

## Disposal of electoral disputes

*Delayed to the point of meaninglessness*

THE number of unresolved cases with the election tribunal makes very unhappy reading. If we cannot get more than one of the 342 cases resolved by the tribunal in 35 years, then the efficacy of such a system cannot escape the critical look of all concerned. Such figures suggest that perhaps it's time to consider recasting the entire system so as to make it relevant to the purpose for which the electoral tribunal is set up.

One wonders whether it is lack of urgency or inability in giving due importance to the cases or inadequacy of existing laws that we see such a poor performance of the process of redress of grievances related to election malpractices.

If there was merit in shifting the tribunal under the High Court, the change has brought the number of tribunal benches down from six, to a single bench at present. As for the current Parliament, out of 19 cases that were admitted for hearing, 12 are still to be decided while only 14 days remain of its life; and as per law all the pending cases will cease to be have any locus standi after the dissolution of the Parliament.

It merits restating that delay in the dispensation of justice affects all the parties to the litigation. In this case one who is falsely accused of malpractice continues to carry the stigma if the case remains undecided while a genuinely aggrieved person is deprived of his due while the wrong doer continues to reap the benefits of the malpractice. Inordinate delays in adjudicating a case only make it possible for evil to triumph.

It is time to take a serious look at the whole gamut of the electoral tribunal system. We feel that this must be regarded as one of the most important points in the electoral reform issue. To start with, the number of benches should be increased and specific time frame must be set for adjudicating a particular case. There is also need to consider whether minor or smaller disputes should be referred to the district judges to reduce pressure on the High Court. Last but not the least, the 1963 provision, giving exemption to MPs from arrest or litigation 14 days before and 14 days after the commencement of the session, must not be applicable to those MPs that are parties in such cases, if not altogether repealed.

## Flurry of promotions

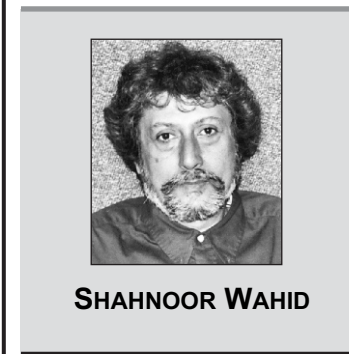
*Rendering the administration partisan*

WE cannot but be astounded at the way the incumbent government has been handling certain administrative issues at the fag end of its tenure. One single instance would exemplify how desperate they have become to further politicise the administration prior to the elections. In a latest move the government has promoted 310 more officials to the posts of deputy secretaries and secretaries on the recommendations of the Special Selection Board (SSB). How much this conformed to existing service rules, norms and practices is open to question.

Interestingly enough, recommendations for the promotion of the 'blessed' lot were made at the last meeting of the board held on Tuesday despite the fact that the corresponding posts do not exist. In their obvious haste to reward the 'loyalists', the authorities did not take into consideration the existing scenario where as many as 600 deputy secretaries are thronging the corridors of administration against the posts of about 400. And it is only expected that the Office of the Comptroller and Accountant General would be able to perceive correctly the ramifications of such hasty promotions. There is logic in their argument when they stress that they do not have the extra money to pay the salary of more officials than the number on the payroll.

Promotion of government officials is a routine affair. But what happened in the case of the 310 officials and many more in the past smacked of narrow partisan political agenda. Does it not amount to creating divisiveness in the administration? Yes, one may blame all the previous governments for resorting to such ploys to win friends from amongst the bureaucrats, but what the alliance government has done during its tenure has surpassed all previous records. In all the services the 'favourites' have been given promotion depriving many deserving candidates thereby creating widespread resentment among the officials. The alliance government has done so with an eye on the forthcoming elections. But, by doing so, they have veritably weakened bureaucracy which is the foundation of the edifice of administration.

## Unlearn journalism



SHAHNOOR WAHID

THE journalists of this country sometimes can stick to a person like a "joke." But this joke has no humour attached to it, nor does it provoke laughter when one comes in close physical contact. In fact it is the Bengali word for that slimy and rubbery insect that sticks to one's body and sucks blood.

In plain and simple English it is a leech. In marshy waters leeches have the habit of creeping up the most uncomfortable places in one's body, and they have paired with the colonial British gentlemen to create some hilarious jokes that are popular in this part of the world.

Therefore, the leechier a journalist can be, the more he will suck out information. That's why they have to stick close to one who is news-worthy, or news-unworthy. But many of our news-worthy or unworthy people do not enjoy journalists creeping up too close, like that leech. They have no mood for this particular "joke."

## SENSE & INSENSIBILITY

Don't be surprised, dear readers. That's exactly how most of the people in power and out of power feel about journalists. They do not like to be asked simple questions like - how many millions have you siphoned away from the state coffers or why do you give shelter and protection to smugglers, drugs peddlers, killers, hardened criminals, terrorists, etc, or why certain files did not move in five years, and so on. In fact, the ruling class always finds honest journalists as living impediments to their "development" activities.

Some of them actually begin to show the signs of severe allergic reactions like itching, hiccup, sneezing, coughing, and even hysteria at the very sight of a newsman. To save their lives they either start looking for inhalers or the back doors. Then again, there are others who decide to come out from inside their cocoons once in a while to face journalists. Often such occasions provide them with the opportunity to give advice or sermon to the latter.

One such million dollar advice was given the other day by the news worthy CEC to the journalists of the country. The journalists who were present there heard him say 'learn journalism.' He was visibly upset when the newsmen had asked for the umpteenth time when he would resign. Instead of giving a straight answer the CEC advised them to learn journalism first. An innocuous advice coming from a senior person. No harm in that. But what the cynics heard him say was 'unlearn journalism.'

To defend their claim the cynics say that between the lines of "learn journalism" the actual message was:

"Unlearn whatever you guys have learned all these years. You better forget everything your editor has briefed you on. Better take a new sobok (lesson) from us ... learn to talk and ask questions that would make us happy ... and make us smile. For instance, talk about the efficacy of the voter list we have 'created' and see how we smile.

"Who knows! We might even give you a long hug for that (by the way, are you interested about a posting in New Delhi ...or London ...or US ... just let us know). But, instead of asking such beautiful questions what you brats often ask makes us angry ...very angry ... and sometimes we wish to put you across our laps and give a good spanking. You know about that ... spare the rod and ...?

"Look lads, all these years you journalists have been trained to ask unsavoury questions straight in the face of the high and mighty like us without blinking your eyes ... and to tell you frankly, we do not like that. It was a different brand of journalism you learned. Now time has come for you to unlearn all that and take new lessons in journalism. And we are here to teach you."

After the CEC, another million dollar piece of advice came from someone even higher and mightier than him. This time the law minister has asked journalists to go and clean dust from the files lying in some corner in his office. This advice came when some journalists had taken the liberty to draw his attention to the dust-covered files containing papers concerning separation of judiciary from the executive.

Yes, those files. Ah! Thank God, you remember. We wonder how did the minister know that journalists



usually carry dusters along with pen and paper when they go to talk to important people about things that are important for the nation!

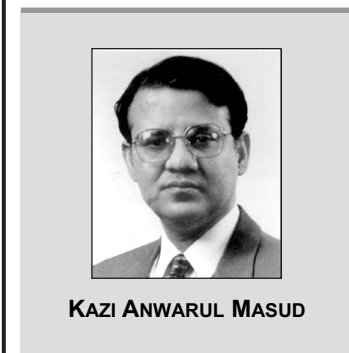
Don't be surprised, dear readers. That's exactly how most of the people in power and out of power feel about journalists. They do not like to be asked simple questions like -- how many millions have you siphoned away from the state coffers or why do you give shelter and protection to smugglers, drugs peddlers, killers, hardened crimi-

nals, terrorists, etc, or why certain files did not move in five years, and soon.

In fact, the ruling class always finds honest journalists as living impediments to their "development" activities. That's why they prefer dead journalists to live ones.

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## Role of individuals in policy making



KAZI ANWARUL MASUD

IT is generally believed that a country's foreign and domestic policies are dictated by self-interest. In any analysis of these policies, one has to accept the premise that foreign policy does not start "at the water's edge" -- domestic determinants like politics, pressure group activities, and public opinion play an important role in the formulation and implementation of both domestic and foreign policy.

Apart from the fact that these policies are not formed in the abstract, sometimes it is forgotten that almost always the people in power with their prejudices and pre-conceived notions dictate these policies as they interpret the policies that they think will serve the state's interests.

In a democracy, such formulation and implementation of policies are acceptable because the people have delegated the power to a group of people to decide on their behalf. Reluctance of people like Henry David Thoreau to surrender all his power to a select group is uncommon. But intrusive inspection by both the opposition political parties and civil societies are essential in developing countries like Bangladesh where almost always politics is used to conduct public affairs for private gains.

If the world today has become

## GOING DEEPER

The people in power take the ultimate decisions that they perceive to be in the interest of their political agenda, regardless of the fact that such decisions may be out of step with those taken by other countries and ultimately prove to be harmful to the country. It is therefore necessary for the people in power to be cognizant of the real desires of the electorate and act accordingly. Otherwise the same people who elected them will throw them into the dustbin of history.

fractured into camps of haves and have-nots, affluent West and the poverty stricken East, of theological conflicts both inter and intra-religion, of men from Mars and from Venus, of "new sovereignists" having scant respect for international law and others less powerful who have to depend on international law to safeguard their abridged sovereignty, it is because the people in power at any given time decide to interpret what is best for their country.

One wonder if in the year 2000 Vice President Al Gore had been elected the US president instead of George W Bush, then perhaps Iraq invasion would not have happened and regime change would not have entered into the lexicon of global leaders. Perhaps the cartoon controversy surrounding Prophet Mohammed (pbuh), race riots in France and in some Western European countries, and the Pope's diplomatic remarks about Islam in his speech at the University of Regensburg, to mention a few, would not have occurred.

Questions would not have been raised about the efficacy of multiculturalism in Western societies where Muslims in particular are now forced to negotiate the borders of second class citizenship in their own countries and where Muslim youth are

accused of owing allegiance to countries of their forefathers, countries they have not seen, and where they will be no less alienated than in the countries of their birth.

It was believed in the past that an inverse relationship existed between religiosity and affluence because the poor needed the help of divinity, in Marxian terminology as an opiate and in Freudian sense to explain the ultimate defeat of human knowledge in death, more than the rich. But recent studies have shown that the world is becoming more religious, with the Western world no exception.

The US, the richest and the most powerful nation in the world, as a poster for deeply entrenched religious beliefs. In the 2004 presidential election George Bush received 40% of the evangelist votes (more than seventy percent of the white evangelical votes) because they perceived Bush, among other things, to be more religious than John Kerry. Almost half of the scientific community in the US believe in God in the Biblical sense.

The fact remains that the Bush doctrine of pre-emption and his promise not to ever allow any nation on earth to get into an arms race with the US making America the global hegemon are the realities of the day.

But if the neo-cons like Dick Cheney, Paul Wolfowitz, Richard Perle, and others, who had petitioned President Clinton to invade Iraq long before 9/11 and al-Qaida appeared on the global scene had not been catapulted into power by President Bush, then Madeline Albright's description of tectonic shift in the US foreign and defense policies effected through the change of administration from Clinton to Bush would not have come to pass.

Similarly, if one goes back a little into history one could safely conclude that despite the imperfections of the Treaty of Versailles, but for Adolph Hitler, 20th century history would not have witnessed the massacre, death, and destruction of millions of human lives. These examples strengthen the argument that men in power, more often than not, mould the destiny of their nations and sometimes of other nations as well.

This problem of non-reflection of popular wishes after elections by the people's representatives is more pronounced in developing countries than in developed ones mainly because of the developed countries' people's financial independence of the government, which unfortunately does not apply to developing countries as the government is

generally the largest employer and is the sole provider of essential utilities like gas, electricity, water, etc.

The government therefore remains in a position of power to grant or deny the people social goods that are taken for granted in developed societies. Besides, unbridled corruption through violation of societal rules and norms by secret exchange among political, social, and economic markets, resulting in tangible benefits to the parties concerned is a part of the daily life of the people in countries like Bangladesh.

Though the argument has been advanced that functional corruption through oiling rigid political and/or bureaucratic regime for advancement of economic development can be useful, yet this process opens up the possibility of dysfunctional corruption through arbitrary introduction of exogenous elements into the decision making process, distorting efficient allocation of resources and ultimately prove to be regressive for economic growth of the country.

The recent spate of reports in our dailies about deliberate corruption in the energy sector even at the eleventh hour of this government strengthens Transparency International's description of Bangladesh as the most corrupt country in the world. Additionally, public discontent reflected at Kansat, Barapukuria, Shanir Akhra over lack of electricity and water, RMG factories over workers' salaries, strike by Railway Karmachari Sangram Parishad and paralysis of the railway system protesting proposed reform plans are eloquent testimony of the inadequate governance by the present group of people in power.

Perhaps most importantly, the

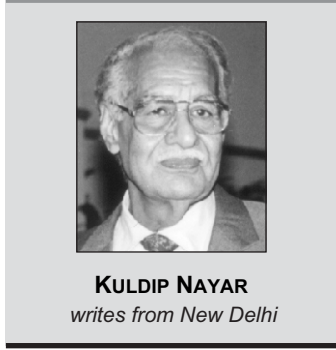
rise of Islamic militancy in Bangladesh can be attributed to the inclusion of Islamist forces as coalition partners in the government. This ahs led to, for example, the regressive decision to make Islamic education equivalent to secular education, thus opening the job market to a large number of ill-equipped personnel who stand little chance in this competitive world.

It is believed that this politically expedient decision was taken to please the two Islamist parties in the coalition. In this milieu it is often forgotten that corporations run by religious fundamentalists in Bangladesh make an annual net profit of twelve million takas of which about ten percent is used for organizational purposes, including running armed training camps.

All these eminently prove the point that the people in power take the ultimate decisions that they perceive to be in the interest of their political agenda, regardless of the fact that such decisions may be out of step with those taken by other countries and ultimately prove to be harmful to the country. It is therefore necessary for the people in power to be cognizant of the real desires of the electorate and act accordingly. Otherwise the same people who elected them will throw them into the dustbin of history.

Kazi Anwarul Masud is a former Secretary and Ambassador.

## Loss of faith at Kargil



KULDIP NAYAR  
writes from New Delhi

I KNEW that the Air Force was not satisfied over the conduct of operations at Kargil. Vinod Putney, head of the Western Air Command and deputy to Air Chief AY Tipnis, ran into me twice those days. We had known each other since 1990 when I was the High Commissioner at London and he the air attaché.

Putney did not say anything when we met but unhappiness was writ large on his face. I imagined he felt frustrated because he, or for that matter, the air force, I had heard, wanted to target the training camps of terrorists across the border. But the then Prime Minister, Atal Behari Vajpayee, had said:

"Please don't cross the LoC," and

## BETWEEN THE LINES

What struck me about the episode was not the difference between the two on the use of air force, but the distance between the two main wings of the armed forces. However, the question is bigger than the personalities. It is that of coordination -- and equation -- between the army and the air force. This is not the first time that the differences have come to the fore. They were there during every war -- in 1962, 1965, and 1971. In 1962, former Air Vice-Marshall AK Tewary tells us that the use of air force was not even considered against the Chinese because New Delhi's attention was focused on getting air umbrella from the US.

repeated, "No, no crossing the LoC."

Yet, that was not the full story. It turns out that the air force was sullen because the army had not taken it into confidence on Pakistan's intrusion in Kargil area. For the first time, a newspaper article by Tipnis has said that the air force felt let down on Kargil. Even when it checked with the army on the intrusion, the latter gave no information except that there was "reportedly unusual artillery firing" in Kargil area.

Tipnis has alleged that when he found that the ground situation was

"grave," he offered the air force help. "But it (the army) was not amenable to the Air Headquarters position to seek government approval for use of air force offensively." The army wanted helicopters, not the air force. After Tipnis refused to deploy helicopters, "believing they would be too vulnerable," Army Chief General VP Malik said, "I will go it alone."

Malik and Tipnis are two outstanding officers with the highest integrity. Their knowledge of their respective field is beyond question and they have excelled themselves

in their career of 40-odd years. Both have been batch-mates at the training academy in Pune. What struck me about the episode was not the difference between the two on the use of air force, but the distance between the two main wings of the armed forces. However, the question is bigger than the personalities. It is that of coordination -- and equation -- between the army and the air force.

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The Kargil operation has only underlined the basic problem of how to harness all the three wings to achieve the best of results. I am sure that the Navy has its own tale of woes, but it is yet too small to create a fuss. That it should have an equal say cannot be questioned. Probably, the practice of three chiefs meeting every week has been abandoned. In fact, there is a standing committee of three service chiefs. Therefore, lack of coordination among them is not understandable. They should be talking on the phone all the time.

No doubt, the army is the leader in any combat. Tipnis concedes this in his article: "It was the army's leadership and we are only in support." But he also says that "because disturbing inputs continued to be brought in by his staff, he inquired whether all was well." The deputy chief of the army indicated that "the army could handle the situation on its own."

Disclosures by Tipnis should have evoked a healthy discussion. It does not seem to be the case. Already I hear accusations and counter-accusations from the two sides. Lt Gen Arjun Ray, the then army spokesman, has said: "Such utterances will create friction between the two services." True, but somebody has to tell the full story. Putney is right in his comment: "When national security is at stake it is important for us to admit our mistakes. The air force has done it." The nation is not concerned about the personal ego of a particular chief or a particular service. It wants to be assured the armed forces would amass all information and the capability to defeat the enemy if and when there is a war. It expects the three services not to stand in ceremony but to pool their resources to fight.

The Subramanian Committee which went into the acts of omission and commission in Kargil should have brought out the contradictions and lack of coordination.

Maybe, it did not want to open the Pandora's box. The composition of the committee was also defective. The only member from the armed

forces was from the army. Air and army HQs have also undertaken studies and reviews and concluded their findings. I think there should be a re-look at the air force participation because Tipnis has complained that it was not involved from the beginning.

Still the government has to think of ways to effect coordination and cooperation among the three services. Apparently, the Ministry of Defence or, for that matter, the defence minister himself, has not been doing their job properly. I wonder if they knew what Tipnis has brought out in his article.

The government may seek a convenient way out and create the post of chief of defence staff. This is nothing new. Soon after the Manmohan Singh government took over, it was almost decided to have the chief of defence staff. One former air chief was able to persuade the government not to do so. His arguments were different. But I think such an appointment might encourage Bonapartism in the force which is apolitical.

The three chiefs are experts in their respective field. Who can excel them? Their input has to be there all the time. No one person can replace

them, however brilliant. The army, the air force, and the navy are individually important and together they form the country's armed forces. They are answerable to the country. The chief of defence staff may turn out to be only a cog in the wheel. What is required is joint planning, joint handling, and joint fighting from the word go.

In the meanwhile, the government must find out why the army was reluctant to talk about Pakistan's intrusion even to the Ministry of Defence. As Tipnis says, the army did not want to inform the Ministry of Defence about it until very late, possibly because "it was embarrassed to have allowed the present situation to develop." This amounts to lack of faith, not so much in the air force as in the government.

Kuldip Nayar is an eminent Indian columnist.