

Jute sector reform

Downsizing cannot be the sole answer

IT is common knowledge that the state-owned enterprises in the jute sector have been hemorrhaging to an extent that their cumulative losses stood at staggering Tk 4,770 crore in 2006. Given the size of the monetary losses incurred so far, the Tk 1,376 crore rejuvenation plan announced by Jute and Textile Adviser Geeteara Shafiya Choudhury Wednesday may sound appropriate. But it's a three-year programme, rather a longer-term one, for a sector that is confronted with all kinds of pressing problems to be resolved early enough to gain in a context where synthetics are fast losing ground to jute and jute goods.

The programme aims at retrenchment in the four BJMC mills ordered shut down in Khulna, Chittagong and Sirajganj, to be eventually handed over to the private sector. There will also be downsizing of the work force by 50% in 18 other mills. In all, 14,000 workers have been earmarked for 'golden handshake'. We are given to understand that after retrenchment a segment of them would be employed on daily-basis. The question is: would it be cost-effective? There is bound to be a social cost in jettisoning the excess labour. This can be mitigated by paying their dues upfront rather than in a staggering fashion.

The focus is on downsizing whereas we believe it should have been squarely laid on management, labour unionism, financing, pricing, procurement and marketing issues. We gather that the jute ministry has formed a task force comprising representatives from jute and finance ministries and BJMC to oversee jute procurement activities which have been riddled with corrupt practices. The bureaucratic tangles between the finance and jute ministries as well as between the jute ministry and the BJMC will have to be done away with, otherwise all the reforms being contemplated now will turn out to be cosmetic. We suggest that a high-powered body of experts be constituted to go into all aspects of management.

India and China have substantially taken away our traditional market share. But not all is lost yet; indeed, with increased investment in the best quality jute that we produce in the world, we stand a chance of massive recovery in the sector to be a front-runner in the business. Considering all the complexities and problems the jute sector faced over a long time, we deem the present step is on the right track.

Gautama Buddha relics

Bangladesh's cultural heritage must be protected

THE handing over of the hair relics of Gautama Buddha to a high-powered team from Sri Lanka on Wednesday carries considerable historical symbolism for Bangladesh and Sri Lanka. That symbolism was again strengthened by the gift of a preserved footprint of Lord Buddha from the Sri Lankan authorities. In the overall sense, therefore, the exchange was reflective of the historically close ties the two countries have maintained through the centuries. The presence of Sri Lankan ministers, among whom was Foreign Minister Rohitha Bogollagama, on the occasion, was at the same time a powerful indication of how such links can be developed in the times ahead.

While on the subject of the hair relics and the footprint of Lord Buddha, we cannot but draw the attention of all and especially the authorities to the rich cultural heritage that Bangladesh has been home to through the centuries. A study of history shows that travellers from various parts of the world have regularly broken or ended journey in what is today Bangladesh. In the process, what has happened is a mingling of cultures or an enrichment of them through taking in new characteristics and eventually having them assimilate in order to throw up a new cultural dimension altogether. From such a perspective, Bangladesh has served as a melting pot with travellers, religious preachers, traders and royalty making their entry into it at different points of time. The result is what we observe before us today --- Mainamati, Paharpur, Sonargaon and other spots of the kind. Relics spanning centuries and touching upon different aspects of people's lives have been found and preserved in museums. A commingling of traditions involving Islam, Christianity, Hinduism and Buddhism has continually added substance to Bangladesh's heritage.

It is such a heritage that must now be preserved. Regrettably, our cultural diversity is often downplayed, ignored and sometimes deliberately suppressed. This diversity of our heritage must be popularised as part of a concerted programme. The many historical relics in the country must be maintained well and where they are in a bad shape, measures must be taken to restore them.

Towards an accountable Public Service

There should be a system of monitoring of performance to make sure that the work of the organisation is in conformity with the Charter. Finally, it should be kept in mind that introducing Citizen's Charter in agencies which come in close contact with the public is more important than introducing it in ministries/divisions. To meet the expectation of the clients of particular areas there should be area specific Charters in agencies like health, agriculture etc.

ARIF H. KHAN

CITIZEN'S Charters are written, voluntary, declarations developed by service providers with the involvement of users, and highlight the standard of services, availability of choice for consumers, avenues for redressing of grievances, and other related information. In other words, a Citizen's Charter is an expression of understanding between the citizens and the service provider about the nature of services that the former receive in exchange for their taxes, and the latter is obliged to provide. It is essentially about the rights of the public and the obligations of the public servants.

The idea of a Citizen's Charter arose in the United Kingdom from a simple question: if the public service which people have paid for

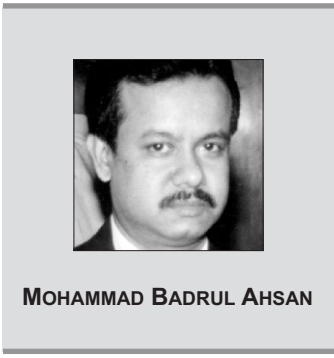
through taxation is not good, why should they not get their money back, as they would have the right to with any shop or service provider in the private sector?

In 1991, the Conservative government of John Major articulated and implemented the concept of Citizen's Charter as a national program. Its aim was continuous improvement of the quality of public services so that these services could respond to the needs and wishes of the users. The program was re-launched in 1998 by the Labour government of Tony Blair.

International scenario

The UK's Citizen's Charter initiative aroused considerable interest around the world, and several countries implemented similar programs e.g., Australia (Service Charter, 1997), Belgium (Public Service User's Charter 1992),

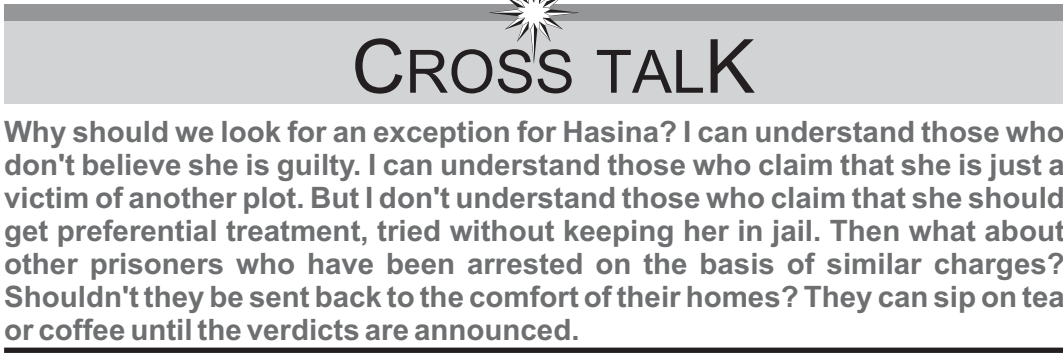
Let us put down the chair



MOHAMMAD BADRUL AHSAN

FOR the first time in my life I can explain something which I don't understand. Now don't let confusion paralyze your mind yet, wait till you are as confused as I. Since Awami League President Sheikh Hasina was arrested last Sunday, some people have been crying foul. They are upset because a former Prime Minister and a daughter of Bangabandhu Sheikh Mujibur Rahman, has been taken into custody. Frankly I don't understand what they mean. But I can explain why they are unhappy. They have got a chair on their head.

I shall come back to it, but first thing first. Like many people in the country, I also deplore the fact that Sheikh Hasina went to jail. I am not sad because she was taken to jail. I am sad because she had to go to jail. It is possible that she has been arrested on trumped up charges. May be she is the victim of a con-



Why should we look for an exception for Hasina? I can understand those who don't believe she is guilty. I can understand those who claim that she is just a victim of another plot. But I don't understand those who claim that she should get preferential treatment, tried without keeping her in jail. Then what about other prisoners who have been arrested on the basis of similar charges? Shouldn't they be sent back to the comfort of their homes? They can sip on tea or coffee until the verdicts are announced.

spiracy. May be she is guilty as charged.

Over the last few days I have heard some of the most ludicrous comments. One politician argued over the statutory limit. He said that one couldn't be tried for a crime committed in the period before the relevant law was passed. His view was that charges against Hasina may have become time barred. I didn't quite get him. For god's sake, we are not talking about an ordinary criminal, but a leader of the people, a moral icon, who should remain accountable at all times.

Then there are the unhappy others. Some of them aren't happy because, according to them, there was no need to arrest Sheikh Hasina. There are others who are doubters. They believe Sheikh Hasina could do no wrong. They are full of conspiracy theory and paranoia.

Their beloved leader is surrounded by enemies who are trying

to destroy her, the colleagues from her own party, evil schemers from the government, and perhaps foreign powers who would like to give this country back to the anti-liberation forces.

Not to say these concerns are not real. Experience over hope, we have seen how politicians, bureaucrats and businessmen have subordinated this country to their greed, how they have plundered its economy doing whatever it takes, covering up murder, taking bribes, sucking up to foreign diplomats, running business syndicates, doing extortions, selling formalin-laced fish and adulterated food, their acts contrived and condoned in the hierarchy of gangland protection, each standing over other like an umbrella, wholesaler over retailer, godfather over wholesaler and leader over godfather.

I understand that part. But someone needs to explain what is so wrong if Sheikh Hasina, like

many other politicians and businessmen, was picked up from her house, taken to the CMM court, denied bail and sent for detention. So many others, although less luminous, have been dealt in the same manner. Why should it be different for her?

I personally believe that one shouldn't be taken to jail until that person is convicted in the court. The complaint should be investigated, merit of the case determined and then the trial held while the punishment should come at the end of this long process of justice.

Unfortunately, that is not how the law works. Last week, we read about a mentally-challenged young man who was arrested and thrown into jail because he had the same name as a suspected drug dealer. Sheikh Hasina was Prime Minister of this country, the leader of the opposition more than once, yet she never tried to change that law.

Why should we look for an exception for Hasina? I can understand those who don't believe she is guilty. I can understand those who claim that she is just a victim of another plot. But I don't understand those who claim that she should get preferential treatment, tried without keeping her in jail. Then what about other prisoners who have been arrested on the basis of similar charges? Shouldn't they be sent back to the comfort of their homes? They can sip on tea or coffee until the verdicts are announced.

Now let us talk about double standard. This is about saying two conflicting things in the same breath. I am amazed how many people say that they want new reality, yet hesitate when time comes to reorganize the molecules of the world. W.B. Yeats wrote about the Irish Revolution in 1916, "All changed, changed utterly: A terrible beauty is born." The double-standard mind loves to preach the beauty, but hates to practice the change.

That is a symptom of atavistic mind which lives in the coils of feudalism. In my lifetime I have seen one human being carrying a chair on his head and following his feudal master, who, surprisingly, was another human being.

The chair was placed on the ground where the master wanted to sit and picked up again when he

moved. The familiar scene in the village was that the master sat on the chair, raised above those he came to listen to him sitting on the ground.

I understand that some of us are still carrying that chair on their heads. They want to see their leader placed above others, treated differently and with dignity. It is called respect. The Sicilians speak of a "man of respect" who can hurt, even kill others to enforce that respect. The Japanese believe that respect emanates from the densities of the unspoken.

And that offers two choices to get Hasina out of jail. One is the Sicilian way, when the mob can attack the jail and bring her out. The other is the Japanese way. She can fight the case, prove her innocence and win the hearts of millions whose heads shall bow in respect.

My request is to put down the chair and relax. Democracy is about having that chair in the heart, not on the head. Let justice take its own course. If Hasina is proven guilty, we shall break that chair. If she is innocent, we shall embellish it. This is her chance to earn respect as a leader. Admirers, lackeys and supporters of the world, don't blow it!

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Pakistan Supreme Court must deliver a bold decision

The public disclosure of this new inquiry will be made only after the inquiry is complete, and the Council is of the opinion that the CJP has been guilty of misconduct and that he should be removed from office. Otherwise, the inquiry will remain a state secret. This is the procedure that many nations of the world use to hold judges accountable and simultaneously protect the dignity and independence of the judiciary.

ALI KHAN

PROFESSIONAL consensus, Islamic traditions, and the Constitution, all indicate that the Pakistan Supreme Court will deliver a bold decision in The Chief Justice v. The President of Pakistan case to end the military onslaught on the independence of the judiciary (just as the US Supreme Court ended racial apartheid in America with a bold stroke in Brown v. Board of Education of Topeka).

The Pakistan Supreme Court understands that any waffling, hair-splitting, or technical hedging in the opinion will only encourage this and future presidents to sponsor a judicial culture of timidity and subservience. An unequivocal annulment of the president's reference against the Chief Justice of Pakistan (CJP) is needed to restore the dignity of the judiciary. Splitting the baby between the president and the chief justice will resolve nothing, but complicate the matter even further.

Professional consensus

Pakistan's legal community demands that the Supreme Court pioneer a vigorous defense of the judiciary. The open and hostile suspension of the CJP shocked the lawyers of Pakistan. On March 9, the president, dressed in military uniform, summoned the CJP to a small coterie of generals and

others.

Unproven charges based on questionable and unlawfully obtained evidence were read to the CJP. The CJP was both sweet-talked and threatened to resign. When the CJP refused, the men in the military camp shared nods, and the CJP was suspended on the spot. Armed with self-righteous power, the president and his men detained the CJP while the news of his suspension was released to the world.

This show of force by a President, who had overthrown a democratically elected government, usurped power, and refuses to shed his uniform even after eight years of unconstitutional dictatorship, had a mala fide purpose. The maltreatment of the CJP was purposefully staged to intimidate the entire Supreme Court. The move, however, backfired, earning the lawyers' stern and severe opposition.

For the first time in the history of the country have the lawyers of Pakistan pooled their resources from Karachi to Khyber to overturn a presidential order that they believe is blatantly unlawful. The lawyers' street protests, periodic but orderly suspension of court appearances, and bar room resolutions, cannot be ignored. Of course, the courts must do the right thing, without fear of public protests.

But the lawyers' professional outcry is no mere protest. It involves both protest and professional judgment that an unacceptable wrong had been committed. The Supreme Court will take into account the lawyers' overwhelming belief that the president is forging a subservient Supreme Court that must rule in his favour. A bold annulment of the president's reference against the CJP would nip this evil in the bud, and assure judicial independence.

Islamic traditions

Judicial independence is not religious fundamentalism. If anything, judicial independence is part of "enlightened moderation," a phrase that the president has launched to fight religious extremism. Several Supreme Court justices are devoutly religious. Some are scholars of Islamic law. They will judge the case in the light of Islamic traditions. The Constitution itself recognizes that Islam is the state religion of Pakistan.

Article 31 of the Constitution protects the Islamic way of life and promotes Islamic moral standards. Article 227 mandates that all laws be brought in conformity with the Injunctions of the Quran and the Sunnah, and that no law be enacted which is repugnant to these injunctions. It is, therefore, natural for Supreme Court justices to search for an Islamic perspective,

as they have, on the president's reference against the CJP.

Rejecting the ruler's intimidation is a core Islamic value found in the Quran and the Prophet's Sunnah. "Fear them not, but fear me" is God's injunction to all believers (Quran 3:175), including judges, who must neither swerve toward wrong nor depart from justice (Quran 5:8). The CJP's refusal to resign despite pressure from General Musharraf and his men is a fine example of fearlessness.

The lawyers of Pakistan have embraced the cause of the CJP, for they admire his personal courage in standing up to the men in uniform. Throughout Muslim history, God-fearing jurists and judges have refused to bow down to rulers out of fear, or otherwise. The Prophet is reported to have said: "The best striving in the path of God is (to speak) a word of justice to an oppressive ruler." (Abu Dawd 37:4330).

Holding these injunctions, it is unlikely that Supreme Court justices will bend and buckle out of fear to whitewash the president's humiliation of the chief justice. The Court's summary rejection of the scandalous file that the government presented as evidence against the CJP indicates that the justices are in no mood to sacrifice their chief to please a president who clothes his authority with military paraphernalia.

A bold decision without ifs and buts to annul the president's reference will advance the Islamic tradition of rejecting the ruler's intimidation, particularly because the Constitution demands that the judiciary remain independent.

Constitutional points

The Supreme Court will face no

difficulty in finding that the resident lacks the constitutional authority to suspend the chief justice. Even if the president has the authority to direct the Supreme Judicial Council to inquire into the CJP's alleged misconduct, neither the Constitution nor any statute empower the president to send a referred judge on forced leave, seal his office, fire his staff, take away his privileges, reduce his salary, or detain him. No such measures are available to the president. Hence, the president's order to suspend the CJP has no basis in law.

Furthermore, the president has prejudiced the neutrality of the Supreme Judicial Council. Until the inquiry is complete and the Supreme Judicial Council has conducted a full hearing, the dignity of the judiciary requires that no public disclosure of the inquiry be made. Public disclosure of an inquiry hurts the reputation of a referred judge; an injury cannot be reversed if allegations of misconduct are found to be false. If a judge has committed a crime, a criminal complaint should be filed against him.

The Supreme Judicial Council is not a criminal court. It is a tribunal of judicial ethics. Public disclosure of its proceedings is neither automatic nor mandatory. In openly and publicly suspending the CJP before the hearing, the president unlawfully interfered with the proceedings of the Council. The president acted as if the CJP had committed serious crimes against the state, and suspension was the only way to prevent him from further damaging the state.

It appears that the president

did not receive expert advice in forming his opinion to send the reference to the Supreme Judicial Council. The president was obligated to seek experts' help to sift through the evidence that charges the CJP with judicial misconduct. Modern state practice, the complexity of government, and the rule of law, all require that the president seek expert advice in conducting the myriad affairs of the state.

Suspending the Chief Justice of Pakistan is no small matter. Relying on a scandalous dossier that the Supreme Court refused to admit into record, the president formed the constitutionally required opinion in a manner that law cannot uphold. Hence, the very initiation of the president's reference is constitutionally unsustainable.

A bold decision must reinstate the Chief Justice of Pakistan, with no delay or condition. Once the chief justice is restored to office, properly constituted Supreme Judicial Council may inquire into the allegations against him.

The public disclosure of this new inquiry will be made only after the inquiry is complete, and the Council is of the opinion that the CJP has been guilty of misconduct and that he should be removed from office. Otherwise, the inquiry will remain a state secret. This is the procedure that many nations of the world use to hold judges accountable and simultaneously protect the dignity and independence of the judiciary.

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of public services by moving the government organisations away from bureaucratic processes to customer-focused orientation. The Treasury Board of Canada secretariat started a Service Standard Initiative in 1995. The Indian government took decision of formulating a Citizen's Charter in 1997. Primarily an adaptation of the UK model, the Indian Citizen's Charter has an additional component of "expectations from the clients." Initially, Charters were introduced in sectors that have a large public interface e.g. railways, telecom, posts etc.

The salient features of a Citizen's Charter are

- Standards
- Information and openness
- Choice and consultation
- Courtesy and helpfulness
- Redressing of grievances, and complaints handling

Standards

The Charter should lay out explicit standards of service delivery so that users understand what they can reasonably expect from service providers. These standards should be time-bound, relevant, and specific. The tendency among organizations to develop targets and standards based on their own

convenience, as opposed to the needs of the citizens, must be avoided.

Information and openness

A key attribute of good service is the availability of relevant information to the users at the right time. The Charters should contain, in plain language, full and accurate information about the services available, and quality of service to be expected, available channels for redressing of grievances etc.

Choice and consultation

The Charter should provide choice of services to users, wherever practicable. There should be regular and systematic consultation with the users, to fix service standards and to ascertain quality of service delivery.

Courtesy and helpfulness

The Charter can help develop a culture of courteous and helpful service from public servants. Small initiatives such as name badges, "May I help you" counters, etc. can be helpful in building customer confidence.

Redressing of grievances, and complaints handling

There is a strong link between the

provision of quality service and effective handling of complaints. Firstly, by facilitating and responding to complaints, the reasons for complaints can be reduced. Secondly, by identifying trends in complaints, the service provider can resolve systemic and recurring problems.

Engaging the stakeholders

As discussed above, engaging the stakeholders is one of the most important aspects of developing and implementing a Charter. Without it the Charter is just a statement of intent rather than a live, meaningful, contract between the state and the citizen. The stakeholders should be engaged during the period of developing the Charter, firstly to ask their views on what should be included, and secondly to show them the charter that has been developed as a result of their views. They should also be engaged during review of the charter, which should take place periodically.

Challenges

Introduction and implementation of the concept of Citizen's Charter in a country like Bangladesh may be quite difficult, due to the old bureaucratic set up/procedures

and the rigid attitude of the work force. In Bangladesh the initiative is likely to encounter a number of problems. First, a consultation process may be minimal or absent if the formulation of the Charter is taken simply as an exercise to be carried out because of a direction from above.

Second, failure to understand the concept and spirit of the Citizen's Charter, and lack of awareness about the contents, may result in lacking of commitments to make it successful. Third, setting unrealistic standards/time limits of service, either too lax or too tight, may hinder the implementation of the Charter.

For the success of a Charter initiative, an effective awareness campaign amongst all the stakeholders is essential at the initial stage. The Citizen's Charter will not change the mindset of the staff and the clients overnight. Therefore, regular efforts will be required to bring about attitudinal changes. Employees responsible for its implementation should have proper training and orientation.

To sum up, a Citizen's Charter is not merely a document/brochure that contains information of services provided

by the organisation. In the light of the spirit of a Citizen's Charter, we can say that it must be formulated through consultation with the users so that there is a balance between users' expectation and service providers' capacity. A Charter cannot be claimed to be effective unless the grievance redressing mechanism functions effectively. Moreover, a Charter should continuously solicit stakeholders' feedback, based on which it should be updated from time to time.

There should be a system of monitoring of performance to make sure that the work of the organisation is in conformity with the Charter. Finally, it should be kept in mind that introducing Citizen's Charter in agencies which come in close contact with the public is more important than introducing it in ministries/divisions. To meet the expectation of the clients of particular areas there should be area specific Charters in agencies like health, agriculture, etc.

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