

## Road safety concerns

Synchronised efforts to address these missing

HERE is perhaps no other country where roads are more unsafe than ours. About 12000 people lose their lives every year in our country in road accidents. That makes one thousand every month or more than thirty deaths daily. Given the volume of traffic on our roads and highways as well as the total mileage of roads, that would be very high figure indeed of road mishap casualty.

We have been able to reduce fatalities from natural ravages but this is not the case with road accidents where the toll keeps mounting. The International Road Safety Week which commenced yesterday should be an unmistakable reminder of that home truth.

But the number of road accidents and deaths can very well be reduced, if not eliminated totally, by some proactive actions of the concerned authorities; of course, this requires the active cooperation of the road users, too.

Most of the accidents occur because of driver-errors, primarily because most of them are half trained and not fully conversant with road safety rules. This is where the licence issuing authority can play a significant role by following the most stringent standards before allowing a person to take the drivers seat or permitting a vehicle from taking to the streets. To see so many vehicles that would under normal circumstances not be allowed on the streets, plying with impunity on our roads, is a frightful sight. And this is where the need for strict oversight arises. So many of the unfit private transports 'manage' fitness certificates that make it incumbent upon BRTA to do its duty with absolute honesty and integrity.

But of course the drivers, commuters and pedestrians have a part to play in ensuring that the number of accidents is effectively brought down. In most countries awareness in road safety starts from the early school days. We can go for the same but this is also something where messages need to be repeated constantly to have them sink in everyone's mind.

Some private organisations or NGOs have been doing useful work in sensitising people and major actors in the field about road safety concerns. The WHO on their World Health Day in 2004 adopted a slogan 'Road Safety Is No Accident' thereby stressing the fact that it's a health issue which has to be addressed squarely.

We mourn the deaths from road accidents but hardly ever keep track of thousands who are left crippled becoming critically dependent on their families and society. Spare a thought for them.

## The French elections

Sarkozy and Royal represent a new generation

HE French have just been through the first round of their presidential elections. The two front runners, the rightwing Nicolas Sarkozy and the socialist Segolene Royal, will now face each other at the second and final round of the polls in early May. With 31 percent of the votes, Sarkozy leads Royal, whose 26 per cent made it possible for her to edge past the centrist Francois Bayrou and get into second place. The biggest relief at this first round is the fact that the far right National Party's Jean-Marie Le Pen was held back at fourth place. At the last presidential elections, it was Le Pen who threw all France into a state of turmoil when he went past the Socialist Party's Lionel Jospin and got into second place, thus making the election a clear choice between him and Jacques Chirac. It was a terrible moment in modern French history. But when voters fell in line behind Chirac, democratic politics in France was saved.

At this point, more than anything else, it is the eighteen per cent of the votes Mr. Bayrou garnered on Sunday that will be crucial for both Mr. Sarkozy and Ms. Royal. Bayrou has made it clear his supporters must be given the right reasons to back either of the two front runners, which means that the next few days will be spent in intense political animation. Sarkozy, who has served as interior minister in the Chirac government, has generally been portrayed as a man who could divide French society along political lines. It has especially been since his description of rioting immigrants as scum that Sarkozy's reputation has taken a beating. On the other hand, Segolene Royal's candidacy is a sign of the fresh new start France's socialists have decided to give themselves. Politically astute and personally charming, Royal is already being looked upon as the country's next president.

The biggest reality about the French presidential elections this year is the generational change that clearly underlines the new circumstances. Both Sarkozy and Royal are a departure from the times dominated by Jacques Chirac and the likes of him. Whether they, or whoever becomes president of France, will be able to help the country tide over its many crises, and how soon, will be a real test of leadership.

## Equilibrium between judiciary and executive



KULDIP NAYAR

writes from New Delhi

## BETWEEN THE LINES

India is still seeking equilibrium between the judiciary and the executive, a sort of equation so that one upholds the obligation and responsibility of the other. That parliament represents the people goes without saying, because they are the ones who elect it. Their voice has to be pre-eminent. But they cannot get away with legislation, which is against the basic structure of the constitution, or does not measure up to judicial scrutiny. A public debate can help.

been the same.

Both have aggressively protected their independence. In the process, both have usurped what was the grey area. The present sniping at each other is because there doesn't seem to be any more territory left to occupy.

During her rule, Mrs. Gandhi went on to impose the emergency in 1975, when the Allahabad High Court cancelled her Lok Sabha membership for a poll malpractice. This did not deter her from superseding subsequently the senior-most Supreme Court judge, Justice HR Khanna.

He had given a dissenting judgment on the emergency, which the other nine judges had endorsed without any qualm of conscience.

In fact, the executive's wrath had begun long before the super-session. Ms Gandhi had used a word, "commitment," as her yardstick to measure the loyalty of a judge, legislator or civil servant to her.

Those were the days when India was seeking to establish the socialist pattern of society. The superseded judges, including Khanna, were not considered "progressive" enough to be in Ms Gandhi's good books. It is another matter that 15 years later, when the Congress returned to power at the centre, it began to demolish most of what it had established in the public sector to implement the theory of laizze faire, a free economy which sounded the death knell of self-

sufficiency.

When the criterion of "commitment" was still in use, I asked Mrs. Gandhi whether it meant leftist leanings, she stoutly denied that. She said "commitment" meant "loyalty to the constitution." She did not put her cards on the table, something, which came to her naturally. She superseded the judges because she considered them to be in the way of her "progressive laws."

The grievance she nurtured was the judgment (6-5) on the Golak Nath case in 1971, when the Supreme Court held that the fundamental rights enshrined in the constitution could not be amended, abridged or abrogated by parliament.

She did not like the three senior judges restraining parliament from making her "commitment" come true. There was also politics in the suppression, because one of the judges was ideologically with the old guard in the Congress, whom she opposed.

Things went on simmering, and they came to the boil when the Supreme Court held in the Keshavanand Bharti case that parliament could not change the "basic structure" of the constitution. Secularism, democracy, and India's federal structure, came within the ambit of basic structure.

Although the Supreme Court gave freedom to parliament to amend fundamental rights,

except those concerning the basic structure, the executive was not happy. The judiciary still remained the last word on what constituted the basic structure. Former Chief Justice Hidayatullah did suggest a way out -- the referendum -- but the executive did not fancy the proposal.

Probably, it is healthy in democracy not to spell out everything. Certain concepts gather the content as the executive and the judiciary comes into contact or conflict. Some kind of "friction" is necessary, as Chief Justice KG

Balakrishnan has said in Delhi at the annual conference of High Court judges.

The point to ensure is that the equilibrium is not disturbed, either by the executive in the name of people, or by the judiciary in the name of review. Activism by either side can upset the applecart -- something a democratic structure cannot afford. Prime Minister Manmohan Singh has rightly reminded the judiciary and the executive not to over-reach.

Most of our neighbouring countries have played with the judiciary and tried to make it subservient to the executive. This has turned out to be disastrous for them. An over-active military has aggravated the situation.

Even if there were to be an effort not to dictate, the very presence of men in uniform would make most judges fall in line. India experienced that when the emergency was imposed; the magistrates even signed blank warrants of arrest.

Ultimately, the rhythm of democracy depends on the quality of judges. The nation cannot stop the election of undesirable members to parliament or the state legislators because of the nexus between criminals, moneybags and politicians.

At least, the appointment of judges can be independent. The judicial commission, proposed by the government, comprises of judges alone. Eminent citizens have to come in to keep the appointments above politics.

The current practice of collegiums of four to five senior judges selecting the appointees is like nomination of the office-bearers by trade unions themselves. This is neither fair nor judicious.

The constitution says, on the appointment of judges, that the executive should consult the Chief Justice of India before making any appointment. But the executive played havoc with this provision.

The judiciary was a party when the word, "consultation" included "concurrence." Now it is the other way round. The judiciary makes all the appointments and transfers, and the executive is nowhere in the picture. But there is no way to make the judiciary accountable.

Before amending the constitutional provision on appointments, the experiment of judicial commission should be tried. But the insidious campaign to have the "leader" among the judges as the chief justice is motivated.

Even after 34 years we have not

got rid of the poison injected by the suppression of judges. Anything done to tinker with the judiciary, however abrasive, may turn out to be a fatal blow to the system itself.

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A public debate can help. The judges have to be made answerable. Members of parliament and assemblies go back to the people, to face approval or rejection.

The judges cannot be removed without a motion of impeachment passed by parliament. Not even one case has made the muster since the implementation of the constitution in 1950. Some way has to be found to put the fear of god in the minds of judges.

Kuldip Nayar is an eminent Indian columnist.



M ABDUL HAFIZ

GLOBAL military expenditure and arms trade form the largest spending in the world, over one trillion dollars per annum, and have been rising in recent years, close to the level that prevailed during the cold war period. As the world trade becomes globalised, so does the trade in arms.

In order to make up for the lack of domestic consumption newer markets are to be explored and also created, if necessary, by the manufacturing countries. The US, Russia, France and Britain do the most business in arms trade in the world. Sometimes, these arms sales are made secretly, and sometimes openly, to human rights violators, military dictatorships and corrupt governments.

The Stockholm International Peace Research Institute's (Sipri) 2006 Year Book on Armaments, Disarmament and International Security has made some

## PERSPECTIVES

For the past about two decades the UN has faced financial difficulties, and it has been forced to cut back on important programmes in all areas. In his book "Roads to freedom" Bertrand Russel writes, "If a man is offered a fact which goes against his instincts, he will scrutinise it closely, and unless the evidence is overwhelming he will refuse to believe it." In recent years, we have seen that military spending has diverted valuable economic means toward a dangerous direction and wasteful production which may satisfy the instincts of a few war mongers, but a vast majority of the world is asking for the over whelming evidence.

interesting revelations in this regard. World military expenditure in 2005 is estimated to have reached \$1001bn at constant prices and exchange rates, or \$1118bn in current dollars. This corresponds to 2.5 per cent of the world's GDP, or an average spending of \$173 per capita. This expenditure presents a real term increase of 3.4 percent since 2004, and 34 percent over the 10 year period between 1996-2005.

The US, responsible for about 80 percent increase in 2005, is the principal determinant of the current world trend, and its military expenditure now accounts for almost half of the world's total. The US being the most formidable military power of the world, it is worth taking a look at its spending.

Generally speaking, the US military spending has been on the

increase since the 9/11 terrorist attacks. While FY 2008 budget requests for the US military spending are known the most recent data is from 2005. Using this data, we can compare US military spending with the rest of the world's.

The US military spending was almost 7 times larger than the Chinese budget, the second largest spender, and was two-fifth of the total. The US military budget was almost 29 times as large as the combined spending of the six rogue states i.e. Cuba, Iran, Libya, North Korea, Syria and Sudan, which spent a total of \$14.65bn.

The US's military expenditure was more than the combined spending of the next 14 nations. The United States and its close allies i.e. the Nato countries, Australia, Canada, Japan, South

Korea and Israel, accounted for some two-third to three-quarters of all military spending across the world. The "rogues," or potential "enemies," as well as Russia and China, together spent \$139bn, which is only 30 percent of the US military budget.

So, the global good hegemony theory may help justify high spending for a number of other countries, but it does not necessarily apply to the whole world. To be fair, this criticism can also be simplistic, especially if an empire finds itself against a competitor with similar ambitions. That risks polarising the world, and answers are difficult to find.

In this new era, traditional military threats to the US are remote. None of their enemies, former enemies, and even allies, pose a military threat to the United States. For a while now, critics of large military spending may have pointed out that the most likely form of threat to United States would be terrorists actions rather than conventional war, and that the spending is still geared towards

such conventional confrontations.

It seems ironic that the United States spends more on things which destroy, yet this world power was at the forefront in founding the United Nations on the basis of its commitment to the preservation of peace through international cooperation and collective security. And, if we compare the military spending with the entire budget of United Nations, we will be surprised to find that the United Nations and all its agencies and funds spend only about \$20bn each year.

The US's entire budget is just a tiny fraction of the world's military expenditure, approximately 2 percent. For the past about two decades the UN has faced financial difficulties, and it has been forced to cut back on important programmes in all areas.

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Brig (ret'd) Hafiz is former DG of BIS.

## Please tolerate no nonsense



NURURDDIN MAHMUD KAMAL

THE impending gas crisis in Bangladesh has the name and telephone number of the Titas gas field written on it. Drilled in 1969, the gas field had 16 gas wells with a production capacity of over 400 million cubic feet per day (Mcfd/day), while the country's total average daily demand was 1,600 Mcfd/day until the middle of the current month. The highest one-day production reached 1,670 Mcfd/day in April, yet the Bangladesh Power Development Board (BPDB) claims shortage of gas supply for generation of electricity.

It may also appear interesting that the Titas field, with the remaining recoverable reserve of "perhaps" over 2 trillion cubic feet, had the capacity to produce more. Yet, it is an irony that the former energy advisor, Mr. Mahmudur Rahman, is alleged to have allowed the system to create an artificial shortage in gas supply, and cleverly instructed the IOCs to produce more. In fact, he prompted Unocal/Chvron to quickly start production from the Bibiyana gas field so that Bangladesh could buy back its own gas at a much higher price, that too in dollars, and sell at a lower price, thus hurting the interest of the nation.

I said "perhaps" the reserve of Titas gas field is over 2 Tcf because, in the absence of a proper computer analysis based on well report and also the certification by an internationally reputed independent specialist company, it is not advisable to state the proven reserve figure. Unocal tried once in the late 1990s, but the cat came out of the bag.

Mark Twain once commented that some people use statistics the way a drunk uses a lampost -- not for light, but for support. Some people use events in just this way. The then energy secretary, Dr. Taufiq-e-Elahi, perhaps did not appreciate Mark Twain's comment, and allowed M/S Cairn to start production in the off-shore Sangu gas field without even proper esti-

## CHRONICLE

The Gas Sector Master Plan (GSMP), 2005, has already given warning that Bangladesh has only sufficient proven gas reserves to fully meet the demand until 2011, although, taking into account probable reserves, this extends to 2015. Unfortunately, the government has not clearly defined its vision for the gas sector for the next 20 years. Yet, the aspiration of each principal stakeholder is said to have been ascertained, and an achievable investment portfolio has also been made. In this situation, the nation cannot afford to waste even one Mcf of gas. If anyone does so, he should be punished.

at \$3/Mcf) due to the gas flare etc. Also, a proper and thorough investigation of the personnel involved, including the role of the secretary, Mr. AM. Nasiruddin, who also happens to be the chairman of the BGFCL Board, seems necessary.

The question that arises is whether the BGFCL board ever discusses this issue? If so, what was their recommendation?

Another bewildering thing is the spewing out of gas, and the sporadic gas leakages over the past several months. Did that ever strike the mind of Mr. Nasiruddin? If it did, couldn't he seek external professional assistance to handle this crucial problem?

Did he ever pick up his official telephone and talk to our high commissioner in London, or the ambassador in US or Japan, and seek advice in this regard? It is known to many people in the energy sector that there are specialist companies, who deal with such gas or oil-field fire hazards.

Gas and energy are already well

on the way to becoming the hottest cauldron in national politics, made all the more difficult by the shortages in supply. Due to Titas gas field disaster, Bangladeshi people became panicky. Nevertheless, the nightmare has exposed a new weak link of the professional management capacity.

But we are afraid that the authorities will have trouble when it comes to reading the public mood.

We may recall that well number three in the Titas gas field was drilled in 1969, to a depth of 9315 feet, by M/S Shell Oil Company. In total, four production wells were drilled during 1962-69, i.e. prior to the liberation of Bangladesh in 1971. All the other 12-gas wells

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