

Public confidence in judiciary

New CJ's remarks welcome

So exalted is the tradition of the institution of the highest judiciary in the country that people prefer not to use the word 'controversy' in relation to any outgoing chief justice, rather leaving it to history to judge him for what he was worth. But unfortunately Chief Justice Syed JR Mudassar Husain retired Wednesday with a spate of controversies surrounding him so much so that he did not receive the traditional farewell from the Supreme Court Bar Association (SCBA).

Against this backdrop and in the light of his experience and insights as a judge of the highest court, the newly inducted Chief Justice Mohammad Ruhul Amin has stressed the need for restoring discipline, dignity and mutual respect at all levels of the institution -- bench, bar and the litigants. The dwindling public confidence in the judiciary must be restored. And one couldn't agree more with him that litigant is the 'soul' of the judicial institution.

The question is: during the tenure of the judges how many of them could live up to the lofty principles they would have genuinely like to. That's where we come to the intertwined principles of politicisation of the judiciary by the power that be and what vicious effect it has to curb the independence of the highest judiciary. This is not to say though that benign judicial activism in public interest litigation has not bolstered the cause of human rights, civil liberties and natural justice. Our hats off to some landmark judgements which need to be replicated.

Now that independence of the judiciary from the executive is a gettable reality, the Supreme Court's responsibilities have vastly increased in translating the advantage into recruiting legal officers and judges of unquestionable merit and probity.

Chief Justice Mohammad Ruhul Amin's call to follow the path of 'our predecessors, who added dignity and honour to this institution' could not have come a day later.

Creative people

We need to do more for them

At a function sponsored by Prothom Alo and Grameen Phone as many as 60 persons were felicitated and awarded with crests, citation certificates and mobile phones for their achievement in various spheres of socio-economic activities. These unsung heroes were quietly contributing their mite to our socio-economic advancement. The recipients included a woman who successfully fought poverty even after her husband deserted her. Among them was also a farmer who worked his way to become a millionaire by dint of sheer grit and bold entrepreneurship.

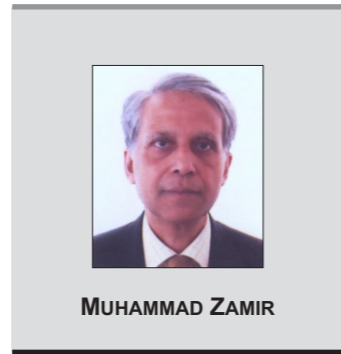
Both Prothom Alo and Grameen Phone deserve our special thanks for their thoughtful and unique initiative in bringing these heroes of the country under some spotlight. Indeed there is no dearth of talent who have in them the power to alleviate their own poverty.

We urge the good work to continue. We welcome more people and organisations to join in such initiatives hunting for and identifying such talents located in the remote areas of the country silently working away unnoticed. We believe that government and various financial institutions should also come forward with assistance.

The entire media too can play a major role in routinely highlighting presence of such individuals wherever they are and bring these people in touch with the administration and the people at large.

Now is the time to focus our attention on the issue when a kind of awakening already exists amongst the people in rural areas for their empowerment based on self-help. It is also our belief that this venture will serve as an impetus to the rural people in general and may help in discouraging them to move towards the city in search of fortune and identity.

Evil nexus between syndicates, adulteration and hoarding



MUHAMMAD ZAMIR

We have had non-elected governance for nearly four months. The first ten weeks were an example of missed opportunities. The last forty days have however been a stark demonstration of accountability. Army-led joint forces, through their intensified nationwide drive against adulteration and hoarding have seized massive quantities of spurious fertilizer and cement, adulterated edibles including wheat, sugar and baby food. They have also busted factories producing fake engine oil and medicines.

Their action has underlined for all concerned that accusations made over the last few years by the opposition had strong validity.

It would be useful to recall here that there has been criticism for quite some time in the print and the electronic media about such a sorry state of affairs. Persistent efforts to identify 'syndicates' being involved in such nefarious activities were however shrugged off repeatedly by more than one commerce minister of the previous alliance regime. The opposition was accused of being sensational and being part of a 'conspiracy' to unnecessarily bring the country into disrepute. There were even suggestions that the opposition was essentially unpatriotic.

It has been disappointing to say the least, to see day after day, sordid revelations of graft and evil nexus that existed between the government institutions and some among

the trading community. It is also becoming abundantly apparent that a few individuals have controlled the steep rise in prices of essential food and medicine during the last regime. This was done through deliberate hoarding of certain food items. Artificial scarcity was created to increase prices. It is also clear that such a situation could have continued only through the tacit support of the political apparatus in place. The comrade-in-arms in this regard were the law and order authorities who blinked whenever push came to a shove. It is equally obvious that such immoral and reprehensible actions were tolerated because of contributions to party funds and to the pockets of a few individuals -- both politicians and bureaucrats.

On May 3 last year, Awami League lawmakers had suggested that 'syndicates' were involved in artificially controlling the market. The ten commerce minister had promised necessary steps after investigation. Unfortunately, nothing came out of it.

After this we heard that the government, in the interest of better governance, would take relevant measures to establish two new market regulators -- 'Consumer Bureau' and 'Consumer Council' -- for protecting the rights of consumers. It was even suggested that a 'Consumer Rights Protection Act' would be introduced. Inter-ministerial meetings were held, but the files never made significant progress in the corridors of the

ministry of law. The legal vetting was strangled with red tape.

It is true that in any unregulated economy, there will be cartels. This happens all over the world and Bangladesh has been no exception. However, what is disheartening is the erosion of morality and the associated greed that has encouraged traders to not only hoard their products but also to use adulteration as a technique for increasing profit. It requires an evil mind, one totally devoid of conscience, to adulterate food products in the way that it has been done here. How can anybody mix sand, powdered brick and crushed seeds of sour plum with spices like turmeric and red chili powder? Similarly, it is incredible that rotten wheat can be crushed and mixed with regular wheat to increase the weight of flour -- to be used later for making bread. Cement, an essential ingredient in construction, has also been subjected to such ruthless adulteration. This has also been true with regard to fertilizers that were sold for use by unsuspecting farmers.

Investigations have also exposed that in some cases traders imported rotten cereals and out-of-date baby food deliberately, so that these items could be mixed and sold to increase profit. I do not know whether such acts are criminal enough to be classified as attempts towards murdering innocent consumers. I also do not know if such acts deserve capital punishment.

We have a Bangladesh

Standards and Testing Institute. It is not only ill equipped, but also unable to maintain and run the kind of monitoring system that is required both in terms of manpower and testing facilities. It suffers from lack of resources and requisite infrastructure. It is weak institution that has always been taken advantage of rather than supported.

There are also lacunas and loopholes in the legal regulatory system pertaining to adulteration. A recent seminar has quite correctly pointed out that there are strictures about adulteration but legal provisions are still fuzzy about adulteration with toxic substances. The relevant laws need to be updated, modified and made more comprehensive so that the list includes items like medicines, construction materials and fertilizers. The penalties for such criminal offences also need to be revised upwards in such a manner that they become more of deterrence for the offenders.

We need to treat this scenario with great care. This is particularly pertinent because of the steady growth of urbanisation in Bangladesh and consumers having to rely on pre-packaged and sometimes semi-processed products. Our daily lives revolve around printed dates of manufacture on items and dates of supposed expiry in terms of use. While buying such semi-finished and finished food products and food accessories (spices), we also have to trust and accept whatever is printed on the

wrapper or packets regarding that food item's composition. An ordinary consumer implicitly never questions any seal that certifies that the product in general has met acceptable standards. All these aspects are taken for granted in any modern urbanised society.

Similarly, in rural areas, where agriculture is the mainstay of economic activity and source of livelihood, all farmers, without a second thought, buy and use pesticide, fertilizer, diesel oil and engine oil on the basis of what is printed on the packaging. They believe that the composition of such items is exactly according to the specifications narrated on top of the package. It is indeed distressing to find out that some traders have been misusing this belief, exploiting their simplicity and marketing adulterated products. Such exposure, in the last few weeks has eroded the rural trust bank. Consequently, there have been many angry comments in the electronic media.

For obvious reasons, such a negative state of affairs cannot be allowed to continue. It is just unacceptable.

This interim administration has been able to unearth many hoarding establishments filled with substandard and rotten products unfit for human consumption. This has probably been possible this time round because the relevant inspectors have not been cowed down through political pressure.

However, these steps cannot

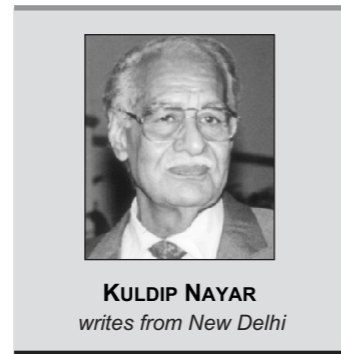
and should not be considered as enough. There is need now to sensitise more widely the dangers of such adulteration, particularly for children and others suffering from ailments. The print and the electronic media can, and should, play a more meaningful role in this regard in the exercise of civic responsibility. Rewards should also be announced for persons who, in the future, can reveal the existence of such dishonest and deceitful establishments.

The trial of those accused of such crimes, and also those associated in such criminal endeavours as accessory before the fact, needs to be undertaken in courts whose proceedings should be telecast live. There has to be public shaming of the individuals concerned. All those convicted, in addition to imprisonment, should also have their property attached and bank assets frozen. They should also lose their trading licence.

In might also be useful to force hoarders and others associated with adulteration, to perform compulsory community service without pay, with a sign hanging around their neck, explaining the reasons for their predicament. Time has come for the authorities to be harsh. Justice must not only take place but it must also be seen to be done.

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Development sells, not slogans



KULDEEP NAYAR
writes from New Delhi

The voting pattern in India is undergoing a change beyond conjectures. There were times when Pakistan or Kashmir would be an issue at every election, provincial or central. Then it was the phase of slogans like the state's constitutional rights and New Delhi's tendency to violate them. Some such noises still linger.

Yet, it is the development that has come to the focus in the last decade or so. The voters have begun measuring their economic gain when selecting a political party to press the button at the polling booth. No doubt, their vote against the ruling group is called the anti-incumbency factor. But what it really means is their dissent against governance -- whether the state made their life easier and safer. This is reflected in elections in three states: Punjab and Uttarakhand in the north, and Manipur in the northeast. The first two have gone against the Congress which was the ruling there. The party has, however, retained the third, Manipur, although precariously. The loud and clear message the polls give is that the

way to the ballot box goes through the path which the economic development paves. The Bhartiya Janata Party's coalition learnt the lesson only when it lost majority in the Lok Sabha nearly three years ago. It projected that India was shining under its rule, while the fact was that the country, especially the rural area, was reeling under indifferent, cursory development. Slogans, to the BJP's woes, did not sell; nor the publicity worth millions of rupees.

The reverse the Congress has suffered in Punjab and Uttarakhand has the same explanation: the belied expectation of voters for their group economic wellbeing. Price rise hit the party still more. Not surprisingly, women who have to balance the expenditure against income polled most in Punjab, nearly 78 percent in the state where men are 55 percent. Still, the Congress got more popular votes than before. In Punjab, the swing in its favour was four percent, and in Uttarakhand two. The defeat in both the states has been close, and the party fought more or less as a team.

However, the political scene in Punjab has changed. There was no cry for the state's autonomy (Khalistan, an independent state of the Sikh community) this time. The biggest proponent of Khalistan, Simranjit Singh Maan, was defeated at the polls. The Sikhs want a pluralistic society, not panthic. The Akalis, for the first time, fielded seven Hindu and one Muslim candidates. The point at issue was primarily the government's performance and the outgoing chief minister Amarinder Singh's style of functioning. The most prosperous state in the country, Punjab, has slid to the fifth position. Even farmers have committed suicide. Amarinder Singh failed to react and went on with his maharaja-type of ruling.

One other factor which has counted with the voters in Punjab and Uttarakhand is the rulers' contact with people. Amarinder Singh was always distant from the common man. Unlike him, his opponent, Prakash Singh Badal, the new chief minister, was a familiar figure even in the remotest part. When he was in the wilderness, Badal kept his up contacts, leaving his house at Chandigarh every day in the morn-

ing and returning in the evening. In Uttarakhand, the Congress leaders had a penchant for official cars with the beacon lights. They did not have to be cabinet ministers to flaunt this symbol of authority. Uttarakhand had the paraphernalia of development. It must be said to the credit of the outgoing chief minister, N.D. Tewari, that he brought practically every big industrial house to the state. Yet the gestation period took its toll. The benefits had not begun to accrue when election was held. The fact that Tewari did his best saved the Congress from ignominious defeat. Had he himself contested, he would have made a difference. People saw the foremost fighter withdrawing from the battle even before it had begun.

The ominous development is the return of the BJP in urban areas. In the last election the party was the Akali Dal's Achilles' heel, adding only three to its strength. This time the BJP gave 16 seats, apart from the Hindu votes. In fact, the revival of the BJP is what should be a matter of concern to the secular parties. The Shiv Sena-BJP front won most of the municipal seats in

Maharashtra last month. Now the Akali-BJP combine has won a majority in Punjab. In Uttarakhand, the BJP has gained 15 seats to make 34 in a 70-member house. Not that the BJP played the Hindutva card, but the party's basic ideology of creating a Hindu state remains unchanged. Pluralism is what holds the country democratic and united. The recovery of the BJP means that the space of pluralism is shrinking. The biggest drawback in fighting against communalism is that the Congress, the main party, lacks committed members, although not the commitment. The party has not been able to project the image of a secular outfit. There are doubts about many of its leaders, particularly in the states. In Punjab, the party's blessings from a religious organisation like the Sucha Sauda Dera put a question mark against secular credentials of the Congress.

The electoral politics has also made the party compromise on the fundamentals. When it admits in its ranks former BJP and Shiv Sena members in Maharashtra or extremists in Punjab, the Congress does not realise the harm it is doing to itself. The

impression goes around that communalism is not after all such a blemish as is made out. The reason why the 9-10 percent growth rate is not paying the Congress dividends is the share which is appropriated by the upper half. They are the real gainers of developments. The lower half remains where it has been. The party has belatedly realised this. But the love for globalisation that most cabinet ministers and Congress leaders have makes them look like part of the corporate sector. Capitalism has never gone down well in India. Progress, without giving up the concept of welfare state, is a challenge before the Congress. It should quickly take remedial measures because the mother of elections is round the corner in UP.

Whether the Punjab and Uttarakhand elections would affect the centre is too early to say. Prime Minister Manmohan Singh did not reportedly rule out some fallout. If the UP goes against the Congress, as is the expectation, the Manmohan Singh government may face a challenge of sorts. The election of the president, due later in the year, is bound to be contentious. The Congress should start talking to the opposition to find a candidate through consensus.

Kuldeep Nayar is an eminent Indian columnist.

OPINION

Towards shaping a new Bangladesh!

KAZI ALAUDDIN AHMED

The original intention of the caretaker government system was to have an interim arrangement for conducting the routine functions only. Its ultimate job was to ensure a free and fair general election. The new elected government would take over and relieve the caretaker government of its responsibilities. At least this was the universally agreed arrangement in vogue till January 11. The period between October 28, 2006 and January 11, 2007 had been one of extreme uncertainty and weird speculations about the course of action that lay ahead. The situation turned out to be very volatile due to a sort of unholy gamble purposefully patronised by the leaders of the outgoing government of the 4-party alliance. A violent clash was in the offing between the 4-party alliance and the 14-party alliance, Jatiyo Party and LDP combined.

Thus, a terrible national crisis precipitated with rapidity. One side was, by then, in a mad rage

over its demand for holding election within 90 days as per the constitution. The other side would not participate in the election till its proposals for reform of the Election Commission and in the administration was acceded to. Their demand was, coincidentally, linked with a free, fair and absolutely transparent election which would be credible both nationally and internationally.

At such a crucial hour it was very interesting to observe that the UN agencies, the European Commission, donor agencies, and even the US government opined in favour of the reforms demanded by 14-party alliance. In the meantime, despite hectic and frantic efforts on the part of some advisers of the caretaker government of the time, things could not take the desired, acceptable shape.

At last, as it seems, good sense prevailed. A state of emergency was declared by the president in exercise of his constitutional power. The caretaker government headed by the president was dissolved, preceded by his

The whole process of bringing the actual culprits to book has been profusely acclaimed by the general members of the public. Those who had been direct victims of the atrocities of the terrorists in the guise of political leaders are also much elated. They, and others in different localities of the city and also in rural areas, now heave sighs of relief. With renewed hope, all are longing for a better, brighter tomorrow.

resignation from the position of chief adviser. With it, the constitution was suspended and, consequently, all political activities were stopped. In such a rapid process an altogether new government -- call it a caretaker or an interim one -- was installed, effective January 12.

This government is led by Dr Fakhruddin Ahmed, a former governor of Bangladesh Bank, who announced his priorities at the first instance, and topmost in the agenda had been the routing of corrupt politicians and reckless practitioners of terrorist activities. His immediate strategy has been to go for reform of the two constitutional institutions, namely, the Election Commission and the Anti-Corruption Commission. In

fact, both these institutions had proved utterly ineffective and unable to meet the challenge facing the nation.

Getting absolute support of the constitutional provisions on emergency rule, the chief adviser and other advisers of the new caretaker government till now have given enough proof of their good intention and unwavering determination to make a dent in the huge malpractices perpetrated by some people under the umbrella of political parties in the past.

By now, a few former ministers and members of parliament, and a good number of leaders belonging mostly to BNP, Awami League, and their student and labour wings have been huddled up on charges of corruption, extortion,

forcible occupation of state property, acts of terrorism and many other vices. And those who were yet to be caught were asked to surrender to the police within 72 hours (which expired on 17-02-07).

The fugitives and alleged offenders are yet to respond to face the process of law. Perhaps they are awaiting the ultimate outcome of the Habeas Corpus/writ petitions already filed by some of the arrested persons in the High Court, which issued rule on the government which is to be answered within 10 days.

Chief Adviser, Dr. Fakhruddin Ahmed, addressed the secretaries of the ministries, all the Deputy Commissioners, and senior members of the police administration

on 15-02-07. In the meeting he exhorted all of them to perform their respective responsibilities with absolute neutrality. Such a forceful exhortation on the part of the chief adviser has opened up the door of hope to the people who have long been deprived of justice and fairplay, being also perennial victims of partiality.

In fact, our present dimly bleak state has not been the created overnight. The process of our fall actually commenced immediately after we achieved freedom in December 1971. The unique sense of unity that we displayed in the sixties, the cohesive and formidable fort we built on Bangalee nationalism, and our firm commitment in the War of Liberation soon turned out to be

things of the past.

Our moral values waned fast, giving in to a deluge of social vices eating up the marrow of our otherwise glorious existence. Added to such an unfortunate state of degeneration, the ignominious role played by many of the politicians pushed the whole nation to be branded globally as the most corrupt nation for five successive years.

Over the past few days the law enforcing agencies have recovered huge quantity of relief goods from the possession of some of the BNP leaders now in custody. A huge amount of foreign exchange has also been hauled up from the residence of an ex-minister from BNP. The allegations of corruption, nepotism, favouritism, grabbing government land, building palatial houses, possessing the costliest motor vehicles for personal use, etc. are now being investigated into.

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tims of the atrocities of the terrorists in the guise of political leaders are also much elated. They, and others in different localities of the city and also in rural areas, now heave sighs of relief. With renewed hope, all are longing for a better, brighter tomorrow.

Yet, they cannot shake off their doubts or reservations altogether. In spite of the stern warning given by the caretaker government, there may be some lapses here and there on the part of the investigation. We have got to keep round the clock vigil to dispel our apprehension. In any case, the new days of hope and promise, as put forward to the nation by the present caretaker government, cannot be allowed to fade out.

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