and their "shoe sole" would be damaged; even if they somehow get a job everyone of them would sooner or later realise that without a degree from IBA "The future isn't bright". They need an IBA degree anyhow.

Mr. Saifur, tell me how could you create or recommend an ad which discriminates and underestimates some of the great educational institutions of our country by telling the HSC and A-level appeared in this year that it would be a BIG MISTAKE to get enrolled there. Do you think that these institutions have got nothing to offer to their students? Does the IBA certified people only get all the great jobs and make a great career? Then what will you say about the renowned persons and all the doctors, engineers of the

country?

Wasim Mahmud
Dhaka

Please suggest something

I am the only child of my parents. After being born, my mother's leg was paralysed. Of course my mother could walk with the help of a stick. When she was sent to the doctor he said that the disease was not paralysis and he added that if operated upon then she might walk once again. The doctor also said that without operation she might suffer from paralysis forever. But my mother didn't agree to get herself operated on.

In my family I was gradually growing up with the co-operation of my parents. I am a student of International Islamic University, Chittagong.

My mother is suffering from diabetes as well. However, we have

not arranged the best treatment for her. Our bank balance is supposed to bear the expenditures of my education. Now, I think we should send my mother abroad for better treatment. In that case, we will have to spend a lot of money.

Can anybody help me with suggestions in this respect?

Ummay Tayaba Ferdous
International Islamic University, Chittagong

Syed Badrul Haque
Lalmatia, Dhaka

Ministers' sartorial preference

I adore Mr. S Ahmed for his observation (DS 4/7/05) on the subject which has drawn my attention. I propose half-sleeved white shirt with tie in the summer and full-sleeved (same as above) + jacket in the winter (while on outdoor job). To visit any disaster /accident spots, I strongly propose T-shirt as the American presidents wear. The recent examples are president George Bush and Bill Clinton (while visiting the Tsunami affected areas in the peak winter). Our winter is temporary and mild unlike in Europe and America.

I was shocked to see a former minister visiting a launch disaster spot (river bank downstream (from Fatulla) dressed in suit.

A citizen

Dhaka

Jute mills

Our Association is surprised to read the news published in your daily on 30-06-2005 regarding the statement in the JS on 29.06.2005 by Mr Shajahan Siraj, the Minister for Textiles and Jute. The Minister said that there are 119 jute mills in the country, possibly he forgot to mention the 13 mills producing diversified items of jute goods which are Members of our Association and hold licences from the Directorate of Jute, under the Ministry. The statistical statements submitted by the Association to the Ministry bear the testimony to the number of total mills operating in the country.

The Hon'ble Minister also said that only two mills under BJMC are closed; he possibly mentioned those two mills because these two mills are listed for Privatisation and forgot to mention that out of the 22

mills under the BJMC, only eight mills are now in operation and other 14 mills are out of operation. These mills blow whistles, workers come & register their presence but there is no production at all. This is well known to the people, because (i) News on this has been published in all dailies during the last six months and (ii) Mill workers called "Hartal" led by MPs in Khulna protesting the closure of the mills; (iii) Meeting of mill workers in "Muktangan" in Dhaka and submission of Memorandum to the Speaker against the closure of the mills in Khulna area and (iv) Publication of statements in newspapers by other political parties/leaders, protesting the closure of BJMC mills.

Now, how the JS could be told by the Hon'ble Minister that only two mills under BJMC are closed?

MA Behrouz Ispahani
Chairman, BJMA