

Right to information act

Historic opportunity for govt to adopt it

IT is heartening to note on the heels of Army Chief General Moeen suggesting that a right to information act be introduced, the Law and Information Adviser Mainul Hosen said that the interim government was considering early adoption of the law.

We look at right to information act as a major weapon to fight corruption and ensure good governance by establishing accountability at different tiers of government.

The present government is well-positioned to be taking a concrete action along the line for two reasons: first, it is in steps with the directional thrust on reforming the discredited system of governance traditionally riddled with corruption and abuse of power feeding on lack of accountability, answerability and transparency across the board. There is no doubt that access to information is pivotal to good governance based on transparency and accountability of public conduct. Secondly, a draft law is already in hand to work on and give a final shape to.

Right to information act has two mutually reinforcing aspects: first, it gives citizens the legal right to secure information; secondly, it empowers the press to seek information from all agencies of the government, private sector and NGOs. Such free flow of information is a vital safeguard against officials hiding behind a cloak of secrecy invoking the official secrets act of the British colonial era. It's a shame that successive governments have allowed such a retrograde law to continue to this day.

Now the historic opportunity has arrived for the government to remove the fetters on access to information thereby helping press freedom to bloom as a reliable leverage against mis-governance.

Speaking of the spade work done, Law Commission had originally prepared a draft which was to be subsequently embellished through inputs from legal experts and civil society leaders. As a result, a much improved draft is available with the government. The law adviser could now make it public opening the avenue for a wider discourse on the subject.

Mere enactment of the law would not be enough by itself, because the challenges of implementing such an act could be quite complicated and daunting. The experience in India is worth studying. Perhaps we would need an information commission to implement the law.

Death of a family under a train

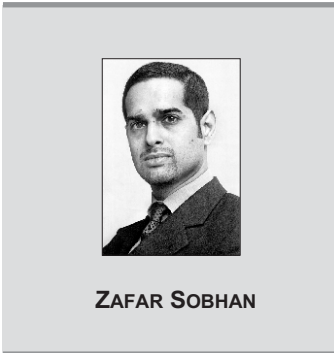
Let the tragic mystery be unearthed

THE death of nine members of a family in what appears to have been a suicide pact under the wheels of a rushing train is deeply distressing for all of us. Although a full picture is yet to emerge of why the family, whose members ranged from the age of sixty years to seven, needed to end their lives, there is nevertheless the very disturbing feeling that it was alienation from the society around them that may have brought about the tragedy. Stories and rumours have already begun making the rounds about the family. Reports have filtered in of its conversion to Christianity from Islam. Other reports suggest that only one member of the family went through the conversion quite some years ago and in fact has since died. Such stories have spawned other stories, to the effect that the family had been ostracised by neighbours.

A full, comprehensive inquiry must now be made into the tragedy. That is because of the unusual nature of the death of these nine individuals and, more specifically, because other factors might have been involved in the making of the tragedy. In a culture where the concept of collective social responsibility has been eroding fast, enough to push life into a state of the dehumanised, it is quite conceivable that some people will be driven to doing irreparable damage to themselves. What has happened in Kashore makes it imperative for the authorities to delve deep into the question of whether or not and indeed how far the family was compelled by social circumstances into putting an end to its sufferings in such a macabre manner.

People do not fall prey to desperation unless there are compelling reasons for such a condition to shape up. In the coming few days, the mystery behind the death of this family -- whether it was provoked into suicide or whether there was some other reason -- needs to be unearthed. Meanwhile, our prayers go out for the peace of the departed souls.

Choices

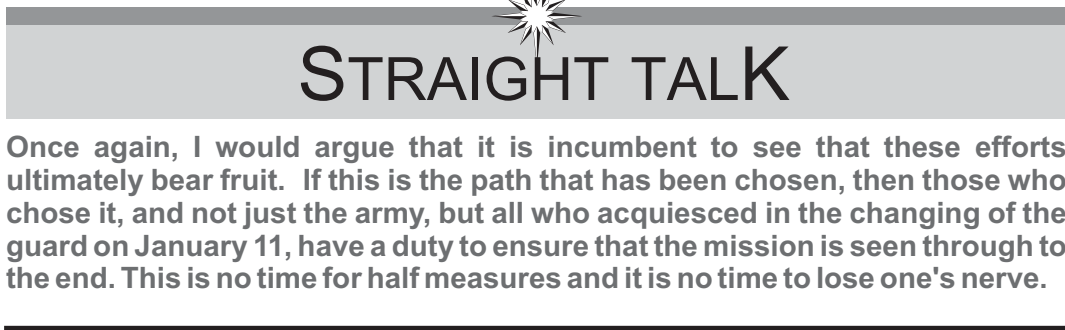


ZAFAR SOBHAN

THE country had two choices on January 11. Actually, let me amend that statement. The country was not then nor has it since been offered any kind of choice as the word is generally understood. So, to be more specific, the caretaker government and the army which is supporting it, had two choices.

The first of these choices was to administer and hold a free and fair election in the quickest possible time. This would have been well within the army's capability. The Bangladesh armed forces have considerable experience administering elections, and with its assistance there is no reason why an acceptable voter list could not have been put together in a relatively short period of time. After that it would simply have been a matter of ensuring that the returning officers and EC officials were sufficiently impartial and that hooligans and party cadres did not hinder people from voting their consciences.

However, this path was not chosen. It is crucial to isolate who exactly made this choice. The choice was made by the caretaker government and the army. To



Once again, I would argue that it is incumbent to see that these efforts ultimately bear fruit. If this is the path that has been chosen, then those who chose it, and not just the army, but all who acquiesced in the changing of the guard on January 11, have a duty to ensure that the mission is seen through to the end. This is no time for half measures and it is no time to lose one's nerve.

what extent each of these entities was responsible for the choice, we can only speculate. Crucially, this choice was backed by influential voices in civil society, not least of all this newspaper.

No one asked the public what they wanted, but to the extent that public opinion could be gauged, it is perhaps fair to say that the decision not to go for quick elections was not unpopular. However, it cannot be argued that the choice was universally popular, either.

Had free and fair elections been held, what would have happened?

If the BNP had won then certainly nothing would have changed and the country would have continued down the precipitous and perilous path of the last five years. No need to elaborate this point.

What if the AL had won, as would have been more likely: would this have changed anything? Well, it would have changed plenty. The massive and unprecedented abuses of power of the past 4-party alliance government, especially those of Tarique Rahman and his coterie, would have come to an end.

In many ways, the immediate past elected government was the

worst we have seen in our history, and to the extent that it would have most likely been unceremoniously tossed out of office pursuant to free and fair elections, the state of the nation would almost certainly have improved.

However, much would have been left unfixed. In the first place, as Hasina is on record as stating, we would not have seen corrupt BNP leaders such as Tarique and Falu behind bars under an AL government. No elected government would have been able to carry out the current anti-corruption and anti-crime drive.

Then, of course, there is no guarantee that an incoming AL government would not have been as corrupt and abusive as the government it would have replaced. Indeed, if the auctioning of nomination papers prior to the election is any indication, corruption would certainly have continued as before.

And, of course, at a very basic level, we would have returned to the culture of sycophancy and intolerance of dissent and politicisation of the administration and rule by fiat that have been regrettably constant features of the political landscape these past

thirty-five years.

Would the AL have passed a freedom of information act or separated the executive from the judiciary or instituted any of the other hundred and one reforms necessary to make the country's politics more functional? Doubtful.

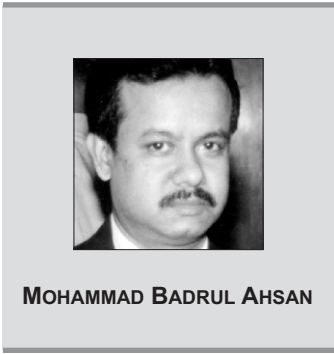
And, of course, parliament would have continued to be dysfunctional and hartals and oborodhs would have continued to be the order of the day.

One can even make the argument that people would not have been able to vote their consciences even in the absence of muscle because of the political parties selling their nomination papers to the highest bidder and the dysfunctional feudal political culture prevailing in the country.

I am not sure that I buy this argument. If you don't like a party's candidate then you are free not to vote for him or her and in fact free to run your own candidate.

This wasn't true in the past, where you would face violence and intimidation for doing so (e.g. look at the LDP experience). But the army could certainly have ensured that party goons be reined in and could easily have created a secure environment for

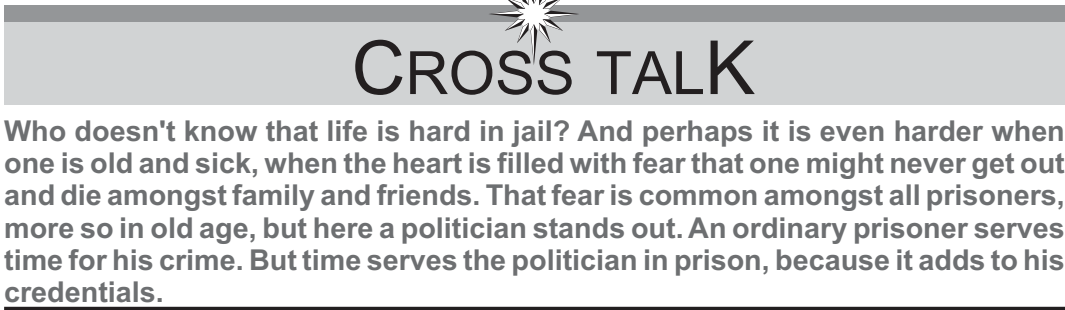
The jail inside Jalil



MOHAMMAD BADRUL AHSAN

SO long we knew that there could be one of the two conditions of a valiant life. He who fights with courage and dies for a good cause is a Shahid, and it makes him a Ghazi if he survives. But now we know a third condition also exists when a man wants to stay alive and does not have the courage to fight. I would like to honor the man by giving his name to the condition he has contrived. From now on any cowardly politician who begs for his life, we shall call him a Jalil.

Pardon me if I am being cynical. But it was quite shocking when the general secretary of the oldest political party in this country went down on his knees to beg the government for mercy. He promised to quit politics, squealed against his boss and then wanted



Who doesn't know that life is hard in jail? And perhaps it is even harder when one is old and sick, when the heart is filled with fear that one might never get out and die amongst family and friends. That fear is common amongst all prisoners, more so in old age, but here a politician stands out. An ordinary prisoner serves time for his crime. But time serves the politician in prison, because it adds to his credentials.

to be released from jail on the ground of poor health condition. His second wife read out his appeal first hand to the country.

It is amazing how swiftly the scene has changed from sublime to ridicule. The all-powerful politician who had once given a deadline to take down the government, and had threatened to lay siege on the President's office until it ran out of oxygen, one who promised not to relent until rights and freedom of the people were safe in his hands, has turned into a pip-squeak. He has basically thrown himself at the feet of his captors, and agreed to rub his nose on the ground if they were to let go of him.

It is good to know that he worries about his life, which is the only sign to tell us he is a mortal like rest of us. Everything else about him speaks of a ghoul who could

do anything to satisfy his greed.

How many people have died as a result of his misguided politics? He needs to answer that question first before he expects us to listen to his appeal. It works like a hand in the jar, which can go in but can't come out. The government has put him behind bars, but he can be released only after the people are convinced.

Last week we got the wind of a rumor that the government might consider sending him and one other politician abroad for treatment. If the government is going to do that one would like to ask how does he qualify for this preferential treatment? If he is innocent then he should be set free and allowed to go for treatment at his own expense. It will cost him only a fraction of what he has fliched.

If he is guilty, then why spend

taxpayer money to provide quality healthcare to an enemy of the people? There is of course one reason, which may justify special care for him. If the government can tell us that it is important to keep this prisoner in good health in the interest of the country.

After that I don't care what happens to citizen Jalil. The leader Jalil was finished the day he ranted in police remand and we came to know accounts of his atrocious misdeeds. If anything, he only signed his death warrant in the apology last week.

He might still continue as a breathing disgrace to his family and constituency, reminding them of his shameful past, that he was a shady dealer in the guise of a worthy leader, a mole in the flower, a sheep in tiger's skin. Shame, shame, shame! Three scorns for a despicable man.

the voters to vote for whomever they wished.

At that point, if you still can't win or you still don't like the person who gets voted to power, too bad. That's the people's choice.

But, be that as it may, we didn't go down that route. The powers that be and other mandarins of society, in their infinite wisdom, made the determination that the system was fundamentally broken and needed to be fixed from the ground up.

OK. I would argue that while this wasn't necessarily an indisputable conclusion, it was a defensible proposition. But make no mistake about it. This was not a war of necessity, it was a war of choice.

So the decision was made. We need to rebuild from the ground up. What would this entail? First, it would entail longer than 90 days. No problem. The time period fixed is a year and a half from now. OK. As best as I can tell, people are happy enough with this option.

Next, it would require much reform in the system and institutions within these two years. Again, OK. Separation of the judiciary from the executive, administrative reform, electoral law reform, right to information act -- much advancement has been made on these and other crucial issues, and by the end of next year we could well have in place the bulk of the reforms necessary to make our democracy functional.

Next, and most crucially, it would require that either new parties be formed to come to power in the upcoming elections

or that the existing parties reform themselves fundamentally into forces for the public good.

I would argue that a new party was so central to the success of this drive for reform that those who were supportive of the January 11 take-over had a duty to ensure that Prof. Yunus's proposed party got off the ground.

In the end, it turned into an embarrassing comedy of errors with Prof. Yunus pointing the finger at those he said had encouraged him to stand but had let him down in the end and those who in the end declined to join up with him whispering that he was politically clueless.

So now we are back to the scenario of forcing the existing parties to reform themselves so that at the end of the day they can provide good governance if they are elected to power or act as a responsible opposition if they are not.

Once again, I would argue that it is incumbent to see that these efforts ultimately bear fruit. If this is the path that has been chosen, then those who chose it, and not just the army, but all who acquiesced in the changing of the guard on January 11, have a duty to ensure that the mission is seen through to the end.

This is no time for half measures and it is no time to lose one's nerve. Nor is it a time to comfort oneself with the thought that we didn't have a choice in the matter. We did. This is what we chose, or, to be more specific, what some people chose. If it ends in tears, they will have no one to blame but themselves.

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On second thought, I might want to keep in touch with him. I might use him to launch his namesake condition and make him its poster boy. He would be role model for the snitches and pip-squeaks, the brand name for treachery and trickery, shoddy lives, double standards, and the whole shebang of other evils.

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Nelson Mandela, who spent 27 years in prison, said on the Larry King show that he and his comrades believed that the death sentence was to be passed on some of them in the Rivonia trial. They decided to become role models and walk to their deaths under a cloud of glory. Larry King asked what had kept Mandela going for all those years in jail, and he said that it was the enlightened company of his friends. They

talked most of the time and did lots of thinking.

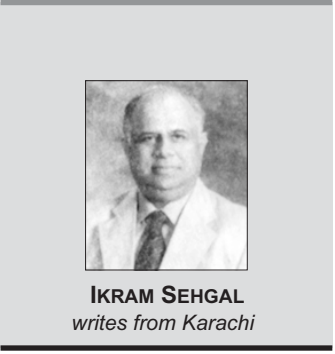
It's not the same for Jalil who is either amongst his equals or those he has surpassed in crime. They don't have enough to talk about. The political prisoners like him are equally tainted and equally worried. The ordinary criminals must be jealous and angry. If that takes away the talking part, Jalil is only left with thinking. It appears that he does a great deal of it. He thinks about his health and family, the memories of good life flashing in front of him.

But I would like to suggest him to think about this. Nelson Mandela went to jail in 1964 and it was not until 24 years later that his wife Winnie would be allowed to make conjugal visits and sleep in the prison with him. But she refused to do so, a decision which was supported by Nelson. Why? His colleagues in the prison weren't fortunate to enjoy the same privilege.

Great leaders go to jail, and they know their ideals will set them free. But Jalil has nothing to save him because the jail has gone inside him.

Mohammad Badrul Ahsan is a banker.

"Silence" is deafening!

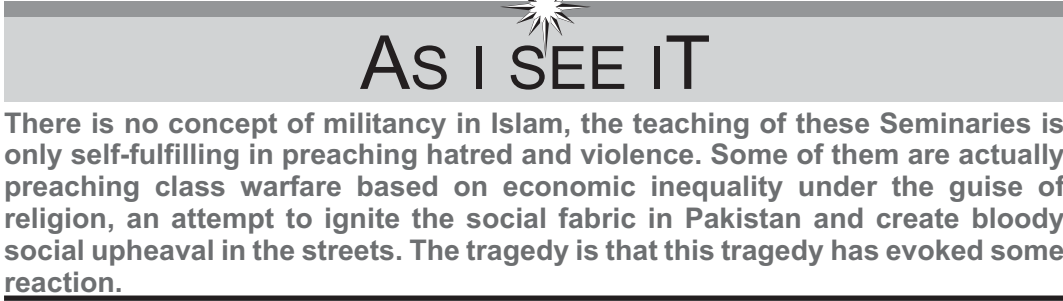


IKRAM SEHGAL

writes from Karachi

SITUATED almost in the centre of Islamabad, the "Lal Masjid" complex has most Federal Government offices (including the Presidency, the two Houses of Parliament, PM's Office, Supreme Court, Federal Ministries, Intelligence Bureau (IB), etc) a mile or so to its northeast, with the diplomatic enclave (including the US Embassy) and the ISI HQ the same distance east and west respectively.

One would suppose (and reasonably expect) that the intelligence agencies and other Law Enforcement Agencies (LEAs), particularly those in the vicinity, would have informed the government about the activities of the religious extremists running its administration and taken steps to prevent a potential catastrophe.



There is no concept of militancy in Islam, the teaching of these Seminaries is only self-fulfilling in preaching hatred and violence. Some of them are actually preaching class warfare based on economic inequality under the guise of religion, an attempt to ignite the social fabric in Pakistan and create bloody social upheaval in the streets. The tragedy is that this tragedy has evoked some reaction.

Automatic weapons in the hands of the students of the Seminary should have been some cause for consternation, if not absolute alarm, given the proliferation of unlicensed weapons on blatant public display in Pakistan.

Unchecked by the LEAs the Seminary students eventually had to go berserk, evidenced not only by high-handedness with their neighbours but in expanding the sphere of Jamia Hafza-style vigilante-type justice, enforced mainly through squads of black Burqa-clad women bearing staves.

What this must have done for Pakistan's already battered imaged in the world is unimaginable! How come everyone in the corridors of governance was blind and deaf to this gathering storm? Will the Heads of all the institutions involved with

national security have the character to accept responsibility for the bloody catastrophe and resign?

Or conversely, will the president hold them accountable and sack them? Or will we go on with life as usual, and sweep under the carpet the blood spilt unnecessarily. With priority given for anything and everything but national security, what can one expect from the agencies and LEAs concerned?

The blood of our soldiers sent a strong message to the world as to our commitment in the "war against terrorism." In very bloody and graphic detail the media exposure opened the eyes of the people of Pakistan to the sort of militant activity that goes on under the guise of education in some of the Madrassahs.

Most Madrassahs (almost 80% - 90%) are God-sent hostels for the

children of the poor and poverty-stricken. Money for education of their children being a dream, the hapless, and destitute cannot afford to even feed them. We cannot condemn all Madrassahs, however several hundred (out of the 12000 or so known ones) are guilty of imparting military training to their wards and indoctrinating them with their disparate narrow religious beliefs, mostly militant.

While one would not like to (or is qualified to) comment on their beliefs, Islam does happen to be a religion of peace and not one of confrontation. There is no concept of militancy in Islam, the teaching of these Seminaries is only self-fulfilling in preaching hatred and violence.

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economic inequality under the guise of religion, an attempt to ignite the social fabric in Pakistan and create bloody social upheaval in the streets. The tragedy is that this tragedy has evoked some reaction.

The talks that had gone on for more than 10 hours broke down at about 3:30 am on Tuesday July 10, the final phase of "Operation Silence" started at about 4:20 am soon after. Ostensibly both sides had approved the final draft of an agreement; the talks broke down when some changes were made.

Abdul Rashid Ghazi raised the subject of "safe passage" for "foreign militants," the first candid admission that they were present on the compound. The government decided not to wait any longer and gave the executive order to the Army to act.

The militants inside the compound were well armed and well trained, more importantly they were led by experienced and battle-hardened militants, with good knowledge of the tactics of fighting in built-up areas. As any combat soldier will tell you the most difficult operations is fighting in built-up areas, "close-quarter battle," CQB in army parlance.

The Shahadat of Lt Col Haroon

al-Islam Commanding Officer Zarrar Battalion, SSG's Anti-Terrorist Unit, with three officers wounded, Maj Tariq critically, in a platoon-sized operation a few nights earlier, would suggest that terrorists had night-vision devices, certainly some militants were seen with gas masks.

The defenders had light infantry weapons, with Light Machine Guns (LMGs), Rocket Launchers, AK-47, Sub-Machine Guns (SMGs), hand grenades and hand-made petrol bombs (Molotov Cocktails). Plastic explosives and mines were used in great numbers to rig booby traps.

Spread over about 5000-6000 square yards the complex has about 75 rooms in 4 floors at one end (the southern part), with a virtual labyrinth of basements which was further interconnected by recently made tunnels, the presence of these tunnels confirmed the inhabitants expected violence and for some time, after all they were not digging them out by their fingers but had used sophisticated equipment.

The attacking forces had great difficulty flushing the terrorists out, particularly when they had to exercise strict control so as not to harm women and children being held as captives. Why stun grenades were

used only and not nerve gas, even as a last resort, is not known.

Superbly led from the front by their officers and with the Kalma on their lips, Zarrar Battalion attacked from 3-4 directions, quickly gaining access to the roof and fanning out, taking control of most of the complex within 2-3 hours of intense fighting. About 40-50 militants were killed in the initial thrust and another 50 or so captured, freeing over 24 children initially, and later a group of another 27 women and 3 children.

Among those killed on the first day were three officers and about 5 troopers; the final death toll is yet to be known. Throughout our history our young officers (YOs) have shown outstanding leadership under fire. Regrettably those who send such men to their deaths while keeping out of harm's way themselves have never heard a shot being fired in anger, and if they claim otherwise they are blatant liars.

By mid-morning the remaining militants had retreated according to a well thought out plan into the basement (and the tunnels linking them) as a last resort, using women and children as a human shield. The fortifications were known to be formidable and well-sited, the interlinking tunnels turned

out to be far more sophisticated than planned for. The mopping-up has taken time.

For six nights, the residents of Islamabad stayed awake because of the gunfire and bomb blasts. It is abundantly clear the foreign militants present prevented Abdul Rashid Ghazi from surrendering.

As quiet descended on the shattered buildings, smoldering fires still burnt, the effect of battle leaving virtual devastation in an enclave where God's name was invoked for confrontation rather than for peace.

Because of the proliferation of booby troops and mines, army engineers have made teams to defuse them. This defusing/defusing is a slow, painstaking process. What about the lessons learnt from this tragedy, what about criminal neglect that led to this bloody trauma that the people of Pakistan, and more particularly those of Islamabad, had to go through?

"Operation Silence" opened with a deafening bang, why is the silence still deafening?

Ikram Sehgal is an eminent Pakistani political analyst and columnist.