

A laudable initiative by the High Court

Let there be a wider discourse

THE invitation by the High Court for a legal debate over the amended Emergency Power Rules (EPR) that revoked the right to bail of those arrested on charges of crime and corruption is a praiseworthy step towards unwinding the increasing legal knots that are raising questions in every quarter. And such concerns stem from the spirit of protection of basic human rights to which we all are committed.

It may be mentioned here that according to the amended law, the rights of an accused to file a bail petition during investigation or trial of the case has been withdrawn. And to this effect, on 21 March, the government issued a gazette notification under the Emergency Powers Ordinance 2007 with retrospective effect from 13 February.

However, in response to the HC invitation some senior lawyers have come forward with arguments saying that the High Court could take up the bail petitions for hearing, as the amended emergency rules were "not intended to debar the Supreme Court that includes the High Court Division from exercising their jurisdiction."

According to the age-old maxim, until proven guilty, an accused is deemed innocent. In the light of such legal tradition, filing of a bail petition by an accused has been included as his or her fundamental right and we believe it needs to be upheld. In a bid to cover risks the bond amount may be increased substantially for those seeking bail. But it also needs to be added that if the free movement of a hardened criminal like a terrorist or a serial killer or an anti-state operator jeopardises social or state security, as they may destroy evidence or intimidate witnesses, then the trying judge should act judiciously on the right to bail issue.

The issue arising out of civil liberty and human rights calls for a wider public debate. We believe the HC invitation has opened up an opportunity for a wider discourse on this important civil liberty and human rights issue involving the civil society and the media. We in the media stand ready to cooperate in such public discourse.

Bird flu threat

An all-out effort needed to contain it

JUST a few weeks there has been a considerable incidence of bird flu reported from different places. Infected fowls were found in Tangail, Jamalpur, Narayanganj and Gazipur. In these districts alone more than 50,000 birds have been culled.

Our Health Adviser has stated, "The spread of bird flu in other countries is like forest fires, but here we are finding it in some pockets only". True, but there is no reason for complacency as the experts must be aware of its potential for rapid spread from narrow origins. The need for extensive preparedness in preventing the spread of this deadly disease is the greatest at the moment. It is common knowledge that it has caused deaths even in many developed countries despite adequate resources at their disposal to combat it.

We would therefore wish to call upon the Ministry of Health and the Ministry of Livestock to undertake pragmatic measures in ensuring an effective check on any further proliferation of the disease. Understandably, a countrywide survey is going on to determine the full extent of the incidence of the malady. Then, follow-up measures should be in place. At the same time, it is imperative to stay prepared for treatment of people infected with Avian flu.

With the international donor funds being already accessible, we should, with immediate effect, prepare teams of doctors, veterinarians and technicians for working all over the country on short notice. Not only that, the required technology and detection equipment should be accessible to the poultry firms.

There is yet another important dimension to the issue. Administration should actively consider and have contingency plans to rehabilitate owners of the poultry firms who have lost or continue to lose their stock of birds. It should be borne in mind that poultry farming as an industry has already taken off as a fast expanding and a viable one in the country. Hence every effort should be made to keep the industry going with additional bank financing and micro-credit facilities, if necessary.

Both the electronic and the print media should be extensively used by the authorities in educating and informing the people about the various aspects of Bird flu without causing any undue scare. The media on its own could take up an awareness building programme. People at the same time need to be informed about alternative sources of protein.



MUHAMMAD ZAMIR

We have to remember that there are responsibilities associated with being a South Asian. This will require political leaderships in the different member states, rising above domestic compulsions and mutual suspicion. We have to be able to see the bigger picture. A vibrant South Asia will entail that leaders, planners and decision-makers discover the latent forest rather than being bogged down over arguments on individual trees. SAARC requires the vision of political statesmen, not the confined halter approach of bureaucrats.

day).

Some have characterised the existing scenario as being based on a minimum spirit of unity with very little middle ground. In fact, several civil society representatives from Bangladesh have gone to the extent of describing the SAARC process as a failure. Their disappointment has been evoked because of perceived failures on the part of SAARC in alleviating existing deficiencies in the socio-economic sectors.

In this context, they have critically referred to several SAARC declarations, resolutions and assertions and complained that success has eluded the Association for many years. They have particularly identified failures with regard to removing poverty, achieving universal literacy and stopping trafficking of women and children. There is general consensus among them that there has been, over the last two decades, only superficial progress and very little in terms of substance.

It is now being claimed by some of them that if the current rate of development continues, and SAARC does not initiate a more pro-active constructive engagement, then eradicating poverty in South Asia would not be possible before 2062. Others have pointed out that the 'polite' SAARC process is essentially flawed as contentious issues are neither discussed nor addressed. Some have even queried if there is at all any common South Asian ethos that all the member countries can identify themselves with. In this context, they point out the contrasts and contradictions that make up South Asia. A few have also cynically observed that there are only two least common denominators within the South Asian equation -- mutual suspicion and the scourge of poverty that affects nearly 600 million people (living on less than US dollar one a

water and better sanitation as being less than satisfactory. They want this dynamics to be revived up. They, in their own manner, are also complaining that a large part of the blame rests with the member governments who do not take their respective civil societies seriously. There is also criticism that there is very little transparency in the manner in which the Agendas are fixed for the different SAARC meetings. This, according to civil society representatives, reduces the potential of accountability.

The SAARC process from day one has had its fair share of cynics and skeptics. They have been harsh about the lack of tangible progress. They have, in this regard, blamed it on conflict of interests and the undefined nature of strategic areas -- ranging from Kashmir to unresolved problems like border demarcation, identification of maritime boundaries (particularly pertinent for off-shore prospecting of hydrocarbons), lack of equitable water sharing and para-tariff and non-tariff barriers creating distortions in intra-SAARC trade.

I agree with such expressions of concern. However, I am not a pessimist and continue to have faith about the intrinsic potential of this association. I believe that it is a body that can play an effective role in South Asia. It, by itself, is a confidence building measure that can

promote regional integration. However, what is required is a serious examination of both the process as well as the political indicators. If we can undertake a dispassionate and objective evaluation of what has evolved in the last two decades since the inception of SAARC, we may be able to move forward. There are many areas where progress can be achieved on a regional basis. What we require is more flexibility, greater political will and less public posturing.

On more than one occasion, we have heard South Asian leaders talk about a common vision that can lift the people out of their poverty and provide them with a higher, more satisfactory standard of living. The time to start is now.

In this context, it is strongly suggested that the following measures be given serious thought by the policy planners associated with SAARC and the coming SAARC Summit. They include:

(a) A more transparent engagement with civil society representatives presently involved with good governance, democratic institutions and in the promotion of better education, gender empowerment, water management, a more balanced trade structure and a safer environment. Their views should be considered and reflected in the Declaration issued at the conclusion of each Summit. There could also be a parallel Track-2 Civil Society

Summit in the same city which is hosting the Summit Conference being attended by the Heads of Government;

(b) Helping to create conditions that will encourage more people-to-people interaction;

(c) Identifying relevant institutions in South Asia that need capacity building and then providing these institutions with necessary technological support and financial resources;

(d) Establishing national committees in each SAARC member state to identify areas of common interest and also prioritising objectives related to mutual interests aimed at removing social and economic inequities;

(e) Attaching greater importance on agreeing on measures that will help stop marginalisation and discrimination of ethnic minorities living in different parts of South Asia;

(f) Initiating necessary steps that will eventually lead to the formation of a SAARC Parliament and a South Asian University. These Institutions will positively contribute towards the generation of a South Asian ethos;

(g) Constituting a special committee of South Asian scientists for identifying areas of strength and weakness within member states -- with particular reference to Information Technology, Nanotechnology, Biotechnology and the Pharmaceutical Industry. Subsequently, this Committee may

agree on steps to remedy weakness through the sharing of the common knowledge pool;

(h) Taking suitable steps towards the removing of trade imbalances, diversifying opportunities and making SAFTA more functional;

(i) Rising above narrow national interests and evolving a broad South Asian strategic interest structure that will help to create a South Asian approach towards a future regional power grid, better regional water resource management and communication networking system. These factors are essential for eventual poverty reduction and increase of employment opportunities; and

(k) Strengthening the infrastructure of the almost non-existent, resources-starved SAARC Secretariat so that it can play a meaningful role and be able to coordinate all the required SAARC activities.

We have to remember that there are responsibilities associated with being a South Asian. This will require political leaderships in the different member states, rising above domestic compulsions and mutual suspicion. We have to be able to see the bigger picture. A vibrant South Asia will entail that leaders, planners and decision-makers discover the latent forest rather than being bogged down over arguments on individual trees. SAARC requires the vision of political statesmen, not the confined halter approach of bureaucrats.

Muhammad Zamir is a former Secretary and Ambassador who can be reached at mzamir@dhaka.net

Make SAARC a success

POST BREAKFAST

In the last two and half decades we have had thirteen Summit meetings of the South Asian Association for Regional Cooperation (SAARC). In a few days, in the first week of April, we will have the 14th Summit meeting of SAARC in New Delhi. India will take over the responsibility of being the Chairperson of this Association.

The question that however continues to dominate any discussion on SAARC centres on whether this institution has any particular relevance for the nearly 1.5 billion people who inhabit the eight member countries. Many have also expressed doubts as to whether sufficient political will exists within the South Asian leadership to make it work.

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day).

Bangladeshi civil society representatives consider the current pace of progress in combating infant mortality, providing access to universal primary education, clean

water and better sanitation as being less than satisfactory. They want this dynamics to be revived up. They, in their own manner, are also complaining that a large part of the blame rests with the member governments who do not take their respective civil societies seriously. There is also criticism that there is very little transparency in the manner in which the Agendas are fixed for the different SAARC meetings. This, according to civil society representatives, reduces the potential of accountability.

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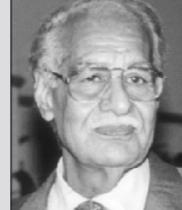
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The god that failed again

KULDIP NAYAR
writes from New Delhi

BETWEEN THE LINES

Buddhadev should, however, explain why he strayed from the path of consultation and opted for confrontation. He could see how the farmers had barricaded the entire village and how determined they were to fight to the last man to protect their land. Socialism, the communists should realise, is not only a way of life but a certain approach to social and economic problems. What the CPI (M) did in Nandigram was blatantly wrong and anti-people. True, the party has bowed before the public pressure and withdrawn the police. But the damage has been done.

Nandigram is a large village where the CPI (M) government sought to acquire the agricultural land "in public interest" forcibly. This was meant to be handed over to a construction company from Indonesia. Obviously, the "public interest" had been stretched to a point where the farmers' rights had been ignored. The real purpose was to attract foreign capital for the state's industrialisation without which it could not go very far.

There was nothing wrong in such kind of thinking. West Bengal was the hub of industry before the extremists in the left drove it out more than two decades ago. What was wrong then and continued to remain so today is the use of force.

The force indulges in untold atrocities. There is murder, rape and the looting. The police kill 11 people through bullets. The CPI (M) rationalises what happened, without a word of condemnation.

I should have written about this earlier. But I did not do so deliberately because I felt that a leftist government could not do all that the media was highlighting. I believed that the CPI (M) was the only political party, which followed certain standards that the rest forsook long ago. I am shocked over the facts which have come to light.

A top Bengal intellectual, with the leftist leanings, wrote: "It will be not an exaggeration to say that the

Nandigram massacre was another re-run of the Jallianwala Bagh." Former chief minister Jyoti Basu was the first one to criticise the state government and remind it that, "This is a government of the CPI (M) and not of any front."

How does one explain the excesses committed by a leftist government against people? How could a CPI (M) chief minister use the police against farmers and villagers who constituted the core of the proletariat? Even liberals felt horrified because the CPI (M) handling of the Nandigram agitation was no different from the bourgeoisie-run states where the force was used to make people fall in line.

It was brutal, deliberate and unchecked -- all to suppress the farmers who did not want to part with their land. When the state governor came out with an open indictment and said that the police firing had given him "cold horror," nothing was left to any doubt.

ACP (M) Rajya Sabha member's defence that "their men" were also beaten up is true. But this does not absolve the party of the blame because it was the CPI (M) government, which initiated the process to get the land and sent the police to see that the job was done. Whatever the provocation, a leftist government cannot sanction the firing by the police on farmers. It was not expected from the communists.

This is precisely what hurt Prime Minister Jawaharlal Nehru during the India-China war in 1962. He told his home minister Lal Bahadur Shastri that he never expected a communist country to wage a war against a nation trying to establish a socialistic pattern of society. Nehru was a socialist by convictions. What the Chinese action proved was that the communist countries were as much guided by jingoism as the capitalist ones.

The use of police was bad enough, but the CPI (M) did worse: it sent its cadres to suppress the farmers. The cadres reportedly used the country-made guns, primarily meant to kill animals. The Central Bureau of Investigation (CBI) confirmed this. In its report, not published yet, the CBI has pointed out that some of the unused bullets, wrapped in paper packets, proved the source from where they had been procured. The needle of suspicion was directed against the state rulers.

In the same vein, the CBI has said that the cell phone records, a copy of which the agency retains, showed who had engaged these men. According to the CBI, a paper

chit found in their possession, appeared to be a hit list had 45 names. The identity of these targets also indicated that the operation wouldn't have lasted only for a day.

What amazes me is that the CPI (M) government went ahead with Nandigram when the dust over the land allotted to the Tatas at Singur, near Kolkata, had barely settled down. The CPI (M) had assured at that time that no land would be acquired without the willingness of the farmers.

The use of force was ruled out. Still the police and the CPI (M) cadres did the opposite at Nandigram. Could this be an example where CPI (M) chief minister Buddhadev Bhattacharya went beyond the party's limits? Probably, its central politburo had no option except to support Buddhadev.

I found a tinge of remorse in the statements and writings by CPI (M) secretary-general Prakash Karat on Nandigram. Of course, other leftist parties made no secret of their unhappiness and attributed the Nandigram happenings to the "gross arrogance" of the CPI (M) leadership in West Bengal.

I cannot make out how the state CPI (M) secretary-general Biman Bose agreed to send the party cadre. He reportedly does not see eye to eye with the chief minister's views on the development.

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The CPI (M) has realised that the major drawback is the special economic zone (SEZ) law. The party is waiting for its amendment.

The criterion for selecting the land for SEZ should be whether it is less cultivable but whether it is barren. Whereas the barren land is available in the country, it should be utilised for the location of SEZ. The cost of building the infrastructure there can be added to the cost of SEZ.

Socialism, the communists should realise, is not only a way of life but a certain approach to social and economic problems. What the CPI (M) did in Nandigram was blatantly wrong and anti-people. True, the party has bowed before the public pressure and withdrawn the police. But the damage has been done