

Khaleda's arrest

Due process of law must be ensured

THE ex-PM's arrest does not come as a surprise. In fact the news of Khaleda Zia's impending arrest had been in the air for sometime, particularly after the arrest of Sheikh Hasina. Many had been left wondering after July 16, 2007 as to what kept an immediate past PM out of the reach of the law while an ex-PM, whose tenure of office had been long over, was incarcerated.

It would not be wrong on our part to suggest that there were doubts in the public mind regarding the government's intention of making public office-holders, and those who benefited by exploiting political and family linkages, accountable under the current anti-corruption drive. It was reinforced with the release of Khaleda Zia's youngest son, soon after he was arrested the first time. With their arrest one hopes that all the speculations would have been put at rest.

Now that Khaleda Zia has been arrested we would expect that all due process of law would be followed and that the facilities that the law of the land provides to an accused would be afforded to the ex-PM.

We feel obligated to repeat in case of Khaleda Zia what we had said in these columns after the arrest of Sheikh Hasina. Both the party leaders, in spite of the way they chose to conduct politics during their term in office, have developed a stature and standing of their own in the minds of the public. Therefore we insist that they, both Khaleda Zia and Sheikh Hasina, must be treated with due dignity and honour and ensured all legal rights during the process of trial. So far, to the credit of this government, both these leaders have been treated with due respect.

We would like to call upon the government to ensure that whatever charges are brought against the accused, they are grounded on incontrovertible facts and that they are legally founded. It is also important to keep in mind that the legal proceedings are not only transparent; it must also be made certain that they are open and fair.

Keeping universities closed is no solution

Time to put the tragic incident behind us

IT is time to reflect on the recent incidents around Dhaka University again. We need hardly reiterate our feeling that the violence, which erupted on August 20, 21 and 22 was a matter of deep sorrow for all of us. It should not have happened. But it did, and we are aware of the repercussions that followed. Both the student community and the army were affected and, in a broad psychological sense, it was a whole nation that suffered in those few days.

Now, however, comes the moment for everyone to reconsider the issue of the closure of Dhaka University and other universities in the country. It is clear that students, teachers and guardians are all of the opinion that the universities should be reopened at the earliest. And indications are there that the army too would like this whole sad chapter of violence and the measures that followed to be closed in order for everyone to move on. We believe the time is now opportune for all parties involved in the recent crisis to initiate a dialogue that will fully restore normal conditions at DU and other universities.

It is heartening to know that moves are afoot already for a dialogue between the DU authorities and the education ministry on what needs to be done from here on. Such a step must be accelerated and broadened to include all the parties involved in the untoward happenings. The truth is that excesses have been committed, on all sides, which is why there is today a need for a careful handling of the post-violence scene at DU.

The need for care in handling stems from the fears that yet dog the student community. Reports have come in of students discarding their identity cards for fear of being hauled up for questioning. A number of teachers have allegedly stayed away from their homes especially since some of their colleagues were arrested. Added to such a sense of gloom are reports that the authorities have been trying to identify individuals through watching video footage of the incidents. That last bit can only increase the sense of fear as it may well lead to a persecution of people who did not participate in the violence but only happened to be caught up in the melee.

Today, a wholly new beginning has to be made through putting all the sad, sordid happenings behind us. This can be done through initiating certain steps. First, we suggest that a general amnesty be decreed through which all general cases are withdrawn and all detained university teachers are freed on bail. Second, this move will set the stage for a meaningful dialogue that will in turn lead to a rapprochement between all parties.

Finally, let us say that just as we remain proud of our military, for their international peace keeping and internal disaster management role, so also we are proud of the contributions made to our history by the students and academics of Dhaka University. Warts and all, today's generation of students and teachers enjoys a certain status among broad society. That must be kept in mind if we are to move on.

Tenure of the president



HARUN UR RASHID

BOTTOM LINE

During these days of advanced communication technologies, such as e-mail and video-conferencing etc, there is arguably no need for the president to relinquish his powers even when he is overseas, so long as he is healthy enough to exercise his powers. The former prime ministers continued in their offices when they visited overseas. It is argued that the framers of the constitution thought it appropriate that there should not be any confusion or doubt about the continuity of the office of the president until his successor is duly elected, as specified in the Constitution.

THE president is elected by members of Parliament, and holds office for a term of five years from the date on which he enters office. The powers and functions of the president are described in Articles 48 to 54 in Part IV of the Constitution.

The current president, Prof. Dr. Iajuddin Ahmed, assumed office on September 5, 2002. Accordingly, his five-year term expires on September 5 this year.

During the tenure of a non-party caretaker government (CTG), the president is invested with additional powers that are not available when an elected government runs the administration.

The president appoints the

chief adviser (head of the government), and the CTG is collectively responsible to the president. During this interim administration, the defence portfolio comes directly under the president. The president is the only elected person when the non-elected advisers of the CTG run the administration.

At this juncture, the office of the president is very important. Some argue that his continuity in office is needed.

The question is whether he can continue in office until his successor is elected.

The simple answer lies in the Constitution in Article 50. For ready reference the Article is quoted below:

"50 (1): Subject to the provi-

sions of the Constitution, the president shall hold office for a term of five years from the date on which he enters upon his office.

(2) Provided that notwithstanding the expiration of his term the president shall continue to hold office until his successor enters upon office."

The sub-clause 2 provides a significant phrase "notwithstanding the expiration of his term" the current president shall continue until his successor enters upon office; the successor shall be elected by members of parliament.

It is argued that since there is no parliament, the question of election of a new president does not arise, and the incumbent can

continue as president.

It means that when the parliament is constituted after the election at the end of 2008, the members will be eligible to elect the president. Until that time, the president continues in his office.

Precedents

In Turkey, the term of President Ahmet Necdet Sezer expired last May, and he was supposed to have stepped down, but he still remains in office because his successor could not be elected.

President Bush exercises his powers when he is overseas, and his presidential aircraft (Airforce One) becomes his office, a mini-White House. The vice-president does not take charge when the president is

overseas. President Bush recently handed over charge to the vice-president for two hours when he went to hospital for colonoscopy under sedation.

What about the speaker?

A question arises about whether the speaker can assume of the office of the acting president. Again, the Constitution is very clear in Article 54 about the circumstances under which the speaker can become acting president.

Article 54: "If a vacancy occurs in the office of the president, or if the president is unable to discharge the functions of his office on account of absence, illness, or any other cause, the speaker shall discharge those functions until a president is elected or until the president resumes the functions of his office, as the case may be."

It is important to note that Article 54 speaks of the speaker "acting as president during his absence." That means that the office of the president must first fall vacant before Article 54 is invoked. If there is no vacancy of that high office, Article 54 cannot be applicable.

For example, when the presi-

dent went to Singapore in mid-July for a medical check up, the speaker did not automatically assume the office of acting president because there had been no vacancy in that high office. The president continued to discharge his functions.

During these days of advanced communication technologies, such as e-mail and video-conferencing etc, there is arguably no need for the president to relinquish his powers even when he is overseas, so long as he is healthy enough to exercise his powers. The former prime ministers continued in their offices when they visited overseas.

It is argued that the framers of the constitution thought it appropriate that there should not be any confusion or doubt about the continuity of the office of the president until his successor is duly elected, as specified in the Constitution.

Barrister Harun Ur Rashid is a former Bangladesh Ambassador to the UN, Geneva.

DU flare-up: A close call

Let us pause for a moment and reflect. What if the dastardly plan had, indeed, succeeded? What if nationwide anarchy had flared up as a result of 8/20? What if law and order had ceased to prevail? What if this government had fallen as a result of 8/20? Simply put, the state of the nation would have been where it was pre-1/11. And Bangladesh would have sounded like a broken record once more! This was a "close shave."

S. I. ZAMAN

NEVER before has an insignificant incident been blown to such a colossal proportion by so few with so little national interest, with so deplorable an act of carnage, with so deep a devastating consequence (had it reached its fruition) and with so much idiocy by the surreptitious protagonists.

The petty incident of 8/20, sparked off by an even pettier interaction between army personnel and some students (hired political cadres), at DU (Dhaka University) recently, reeks of the vile and dastardly political "sport" that the mainstream parties are so good at in a clandestine fashion.

Though it was a feeble attempt by some interested evil quarters to discredit and to unseat the caretaker government (CG), nevertheless, it is a bad omen that such evil perpetrators still abound, and theirs is a scheme whose goal is to be an obstacle to any form of progress in Bangladesh.

Needless to say, the government has done a smashing job of keeping the volatile situation at bay. Furthermore, the joint

forces have also done a brilliant job of making arrests of some of the ring-leaders.

It has now transpired that a fair number of DU, and other universities, professors, in collusion (possibly) with AL (and BNP) henchmen and their cadres, conspired to unleash this insane mayhem, creating carnage and mob-terror around the country, in order to discredit and destabilise the present government. Their seditious plot has been foiled, and the perpetrators are right now looking down the barrel of justice. Thanks to all the fine work carried out by the joint forces!

Certainly, these professors are a disgrace to the stature of this once noble institution. DU has been the intellectual and political force during most of the major socio-political upheavals of this nation. Sadly, the aphorism "what DU thinks today the rest of Bangladesh thinks tomorrow" has outlived its sell-by date.

It appears that some of the faculty is far busier with subversive activities than with other benign duties, which they are entrusted to carry out. These are the very faculty who are always quick to criticise or to condemn (by default) whatever action the

government takes.

Indeed, criticism of government is a healthy aspect of a civilised society. However, this particular group's only motivation is to profit by their criticism and to propagate their ill design. And the criticism goes on unabated. Here are some:

- It's an infringement of civil right not to let the relatives know about where the professors are being detained
- The professors were not at the scene of the clashes, therefore they are deemed innocent
- These are "erudite men of learning" and should be treated with "honour"
- These professors have been psychologically and physically tortured while in remand of course, these comments are without any foundation!

Infringement of civil rights? Where were these latter day, self-proclaimed "oracles" when the students were rampaging through Dhaka streets, setting fire to public properties, looting supermarkets, creating mass terror, and forcing innocent bystanders to run for their lives in the face of a terrifying mob -- are these not infringement of civil rights? Of course, at the time

they were far too busy sympathising with their so called students' "cause!" How could they judge the situation from their vantage point! Indeed!

The professors were not at the scene of the clashes? They didn't need to be, because the vile and seditious scheme that had been planned (where they were indeed present) over the previous several months was already hatched and given the green signal (by them). And why should these professors be sitting ducks by being present at the scene of crime? Indeed!

Erudite men of learning? Should be treated with "honour?" This must be the biggest joke so far! You are charged with incitement, and aiding and abetting students (some of whom were hired "gundas") to create nation-

wide mayhem in order to discredit and eventually unseat this government, and you expect honour? This is the mother of all felonies!

The professors were tortured? Here we go again! The same old hackneyed ploy to tarnish the image of the joint forces. It seems that these "erudite professors" are clutching at the last straw, hoping to get at least some semblance of sympathy from the public by concocting a story that they were tortured during interrogation.

You break the law and you pay for it! These professors should have known better -- meddling in seditious dealings -- inciting students so that all hell breaks loose, setting fire to public properties, rampaging through the streets with clubs and stones, and plundering and looting

supermarkets!

It is a shame and, indeed, a dire consequence of the ills that plague DU. The TV footages of students (most of these were hired hands) in frenzied action only help to further degrade our very position in civil society.

Let us pause for a moment and reflect. What if the dastardly plan had, indeed, succeeded? What if nationwide anarchy had flared up as a result of 8/20? What if law and order had ceased to prevail? What if this government had fallen as a result of 8/20?

Simply put, the state of the nation would have been where it was pre-1/11. And Bangladesh would have sounded like a broken record once more!

This was a "close shave."

D. S. I. ZAMAN is a University Professor.

"Made in China" label spurs global concern

Russell Moses, a China political analyst based in Beijing, attributes the attempt to adopt a "more aggressive spin" to the Sars outbreak in 2003: "The instruction they took from Sars is what you are seeing here. You have to control the news cycle." He adds: "It's a shift in tactics, but not a change in objective. They're just doing a better job of spinning."

PAUL MOONEY

WITH a worldwide outcry against dangerous Chinese products, the impact of China's exporting prowess is coming home to roost. China's response to the stories of deaths from tainted products and recall of faulty toys reveals why serious remedy is unlikely to come any time soon.

Anxious to maintain its global reputation, the Chinese government has taken some quiet steps, but essentially fallen back on its tried-and-true method of dealing with such problems -- a combination of silence, denials and old-fashioned scapegoating.

Chinese silence over threats posed by tainted food, medicine or toys to the country's own citizens make it clear that the country's products can be truly trusted only after China allows the sun-

light of its own domestic media to scrutinise its industrial practices.

First came reports early this year of dozens of deaths in Panama, after people used cold medicines containing diethylene glycol, improperly labeled as glycerin, from China.

Then there was the news that pet food from China faced with melamine, a coal derivative, had sickened and killed thousands of pets, toy trains painted with lead-based paints, lethal antibiotics and car tires that burst. The list goes on.

It didn't take long for the news to have an impact. According to a poll conducted by Zogby International in July, 82 per cent of 4,508 Americans said they were concerned about buying Chinese products, and only 30 per cent said they felt food imports from China were safe. Meanwhile, 51 per cent said they

consult with senior officials and hired Patton Boggs, one of the largest US lobbying firms, to offer counsel on "United States Congressional matters."

On July 10, Zheng Xiaoyu, head of China's State Food and Drug Administration, was executed after being found guilty of taking bribes to approve fake and substandard drugs.

Government agencies issued daily reports on the steps underway, and officials said they were drafting the country's first food-recall system. Hundreds of food manufacturers were shut down, and their names were posted on the administration's website.

Some saw the moves as a sign that China was finally changing the way it handled public relations. Scott Kronick, president of Ogilvy Public Relations Worldwide, China, described the official response as the best he'd seen in his 12 years working in China. "They really improved compared to the way they responded in the past," he said. "I think they recognised that people need information."

However, these steps were accompanied by a seemingly contradictory policy of denial and finger-pointing. During the sum-

mer, various officials took turns alleging that the bad publicity was the work of biased foreign journalists and jealous trading competitors.

"Some foreign media, especially those based in the United States, have wantonly reported on so-called unsafe Chinese products," said Li Changjiang, the head of the General Administration of Quality Supervision, Inspection and Quarantine, during an inspection of a food enterprise on July 15. "They are turning white to black."

On August 1, Foreign Minister Yang Jiechi told US Deputy Secretary of State John Negroponte that China didn't want the product scandals related to the country's exports to be exaggerated. "We also oppose politicising the issue of Chinese products and oppose trade protectionism and trade discrimination," Yang was quoted as saying.

Weeks later, Li struck out again on national TV, calling the toy recall a plot to hurt China. "Democratising Chinese products, or talking of the Chinese product threat, I think, is simply a new form of trade protectionism," he said. He didn't explain how Mattel -- which stands to lose millions of

cases, journalists and whistleblowers have been punished or arrested for writing about such issues while the guilty producers go free.

In July, an undercover journalist with a hidden camera claimed to have secretly filmed a restaurant making baozi, or meat buns, stuffed with chemically treated, finely chopped cardboard. The story appeared on Beijing TV and CCTV before officials declared it a hoax.

Within weeks, the reporter was arrested and sentenced to one year in prison, with scanty details of the case made public.

Discussion of the tainted buns was soon wiped off the internet.

And to make sure there was no further local reporting on any food issues, Beijing propaganda officials in August announced a crackdown on "false" news reports and handed Chinese media heads a list of taboo topics. Not surprisingly, food safety topped the list.

And while American parents