

Separation of judiciary

Finally, there is reason to hope

THERE can really be no question that the move towards ensuring a separation of the judiciary from the executive is a decisive one. We at this newspaper certainly welcome it, given that as part of the media we have consistently upheld the cause of judicial independence. Along with the rest of the country, we now look to a speedy implementation of the steps the caretaker government has taken, especially through making sure that the lower judiciary passes into the wider ambit of Supreme Court authority. There is, at the same time, a paramount need to ensure that men and women of proven ability and probity become part of the judiciary – for it is on sound judgment and profound thought that the judiciary works. The fact that the caretaker authorities went into swift action to follow through on the Supreme Court directives served on the government in the last five years, perhaps more, is a sign of the clear intentions they mean to pursue in this particular area. We cannot but thank them for the sagacity they have demonstrated here.

While we are on the subject, we realize that a little reflection on why such an important judicial decision took as long as it did would not be out of place. It is a job that the nation's elected government, in these last ten years but especially in the past half a decade, ought to have been able to do to our satisfaction. The degree of procrastination which went into implementing the Supreme Court directives, and repeatedly at that, naturally raised some very uncomfortable questions about the motives of those who held political power at the time. It is pretty ironic, therefore, that what our elected representatives could not, or would not, do has now been done by an administration for which time and space remain limited. Had the independence of the judiciary been made part of the system earlier, much of the misery we have already gone through could have been avoided.

Our happiness over the move apart, there is the significant matter of what the next elected Parliament can do to give concrete shape to the decision of the caretakers. It remains our expectation that the amendment now required for the Criminal Procedure Code (CrPC) will soon become part of the exercise.

In a land where ensuring the rule of law has consistently been a goal, the latest move will have a cathartic effect on all.

Error-ridden textbooks

Need to replace them urgently

PRINTING and distribution of textbooks for school students have almost regularly been botched up in recent years, which caused immense trouble to the students and great discomfiture to teachers, parents and guardians. The books were seldom delivered timely thus delaying the beginning of the new academic year.

But matters have reached a critical stage this year. The books supplied for the students of class nine and ten contain gross errors that could only baffle and frustrate the learners greatly. It seems the National Curriculum and Textbook Board (NCTB) at the supervisory level and the publishers on the operational level didn't even bother to check whether the books were being properly printed and that these could be of any use to the students in the end. There are errors of every kind which would have been eliminated if the NCTB authorities had selected the publishers carefully and kept a tab on their work from time to time.

Printing and distribution of textbooks are not something that can be left to callous officials at the NCTB or the publishers who professionally leave much to be desired, and not even aware of the problems associated with books fraught with too many errors.

If the deteriorating standard of education is a matter of concern, it will be further multiplied if students are forced to read such books. The truth of the matter is that printing and distribution of school textbooks have become a profitable business with the issue of maintaining quality of textbooks being relegated to a point of trivialisation. The NCTB authorities, despite knowing what precisely their job is, seem to neglect the matter until it is too late and then swing into action to cover up for the lost time. The result risks being a sloppy job of a corrected version.

The education authorities should immediately withdraw the flawed books and stop the supply of the lots not yet delivered with a clear-cut statement issued by the NCTB as to the timetable for their redistribution. Under no circumstances should the students be burdened with such reading material.

The whole matter needs to be gone into with the responsible duly identified and brought to book.

Solving the power problem

To simplify the procedure, the administration may authorize the public sector power marketing enterprises to purchase power from private power plants where they require power. But to maintain uniformity, the administration may fix the purchase price of power per unit, make a simple policy for power purchase, and publish a gazette notification accordingly.

MD ASHRAF HOSSAIN

POWER generation, transmission, and distribution has not been keeping pace with increasing demand in Bangladesh. A good number of industrial entrepreneurs are generating power for their own use to avoid the problem of interrupted power from public source.

In the public sector, power generation plants have been set up one after another. The total power generation capacity of public sector enterprises is 4,000 megawatts now. Power generation from private sector plants is estimated to be 1,500 megawatts.

Even then, a devastating shortage of power is prevailing in Bangladesh. Irrigation has

been adversely affected because of interrupted power supply and low voltage. The students have been affected for want of power in the evenings. The industries which consume public sector power remain stopped for hours together owing to load shedding and low voltage.

Nowadays, the expectation from the administration is very high. People consider the administration as being responsible for any problem they confront in their daily life. As such, in Bangladesh, the people consider that the government is responsible for the inadequate power supply to industry, agriculture land, educational institutes, health care centres, commercial enterprises, and household connections.

In our country, the power generation project under public administration used to follow bureaucratic procedures. At present it needs three to five years to set up a power plant. It is not possible to reduce the time if the existing bureaucratic procedure is followed.

A few years back, 105 steps were being followed to import or export goods through Chittagong port. When the garment factory owners association exerted pressure on the authorities concerned, the procedure was revised and half of the steps were removed.

We have been observing with concern that demand for power is ever increasing in Bangladesh, but the administration cannot keep pace with the increasing demand. The admin-

istration has to review its existing long and cumbersome procedure for setting up power plants. This has to be simplified.

The simplification of existing procedures will reduce the time in project selection, financing and implementation. Reduction of time significantly reduces the cost of the projects, because the parties involved in a power project evaluate time involvement of their manpower (expert, skilled, and non-skilled), and the changing price of machinery.

When project selection and implementation takes a long time, all these factors result in higher investment. A high powered one-member committee headed by a secretary may be formed by the administration to recommend procedural simplification, and authorize BPDB, Desa, Desco, and Rural Electrification Board to set up power plants according to their respective needs, without individual approval of the ministry or the cabinet.

Even if positive steps are taken to implement new power generation, transmission, and

distribution facilities under public administration, the private sector should be given some responsibility to fill up a portion of the increasing power demand. The administration has to purchase power from the private sector power producers, and has to market it through its enterprises like BPDB, Desa, Desco, and Polli Biddut Samities. Here also the existing procedure is to be simplified.

At present, when a private entrepreneur decides to generate power to sell it to a public sector enterprise, say, to a Polli Biddut Samity, he has to submit a technical and financial proposal to the Palli Biddut Samity.

The Samity evaluates the proposal, following its hierarchy of technical officials, and gets approval from the management committee. The accepted proposal is forwarded to the Rural Electrification Board (a public sector enterprise).

The bureaucrats of the board examine the proposal at different levels. When every step is completed, the proposal is forwarded to the Power Cell (a unit under

Power Division of the Ministry).

The technical and financial bureaucrats at different levels of the cell evaluate the proposal again and again and, if they agree, recommend it to the Power Division. Here also, the bureaucrats and political head of the division, when satisfied, recommend it for consideration of the purchase committee, and if they agree they send it for approval to the Prime Minister's Office.

Again, evaluation is repeated and submitted to the prime minister. During the above-mentioned stages and steps if anyone disagrees the proposal will be shelved. When the prime minister approves a proposal, the file will move through the above steps and go down to the Palli Biddut Samity. An agreement is signed between the private entrepreneur and the Palli Biddut Samity.

It is generally understood that in most of the stages and steps, though of course not all, speed-money, *tadbir* (personal persuasion), or political influence is required to move the proposal.

Election: For whom and at what cost?

STRATEGICALLY SPEAKING

Therefore, it seems a waste of money and effort and time to spruce up a voter list to hold an election that would make no substantive difference to the quality of life of the people, because of the poor quality of people we are forced to elect. One can get a flawless voters list, but it will hardly make our democracy flawless or functional. Unless we incorporate changes in the electoral system, we are destined to endure people with credibility gap deciding the fate of the country and legislating various laws, but whose presence in the parliament is unwarranted in the first place

for holding the election, while the other alliance was equally determined to prevent it by any means. And they were quite willing to accept the ill consequences of their rigid position, which had all the potential for a physical confrontation between the two alliances.

For the two major political parties heading the two alliances it was the only way to either retain power or to regain power. The 4-party alliance was well aware of the consequences of an electoral defeat and thereby resorted to all available devices to hold on to it. The 14-party alliance, convinced that it would be prevented from regaining power by whatever means and manner possible, was unwilling to be part of a sham election. So "election" (read power) was the motivation behind their respective positions. The people and the country, the only important factors, counted for very little in their planning matrix.

The president has, at last, delivered the country from a grave situation by declaring

emergency. Whatever may have been the motivation of the president, and there are many stories making the rounds, it was the only way that the two alliances could be offered a way out of the positions that they had driven themselves into, without possibly one or both of them destroying themselves, and the country too.

What one British politician said about democracy occurring once every five years in his country is applicable in the case of Bangladesh too, only more starkly so. There is very little democracy in anything else in Bangladesh, and no political party is willing to forego the chance to practice it once every five years. The political parties perceive the pentennial exercise at the ballot box as democratic. But is it? When the opposition that managed to get 41 percent of the votes abdicates its responsibility to represent the people who sent them to the parliament, and where the party in power does everything to make it difficult for the opposition to play the

part of an effective and constructive opposition, where is democracy? What pains the voters is that election and democracy have been totally dehumanized.

It would make very little sense to the public if all the turmoil and the plight that they had to undergo, in the last three months in particular, result in nothing more than more of the same -- more of bad governance, more of corruption from the highest to the lowest crannies of power, crony capitalism, et al.

The election has been put off primarily because we don't have a proper voter list. But even were we to have a flawless and spotless voter list will it make any substantive difference to the people and the country at large? I think not, unless of course some very fundamental changes are made in our electoral system. Let me dwell on only one issue today, that of clean candidates.

For almost one year, the civil society has been urging upon the political parties to nominate clean candidates for the parlia-

ment. Through many meetings held almost all over the country, the idea was also conveyed to the people. Everyone, without any exception, was in full agreement with the demand that our representatives to the parliament must have integrity, and must be clean and honest. These meetings were also attended by the senior leaders of all the major political parties, who, too, agreed with the call for selecting honest candidates.

But what do we see in reality. It was disappointing to notice the utter disregard of popular demands by the major political parties. Reportedly, seats were allotted in exchange for money, and the two major parties have collected crores on that account. People with known criminal records, with dubious sources of income and with black money, are in the running for the highest elected post, to enter a hallowed house that will be desecrated by the presence of these arrant dishonest elements, who have money to buy their leaders to get nomination.

A leading Bengali daily has exposed the act of the major political parties, and their protests, though not surprising, are least convincing. People know better. So, at the end of the day, the country will spend crores of taka for electing people with questionable credentials. But I hasten to add, there are many honourable exceptions, too.

And see how the law was used by men with dishonourable intentions to put aside a splendid

directive of the High Court that obligated a candidate to let the voters in on some of his or her personal information. That would allow voters to ascertain the competence of the candidate. A great disservice has been to done to the public by having this directive stayed.

Therefore, it seems a waste of money and effort and time to spruce up a voter list to hold an election that would make no substantive difference to the quality of life of the people, because of the poor quality of people we are forced to elect. One can get a flawless voters list, but it will hardly make our democracy flawless or functional. Unless we incorporate changes in the electoral system, we are destined to endure people with credibility gap deciding the fate of the country and legislating various laws, but whose presence in the parliament is unwarranted in the first place

There is nothing wrong with our politics; there is everything wrong with our politicians. We don't have to reform politics, but reform the politicians. If democracy is a device that ensures we shall be governed no better than we deserve, then surely we deserve better than what we have got so far. I think we ought to strive for good politicians and prove the saying, "a good politician under democracy is quite as unthinkable as an honest burglar" wrong.

The author is, Editor, Defence & Strategic Affairs, The Daily Star.

The day after

The transformation we are going through has the potential to rid our democratic process of the malaise and follies of the past. The emerging economy of Bangladesh will benefit most from it. There is a groundswell of popular disenchantment with the covetous nature of our national politics. Sad to say, the entire range of public representation stands tainted. This is the message of the time. It will find a place in the agenda of the caretaker government on its own merit.

SYED MAQSUD JAMIL

THE doomsday express was hurtling down the track to plunge into the abyss. In Dickensian parlance "we had nothing before us -- we were all going direct the other way." It was halted in the tracks by a midnight mea culpa. The president was mauled by epithets of every conceivable nature. A last, he rose to correct his course.

The state of emergency stopped the sound and fury of the last two and a half months. We are going nowhere until the house is put in order. In his speech, the president brought out the skeleton from the cupboard. The voter list is faulty.

His acceptance of the folly of one-party election was an act of wisdom. The three points culled from his call are: one, that the present electoral machinery cannot hold a credible and meaningful national poll. Two, that the task cannot be done within the 90-day time frame. Third, and most important of all,

that the nation should not return to the brink.

The Election Commission, in its present form and with its outmoded logistics, lacks credibility. It stuck wryly to a sermonizing stand that everything was on the right course. The acting CEC, in particular, was derivative of the many questions that were raised.

By the president's admission, the commission and the acting CEC stand compromised. It is understood that the commission has spent Taka 113 crores on the suspended electoral procedure. The inefficiency should stop here. There is a growing belief that the additions and alterations in the roll were not conducted in a professional manner. A new voter list, professionally done by a new set of professionals, is the best bet. It would be convenient to have an identity check in the form of ID cards of the voters.

The whole process will take time. It is almost certain that the polls cannot be held within the stipulated time frame of 90

days. There is a legal aspect about it. One cannot discount the possibility of political furor raising its head. The obvious ground will be for expeditious transfer of power to the elected representatives. A legal coverage for the caretaker government would be a wise course.

There is a perception that the constitution had been violated when the president assumed the office of the chief of the caretaker government. Albeit under a compelling situation. There is a catch in it. The constitution does not have any explicit provision for the president to take over the office of the CCG. Neither does it bar the president from assuming the office. A legal interpretation supporting such extension will be fair as long as all the contending parties agree to it. But it will be less than enough. The other course would be to seek the support of the judiciary.

The best thing for the country would be for the political alliances to understand that the nation cannot be served if they

try to the brink. Not at all! The bellicosity was contemptuous of what it can do to the country and its people. They only care for the end not the means. Both the combines want to go power. There is nothing unholy about that, but, one may rightly ask, at what cost? The battle plans of the two alliances were uneeling to say the least. For the fury and perfidy at the heart was highly combustible. The country saw macabre homicides. The state of emergency came to the rescue.

When the situation was heating up, one of the two alliances was smugly invoking the name of the book, the constitution, while the other, visibly aggrieved, was ranting, fuming and drawing battle formation against the maligned and embattled president.

Meantime, the alliance for the book was taking cover under the inviolability of the book that they are alleged to have hand-capped by their set of plans. Everybody was talking to everybody. Nobody was listening to anybody. Above all, the alliances were not talking to each other. Strangely, in the last fifteen years, whenever they talked they failed. This time they should talk, and they cannot fail. Because the business of politics is the business of the politicians. It is the foremost lesson that the nation has learnt from the journey to the brink.

Meaningful and earnest political dialogue between the alliances is the need of the time, resolving that we do not visit the brink again. Why, if it succeeds even the caretaker government may no longer be needed. The present caretaker government can act as a facilitator, but not as a party to the process. It is not a tall order.

First, it better be a true parliamentary system, not the "prime ministerial" form of government we have at present. Then, let the executive cede a reasonable, but not compromising, amount of power, to make the president an effective guardian of the country, not a figurehead. Surely, the Election Commission and the anti-corruption body can thrive under the president's non-partisan leadership. The independence of the judiciary should proceed with speed.

For all this to take place, the alliances have to reach a consensus on a president and a speaker. This will endow the parliamentary process with a salutary spirit of accommodation and partnership. The losing party will no longer have to sweat under the sun and get drenched in the rain out in the streets of Dhaka. Let the political alliances prove that they are as good as the trust they are seeking from the people.

Syed Maqsud Jamil is a freelance contributor to The Daily Star.

and pay the bills.

The administration can audit the deals from time to time to maintain discipline and encourage private contribution to reduce power scarcity.

The investment requirement for small power plants, having capacity of 10 to 100 megawatts, in the private sector is 30% to 40% less than that of a public sector plant.

It is financially very profitable where natural fuel gas is available. When the public sector purchases power from private plants, following easy procedures, a lot of private entrepreneurs will come forward.

Small power plants in the private sector need very little time to implement, about one year. We can expect 400 megawatt to 500 megawatt power within one year if the government purchases power following easy procedures.

It is high time that the public sector and private sector work shoulder to shoulder for national development.

MD Ashraf Hossain is Senior Manager, R&M Group of Industries.