

## CrPC amendment

## Judicial reforms will buttress democracy

THE approval by the council of advisors of an ordinance relating to amendments to the Criminal Procedure Code (Cr.PC) may truly be considered as the removal of some big roadblocks to judicial reforms. In January, when the caretaker government issued a gazette notification pertaining to four rules upon which it intended to bring about a separation of the judiciary from the executive, it quickly earned public support for the move. Indeed, it goes to the credit of the caretaker government that it went resolutely into responding to a public need that no political government before it cared to handle, obviously for some suspicious political reasons. The last time an effort was made to go for meaningful judicial reforms was in 2001. The Latifur Rahman caretaker administration nearly finished the job but eventually had to respect the newly elected BNP-led government's wish to be allowed to put the finishing touches to it. In the event, the full five years of four-party coalition rule were spent doing everything to push the judiciary question under the rug.

The Fakhrudin Ahmed government's determined progress toward bringing about a separation of the judiciary from the executive must, against such a background, be regarded as a remarkable statement of intent. The commitment that the government has so far demonstrated towards ensuring the complete independence of the judiciary, particularly through the adoption of an ordinance vis-à-vis the Cr.PC, cannot be denied. What has been done despite the absence of an elected parliament is all the more noteworthy because such action reflects the belief of the caretakers that at the end of the day it is on a fully functional democratic order that society means to conduct itself in Bangladesh. The ratification of the ordinance the nation expects from the future parliament can only add new substance to the country's politics.

We understand that the reforms will take the lower courts, indeed the magistrates, out of the control of the executive and place them unambiguously under the authority of the higher judiciary. In this context, we cannot but point out that for far too long the lower courts have been regarded, in a very large sense, as pawns in the hands of the governing political classes. The current moves toward a guarantee of judicial freedom are therefore an assurance of fundamental and qualitative changes coming into the working of the courts. All this exercise towards taking the entire judiciary out of the shadows of politics encourages us afresh about the place of rule of law in our lives.

## Going to the root of militancy

## Destroy the network

A few arrests made recently of some known and self-confessed religious extremists should be able to lead the investigators to the secret dens of the extremist elements who are on the list of the various law enforcement agencies. We believe concerted and sterner moves against these elements would reveal their sources of funding, people providing them with shelter and their international connections, if any. We have got to know which countries and groups of fanatics are supporting these local obscurantist elements threatening to jeopardise our national security and social stability.

Many of the top leadership of the religion based political parties may have no allegation of personal corruption against them at the moment but they may have had a role in the rise of militancy in the country in the last decade or so. Therefore, it deserves a full-scale investigation. It is also time to catch their mentors and protectors lurking in other political parties that apparently promote and use the concept of democracy to get to their goals. We have reasons to believe that some of them are already identified and very much in the record book of the law enforcing agencies. By hauling them up investigators would be able to learn about the banks, NGOs and individuals who might have been providing them with funds.

There is a consensus among the citizens regarding stopping any further advancement of religious extremist groups as they tend to stand diametrically opposite to the tenets of democracy. The series of bomb explosions and killing of innocent people in the country by the militants are the manifest examples of the amount of cruelty these people are capable of committing. But we were appalled when some major political parties of the country gave nomination to some of these people in a bid to go to power.

We strongly believe that these people need to be apprehended and put behind the bar so that national security and the democratic process can be strengthened.

## Winter of despair

The challenges are many for those honest in their tasks. It is a bounden duty for political leadership. Hopes crash into despair, and vision fades into abandonment when the contract is not attended well. Every society gets justice as good as its leaders. It is heartening to see that the caretaker government is vigorously tending the weakling -- our stigmatized process of accountability.

SYED MAQSUD JAMIL

THE power outage has returned. Life is going on sans the sound and fury. The major players, the alliances, have gone back home. The streets are busy, but the traffic does not have the frenzy of being driven on.

The footpaths have been rid of the vendors. A semblance of sanity has to prevail before the polls are to be held. The vendors are the children of the city who lived in symbiotic understanding with the underlings of power and politics. This was the system. The milling pedestrians walking in every direction of their choice. The snarling traffic straining out of the

jam. The political operas of blockade in tandem with massive rallies spilling out into roads all around, and the floating vendors! Now the day of reckoning has arrived. The dons and godfathers are in their winter lairs.

Justice is wrongly, or rightly, perceived as the privilege of the mighty. This is what we have allowed to grow since the times we know. Sadly, the last 15 years of democratic spring has not seen any change. Rather, the tentacles of deprivation and deception have grown stronger. They are in the streets. The pavements. The markets. The terminals. The highways. The bazaars. And in the corridors of fortune and power.

Here, the scavengers of law and the vendors of justice raise their heads. They are spotted and put to use by the beneficiaries of power, and the benders of law. Many climb up the ladders into the higher echelons of power, and learn to blend as well as chameleons. And the deft ones by association, and by exercising the levers of office, bore into Ali Baba's wealth. Thankfully, the litany of wealth is on public display.

Unscrupulous wealth is a mighty presence in our national life and in our national politics. There is nothing wrong with money. It is the grease for the business of living. But it is the grease for money that is spreading

the pestilence in Bangladesh. The greed is trashing the system and our politics. Our national politics has become a fortune supermarket. And it is a large constituency of 150 million people. The electoral expenses are going up and the supply has to catch up. Bad money is flowing into the process. It is calling the shots in the absence of transparency.

Business is getting into the act. And business looks for a hefty return. In most cases the country is paying it. It is spreading greed among the errant politicians. It becomes an unholy alliance. The tab is passed on to the nation. Rivers, lakes, wet and public lands are grabbed. Government contracts cost more than they should. Policies are cheapened to grant favours. Institutions decline in drift. Frivolity takes the place of good governance. Excellence and standards bow to the banal. Services suffer for lax standard. Law and justice become a license to the brotherhood of conve-

nience. The cuts are many. Yet the ills did not find their place in the political agendas. Election manifestos are textbook editions. Stereotype and verbose in substance. Winding in their goal, like a kite flying. Effervescent in their promises. This is business as usual. The political parties carry it on, insouciant in their confidence that it is principally a choice of sentiments. The iconic images of their two patron saints. And partly a blame game of siege mentality and departure from the founding ideals. Sometime they script their own dirge of terror, tyranny and corruption.

This time, the scripts are many. BNP's alleged corruption could be a magnum opus. The sequels are equally attention grabbing, oppressive price hikes and frustrating power outages. The situation was precarious when it ended its term. It was something similar to what Marshal Kutuzov, the octogenarian Russian general, used to say about Napoleon's

invading army. Wait for the apple to ripen, it will fall by itself. Napoleon's army fell for its own ills. It looks like our political combines have also fallen for their ills. Considering the recent catches, the politicos are on the ropes.

Professor Yunus spoke of the national frame of mind like any other aggrieved citizen of the country. He voiced the genuine frustrations of the people with the callous approach and bickering stances of the political alliances. The frustration was deep, and he was understandably not mindful of their vulnerabilities. It is not his fault that they are on the ropes. He can at least be credited for his knowledge of the pains of the terribly poor who earn less than \$2 a day. It cannot be taken away from him on the ground of high interest rate and gender discrimination. Rather, the political parties should have been the first to know it, articulate it and to act on it. Because it is they who seek popular choice and trust. If they do not,

someday somebody will. It does not take a messiah to give voice to the social malaise and injustice. The bold, when they come, can wrest the initiative from our major players.

Meanwhile, it is feared that we are building a segregated society. One built by the newly gotten wealth of private sector initiative, and by the fortunes of the venal politicians and their cohorts. The other, slothful and festering, run by public sector institutions. Negligent in their duty of public welfare. In the last five years our agrarian sector has slid further into the vice of import dependence. The cartels or the syndicates are the new avatars of supply side economy. A succession of ministers could not unearth the monoply. It is the common man who is hostage of the tyranny of price hike, and of unscrupulous importers who trade in rotten wheat, pulse and powdered milk.

Government sector hospitals have descended into nightmarish

decay, sloth and desertion. The district town health complexes are dysfunctional, with absentee doctors, and plagued by pilferage. Private sector hospitals and clinics are doing brisk business. So are the government sector doctors working in the private sector health institutions!

Welfare economy is the founding spirit of Bangladesh that saw its birth in the deprivations of disparity. It has the national priority of a contract. The challenges are many for those honest in their tasks. It is a bounden duty for political leadership. Hopes crash into despair, and vision fades into abandonment when the contract is not attended well. Every society gets justice as good as its leaders. It is heartening to see that the caretaker government is vigorously tending the weakling -- our stigmatized process of accountabil-

ity. that is the fact that the current non-democratic interregnum might create space for the extremists. Mufti Shahidul Islam might have recently been arrested, but conspicuously absent from the list of arrestees is prominent names associated with the Jamaat-e-Islami party. There is more than enough evidence to bring in even senior leaders (e.g. based on the confessional statements of arrested JMB cadres), so one cannot but be suspicious about the fact that they have apparently escaped the dragnet.

Any action that targets AL and BNP but leaves Jamaat in the clear can only be detrimental to Bangladeshi politics. Nor should we forget that under the emergency proclamation political activities are banned, but religious activities (not defined) are not. Since the line between religious and political parties is always blurred when it comes to the religion-based political parties, this means that they will continue to get a free pass.

There are those who hope that the current interregnum will even pave the way for a new political realignment and they parse the every utterance and gesture of Prof Yunus in the hopes of uncovering confirmation of his intent to throw his hat into the political ring, such as his most recent statement on returning to the country from India and Bahrain.

All this is all very well, but while people may have good reasons for wishing to remain circumspect about the current situation, none should be blind to its inherent dangers, either. The biggest danger, and the one that all the foreign papers allude to, is that an ambitious general will decide to step out front and take direct control. As long as this remains a possibility, and make no mistake about it, until there is an election, such a possibility remains quite real, there should always be room for caution and concern.

There is one more cause for alarm that has not received the column inches it deserves, and

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## Playing along



ZAFAR SOBHAN

## STRAIGHT TALK

Any action that targets AL and BNP but leaves Jamaat in the clear can only be detrimental to Bangladeshi politics. Nor should we forget that under the emergency proclamation political activities are banned, but religious activities (not defined) are not. Since the line between religious and political parties is always blurred when it comes to the religion-based political parties, this means that they will continue to get a free pass.

state of emergency, restore full rights, withdraw the army from the political arena, and establish a specific date for credible elections." The article concludes by helpfully pointing out places in which pressure might fruitfully be applied to ensure that this happens.

The skepticism in the international press about what is happening in the country is in sharp contrast to the response within Bangladesh, and not, I suspect, merely because under the emergency it remains unclear exactly what kind of criticism can and cannot be leveled against the government.

It certainly appears as though a certain level of self-censorship is being exercised by the media here in Bangladesh and that there is a general reluctance to call a spade a spade and discuss what is actually going on behind the scenes.

For starters, many publications are undoubtedly cautious for good reason. Bangladesh has always been a difficult place to be a journalist and we are constantly under threat. I don't think that press freedom is any worse than it was

the last five years (or the five years before that), but one big reason for journalistic reticence, surely, is a well-founded fear of severe retribution if you write the wrong thing.

When you have a non-transparent and unaccountable government in place backed by the might of the armed forces, it takes a brave man or woman to criticize them in more than the most careful of language.

The second reason is that there is a general feeling that the events of January 11 were a good thing. That the country was averted from a serious catastrophe is, I think, incontrovertible. That the army did the right thing in stepping in to ensure that the BNP did not go ahead with its fraudulent election is beyond question, and it is recognition of this fact that makes many, even those who are very skeptical about any kind of lengthy non-democratic interregnum, hesitant to criticize the current regime too strongly.

Let us not forget the political considerations, either. For the anti-AL publications and journalists, the current situation presents a real conundrum. The obvious demand of those who would want the army to return to barracks as soon as possible would be to call for elections sooner rather than later. However, the delicious irony of the times is that this causes cognitive dissonance for anti-ALers since a quick election means that the AL would most likely sweep to power. So, these voices, which otherwise one would have expected to be more strident in support for quick elections, have obviously been muted.

Then, of course, there are those who feel that the current clean-up operation is not necessarily a bad thing and that in order to actually have free and fair elections and to make our democracy truly functional we need to institute a whole raft of sweeping changes and that this would never happen under a democratic government.

Those thinking this way need not be against either of the two main political parties, in fact, they might think that such reform is what is necessary to save the parties from irrelevance. But, again, since they see something

## We want televised trials



MOHAMMAD BADRUL AHSAN

## CROSS TALK

Hope some of these men will be proven guilty, and, as promised, all their assets will be confiscated and reverted to the public exchequer. Then the state should buy each of them a television set so that, when they go home, they can watch the many reruns of their trials until they come to terms with the overriding fact that certain truths never change in life. As you sow, so shall you reap, is one amongst them. Perhaps a good title for the trial.

It was good to see what we saw last week, and the first thing that came to mind was Lyndon B. Johnson. This former U.S. president once asked a friend why people in his district did not love him after he had done so much for them. The friend replied: "That's simple. You got rich in office." Johnson didn't like the answer. He jumped to his feet and walked out of the room.

It was good to see that some of those who got rich in office in this country weren't allowed to simply jump to their feet and walk away. Many of them were picked up from their homes and hideouts and yanked to jail on charges of anti-state activities, sabotage, corruption and endangering of public safety. It was reassuring to see their names on the ticker-tape at the bottom of television screen, and their mug-shots appearing at the center of it. By Jove, and I say it again, so far this has been so good to see.

What will happen to these men in jail? Will they be interrogated, and then tortured if they don't tell everything? Will they be forced to sit under high-power light bulbs so that their faces burn in the heat, keeping them awake through the nights, until they become exhausted and ready to sing like canaries? Is there a chance that they would be denied water when thirsty, or food when hungry? Is there a chance to do everything that is done to hardcore criminals to get confessions out of them? May I caution that some of these prisoners may be misfits for the bamboo roll? The bloated ones will pop, and make a big mess.

My choice would be to give electric shock to the former state minister for power. Why not? He has shocked us with what he has done, leaving this nation in the dark at night, for years. May be, if we put some electricity in him, it will light up wisdom in the shady corners of his sensitivity.

In some countries they televise

execution of criminals in the gas chambers. Most recently we saw Saddam's trial, and then his execution, on television. The camera does not lie until what it shows is manipulated. A secret mobile camera exposed the tasteless side of Saddam's execution, which would not have appeared in many reruns of the Iraqi authority's sanitized version.

So, we don't want anything edited and spruced up for correct viewership. Just let the camera roll and capture everything to show these men in their natural reflex, how theyumble and fumble, have nervous breakdowns, get angry, break into tears and look terrified and helpless as they stand exposed.

The point is that we need to integrate the people in the manner the state wants to deal with their enemies. People need to make eye contact with these men who have plundered their country. They need to look them in the eye to determine what type of men betrayed the trust reposed in them and got rich in office. The camera

recounts, on television. The camera does not lie until what it shows is manipulated. A secret mobile camera exposed the tasteless side of Saddam's execution, which would not have appeared in many reruns of the Iraqi authority's sanitized version.

Let their trials become a soap opera that should run for one full season, depicting the failings of men who defected the course of our moral river, silted by their greed and wickedness, and then inundating its banks as sordid waters infiltrate cracks and cran-

nies of our moral bastions. Let the people watch these trials so that they will remember that whenever such madness overtakes their lives, they need to turn around and banish some of their "respectable" men from public life.

Perhaps this is our chance to make a national spectacle of these respectable men who have shortchanged the country. It is said that when gentlemen agree there is no need for conspiracy, and these gentleman-like men who stood in the dock of the court last week with lowered heads, and complained that they were roughed up in custody, had agreed amongst themselves to wield power and make money by going against the country.

Hope some of these men will be proven guilty, and, as promised, all their assets will be confiscated and reverted to the public exchequer. Then the state should buy each of them a television set so that, when they go home, they can watch the many reruns of their trials until they come to terms with the overriding fact that certain truths never change in life. As you sow, so shall you reap, is one amongst them. Perhaps a good title for the trial.

Mohammad Badrul Ahsan is a banker.

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