

Vandalism is reprehensible

But meet the workers' legitimate demands

WORKERS taking to the streets on Saturday at Tejgaon industrial area, going on a rampage, damaging 20 factories and torching a bus were no doubt highly reprehensible but given its origins in demands for an increase in Iftar allowance and Eid bonus the matter sounded avoidable through timely dialogue and negotiations.

Tension has been mounting over the last couple of days as workers of the Nasa Mainland Garment Factory at Begunbari were reportedly getting a paltry sum as Iftar allowance which of course the owner has denied. The Nasa group authorities responding by shutting down four units the trouble escalated with workers going on a rampage and smashing windowpanes of factories in the area. The workers became so edgy and gullible that they believed in a rumour that three workers of a factory were run over by a bus but actually they only sustained minor injuries.

The garment sector does not appear to be free from disturbances of one kind or the other despite the existence of tripartite agreement relating to their minimum wages and other facilities with the majority of factories also claiming compliance with them. Why must the relationship between the owners and garment workers in some units degenerate so much that the workers resort to vandalism and destructive behaviour? Why should an issue that can be thrashed out through an internal mechanism take an ugly turn and spill on to the streets creating law and order situation and obstruction to free flow of traffic? These questions beg answer.

BGMEA has attributed the latest series of violent protests at various garment units to 'conspiracy' of a certain quarter and a small number of rowdy workers inciting the violence. Merely saying this does not land us anywhere, let there be a probe and culprits, if any, found out. As long as the blame is not substantiated, our attention would be focussed on the negotiating capabilities or otherwise of BGMEA. We urge a dialogue between both sides and an amicable settlement between the employees and the employers.

Bangladesh cricket saga

Big match temperament lacking

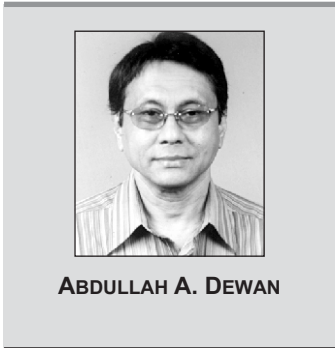
BANGLADESH cricket team has come back from the much-hyped ICC World Twenty20 Championship in South Africa with no feather added to its cap. Except for a few flashes of individual brilliance, the performance as a team was anything but lacklustre, especially when a tournament like Twenty20 demands the very best in all the departments. By ensuring a well-fought six-wicket victory over West Indies, Bangladesh reached the second round in style, thus raising hope in the minds of the countrymen. And this needs to be mentioned that the Bangladesh team captain Ashrafal had even etched his name in the history book by scoring the fastest fifty in that match (which was however broken later by Yuvraj Singh of India). Nevertheless, the general feeling among the cricket pundits was that the young side would add the expected spice to the tournament. Unfortunately, it was not to come.

The team began to go on the back foot once it started to face other teams in the second round thereby displaying sheer lack of game planning and skill to improvise on the field. If in one game the bowlers failed to do their job, in the other batsmen batted in a bizarre fashion to lose by a large margin. To be candid, the young captain could not convince us that he had a brilliant cricketing brain to improvise on the field and thus change the course of the game to his favour. He is a talented player no doubt but captaincy is a different ballgame altogether.

By beating West Indies Bangladesh team once again proved to be a side that killed giants on a given day, but failed to be consistent in performance to win matches on a regular basis. Statistics of performance in the last few major international games clearly indicate that Bangladeshi cricketers lack the big match temperament and the much needed killer instinct.

There is no denying that by playing tournaments in various countries Bangladesh cricket team is gaining experience. Playing technique, speed, pitch condition and weather vary from place to place and one has to be able to adapt to these conditions to become a seasoned player. We hope our players are learning from all the tours and improving their own technique to be able to win matches in a consistent manner.

Plea bargain and corrupt politicians



ON September 11, Law Adviser Mainul Hosen told reporters that the government was considering enacting a new law -- a "plea bargain" for an accused criminal in exchange for a reduced penalty. Such a practice existed as early as 1633, when Galileo was given house arrest by the Inquisition in exchange for reciting penitential psalms weekly and recanting Copernican heresies.

A plea bargain is a prosecutorial tool -- an arrangement in which a prosecutor and a defendant negotiate to settle the case. The defendant pleads guilty, or no contest, to a charge and in exchange the prosecutor recommends a lesser sentence or punishment.

The tool is a significant part of the American criminal justice system -- nearly 90 percent of all criminal cases are settled by plea bargain rather than by a jury trial. Under the US law, as of January 27, the maximum a plea bargain can reduce jail sentences and fines by is 50%. Plea bargain is widespread for many pragmatic reasons.

NO NONSENSE

In Bangladesh, enactment of formal plea bargaining laws is long over-due, and has become more crucial now, given that the nation's prisons currently house nearly 8 times more convicts than their stated capacity of 27,000. As for corrupt politicians, it seems that Pakistan's plea bargaining legislation should be examined critically, with the provision that all convicted politicians and public servants will be denied their fundamental right to a passport.

- Defendants can avoid the time and cost of defending themselves in a trial, and the risk of harsher punishment and the humiliating publicity that a trial could involve.
- The prosecution saves the time and expense of a protracted trial.
- Both sides are spared the uncertainty of the trial's outcome.
- The court is spared the burden of conducting a trial for every crime.

In the US, the validity of a plea bargain is dependent upon three essential components: a knowing waiver rights, a voluntary waiver, and a factual basis to support the charges to which the defendant is pleading guilty. Prosecutors may only "recommend" to the court the acceptance of a plea arrangement. However, before accepting the recommendations the court ensures that the above three components are fulfilled.

There are generally three areas of plea bargaining:

- Charge bargaining:** Prisoner agreeing to a plea of "guilty" to a lesser charge, a prosecutor agrees to dismiss the higher or

other charge(s) or counts.

- Sentence bargaining:** Agreement to a guilty plea (for actual charge) in return for a lighter sentence.
- Fact bargaining:** Admission to certain facts in return for an agreement not to introduce certain other facts as evidence.

Plea bargain is essentially a non-zero-sum game of cooperation by

Table-1: Plea bargain (prisoners: Kalu and Milu)			
(1) Neither confess (risking harsher sentencing on trial): (16, 16)	(2) Kalu confesses, Milu doesn't: (2, 16)		
(3) Kalu doesn't, Milu confesses: (16, 2)	(4) Both confess: (8, 8)		

the prisoners. Table-1 assumes two politicians, both detained for crimes, with each being cognisant of (and to an extent culpable for) the other's crimes. The strategies opened to the prisoners: Confess vs. don't confess, and the prosecutor offers four options to the prisoners separately.

In option-1, the prisoners are told that non-confession forces a trial, and 16 years of mandatory sentencing for each if convicted. This assumes that the prosecutor has convictable evidence -- a scenario contrary to the prisoners' dilemma. Non-confession by both

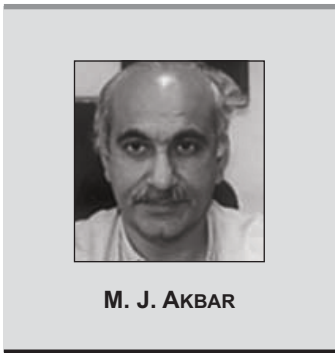
prisoners in a typical prisoners' dilemma entails much less than 8 years.

Although the years of sentencing (in parenthesis) are set arbitrarily, the differences in years are persuasively assigned to reflect leniency for cooperation and severity for non-cooperation. The prosecutor negotiates with each

prisoner separately. Rational strategies would culminate in both prisoners confessing to the crimes. The game assumes that both prisoners only care about minimising their own jail terms.

As in Table-1, Kalu might reason as follows: Milu can confess or Milu doesn't confess. If Milu confesses he gets 2 years -- I get 16 years if I don't confess. But if I confess I get 8 years. On the other hand, if Milu doesn't confess and I don't either -- I get 16 years. Given the uncertainty and the fear that the court will confirm my guilt I will confess for a lesser sentence.

Amoral code



WHEN a coalition begins to melt, its partners subtly, if not silently, begin to shift their public agenda from common concern to individual need. The debate over the bridge built by Lord Ram between the Tamil coast and Sri Lanka is hardly new. A year ago, the supreme leader of the Dravida Munnetra Kazhagam, Mr. M.K. Karunanidhi, would not have fractured sensibilities nationwide with intemperate, unacceptable remarks about Lord Ram, revered and worshipped by Hindus as the paradigm of virtue.

Today, the political calendar has a premature general election marked within the first half of 2008. His party's fortunes are now more important to him than his coalition's fate. After all, what use is any coalition to him if he cannot get the seats that can make him a power broker?

Under pressure, Mr. Karunanidhi is dipping into the source of Dravida nectar for sustenance. The origins are lost to public memory, so it may be useful to recall them.

The movement began in 1914 when Dr. C. Nadesan Mudaliar started the Dravida Association.

But it got its first impetus when the son of a rich landlord, privileged enough to be educated in England, walked away from his background to fight for the lower castes against the domination of the Brahmins.

The name of this remarkable man was E.V. Ramaswamy Naicker, popularly known as "EVR" and then "Periyar." His philosophy was practical: he likened caste to malaria, and said that his search was not for medicine but for the mosquitoes that spread malaria. He declared himself an atheist and went to war against Brahmins, the chief perpetrators of caste iniquity.

He launched an agitation against his personal friend, the Maharaja of Travancore, for reform: an untouchable could not walk on the streets of the princely state, let alone raise his eyes in front of someone from an upper caste. You can get a flavour of EVR's views from this quotation: "(Aryans) concocted absurd stories in keeping with their barbarian status ... The blabberings of the intoxicated Brahmins in those old days are still faithfully observed in this modern world as the religious rituals, morals, stories, festivals, fasts, vows and beliefs." Inherent in the doctrine was the

Aryan as an outsider, who had driven true Indians, Dravidians, south, and then maintained his power through an iniquitous system. Brahmins were agents of that domination. The Dravida movement would move away from the eccentricities of EVR into the sager leadership of C.N. Annadurai, but the basic philosophy did not alter. When the DMK was formed after the split in the Dravida Kazhagam on September 17, 1949, it did not name a chairman. That chair was kept vacant for the "soul of Periyar."

Mr. Karunanidhi has made two basic miscalculations in trying to revive his party by resurrecting the spirit of Periyar. No faith has undergone more dramatic reform than Hinduism has in the last seventy-five years. This is a tribute to both Hinduism's leaders, the most notable of them being Mahatma Gandhi, and to ordinary Hindus, who realised that the excesses of caste were self-defeating.

The India of 2007, with a supremely confident Mayawati as chief minister of India's most important state, would be unrecognisable to the Hindus of 1932, a dramatic year in the history of caste relations. A nation cannot be

modern until it destroys the shibboleths that have kept it chained to regression.

There is much talk of a Hindu renaissance in the 19th century. That is a myth compared to the true renaissance that came in the 20th century, and became the engine of social change, a vital necessity for the kind of economic growth that India is witnessing. When the Brahmin votes for Mayawati, he makes Periyar, once a crucial catalyst of change, irrelevant.

Periyar's genius created the change that has made Periyar unnecessary. Tamil Nadu has changed as much as the rest of India. The "low caste" Hindus of Tamil Nadu are no longer subservient to the Brahmin. Mr. Karunanidhi's electoral success is evidence of this.

Mr. Karunanidhi is talking to the Tamil Nadu of 1967, not the Tamil Nadu of 2007. Nor does the venerable Dravida leader quite understand the meaning of secularism, at least as we practise it in India.

The European benchmark of secularism is the separation of faith and state. In India, secularism means respect for the other's right to practice faith in whatsoever manner the other chooses. Hindus

Since each prisoner must choose his own strategy, independent of his counterpart, Milu will presumably strategise his moves the same way - so they both confess and get 8 years each. Even if each knew that the other would confess, the dominant strategy for each is still to confess, as each will receive a lesser sentence by confessing.

A game with two players is a standard example in game theory literature. Arguing along the same lines, I constructed a plea bargain with a single prisoner, as in Table-2. Once again, the prosecutor offers

Table-2: Plea bargain (single prisoner)	
No confession (risking harsher sentencing on trial): (16-yrs)	No contest plea: (8-yrs)
Confess to a lesser charge: (6-yrs)	Confess as charged: (5-yrs)

four options to the prisoner.

Here a "no contest" plea is slightly preferable to a "guilty" plea since the defendant isn't admitting guilt officially, whereas a guilty plea is preferable to the prosecution.

Plea bargains aren't without shortcomings -- they can put pressure on defendants to plead guilty to crimes that they know they didn't commit. The outcome of a plea bargain may depend on the negotiating adroitness and personal demeanour of the defense lawyer, which positions prisoners who can afford deft lawyers at an advantage.

However, this can be circumscribed by ratifying a mandatory minimum and maximum sentence commensurate with the nature of the crimes -- a modus operandi that'll also lessen prosecutorial discretion while keeping corruption and other irregularities away from

the court.

Plea bargaining was introduced in India by the Criminal Law Act, 2005, and enforced from January 11, 2006. Offenses affecting the socio-economic condition of the country, and those committed against a woman or a child below the age of fourteen, are excluded.

In Pakistan, plea bargain was enacted by the National Accountability Ordinance 1999 -- an anti-corruption law. Here, the accused initiates a plea bargain, admitting guilt and offering to return the proceeds of corruption.

Acceptance of the plea disqualifies the accused from taking part in elections, holding public office, obtaining bank loans, and continuing in government service.

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As for corrupt politicians, it seems that Pakistan's plea bargaining legislation should be examined critically, with the provision that all convicted politicians and public servants will be denied their fundamental right to a passport.

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and Muslims have lived with each other almost as long as Muslims and Christians. But there is no instance of the kind of ferocious diatribe that Dante, author of Divine Comedy, indulged in against the person of Islam's Prophet, in any epic written by a Hindu.

Similarly, there is not a single writer of any standing among Muslims who has ever been insulting towards a Hindu god. We do not have to believe in each other's creeds to have respect for each other's religions. That is the essence of co-existence. Mr. Karunanidhi, who is probably an atheist, forgot that simple rule.

The debate about proof is inane, to opt for the most polite word. I cannot "prove" that Allah exists; a Jew cannot "prove" that Jehovah exists; a Christian cannot prove that "God" exists. This may be, for all I know, less a reflection on divinity, and more an indication of human limitations.

It is arrogance to believe that truth is merely the little that the human brain comprehends. Gravity existed before Isaac Newton's brain "discovered" it; indeed, it would be presumptuous to claim that the Pyramids were built without a thorough knowledge of gravity. The human brain is a work in progress.

Belief that has sustained itself for centuries is rarely constructed on a chimera, no matter what deviations (like caste) men may impose on the original faith. The past is littered with forgotten claims. Mr. Karunanidhi would have been wiser to respect the faith of the millions who have prayed in the temple at

Rameshwaram, the offshore island also called the Kashi of the South: no prizes for guessing that Rameshwaram is named after Lord Ram.

It is interesting that a Sri Lankan, King Parakrama Bahu, built the sanctum sanctorum of the Ramanathswamy temple. Incidentally, "mythology" has an answer to Mr. Karunanidhi's question about whether Lord Ram was an engineer: the bridge between the mainland and Sri Lanka was constructed by Nala, the son of Vishwakarma. But such political wisecracks only trivialise a sensitive issue.

A voter decides on the fate of a ruling party because of a bouquet of reasons. There is rarely just one reason that becomes the decisive driver, submerging others. What parties need to worry about is the tipping point, the final straw that persuades a voter to move from the past to a different future. Many voters across the country will be hurt by the insult to Lord Ram and the establishment's inability to do anything about it.

Mr Karunanidhi has one advantage over his critics. He knows that no one cares how you win an election, or what you do to stay in power; the only thing that matters is numbers in an age of coalitions. His allies may fudge and squirm, but no one will dare ask him to leave the alliance. If he retains his MPs after the next election, he will be welcome in the next permutation and combination, whatever it might be.

Power has its own moral, or amoral, code.

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Asean countries learn the hard way

Perhaps, as Surin recently told me, Asean could come up with a Columbo Plan type of programme within the grouping, with the assistance, support and cooperation of Asean's dialogue partners, either through financial or technical means. Through such a programme, education would be made more accessible and affordable. Support from the dialogue partners could also be tailor-made to suit the educational needs of Asean members. This must be done alongside the national effort to formulate an education-centred policy.

PAVIN CHACHAVALPONGPUN

SINGAPORE, probably the most economically advanced country in the region, takes over the chairmanship of Asean. Member countries will embrace an Asean charter when they meet in November in the city-state, thus signalling for the first time the legal existence of the grouping. And most delightful has been the endorsement of Surin Pitsuwana, former foreign minister, as the next Asean secretary-general. He will take on the job on January 1, 2008.

It is also time to examine how Asean might cope with current and

future challenges. Member countries have begun the organisational strengthening process, acknowledging that they are sailing into uncharted waters of regional realities. Such realities include the shifting world order and balance with the emergence of China and India; Muslim fundamentalists and terrorism; and the eruption of other threats such as pandemics, natural disasters and environmental degradation.

Amid unforeseen challenges, one important issue lingering in the mind of Asean leaders is the existing technological and educational gap between and among member countries. It is a challenge that

requires an urgent remedy, so essential that it could make or break the livelihood of the Asean population in the next decade.

Surin Pitsuwana voices concerns about possible consequences if Asean members fail to close the technological and educational gaps among themselves. Most apparently, Asean would lose its competitive edge in a world of fierce economic battles. The grouping would, as a result, be seen as irrelevant, or even insignificant on the global map.

While the issue has been timidly discussed among Asean leaders, some member states have already embarked upon their own projects

to restructure their educational systems and expand the width and breath of their technological and scientific landscape to promptly respond to global changes. In other words, individual Asean members have self-interestedly pursued their own course of educational reform. Some move faster than others. But will there be any clear winner in this game of regional interdependence?

Singapore and Malaysia, for example, are setting themselves up as the educational hub of the region. Singapore in particular has gone far in terms of its studious educational reform, based on the need to further develop the local economy. But one question emerges: Do Singapore's technological and scientific achievements have anything to do with the narrowing of the present educational gap in Asean?

Such a question is not intended to criticise the success of Singapore's educational programme, but rather points to the fact that the Asean educational policy based on the exchange of best practices among members

has never really taken off. While there are world-class institutes and research centres and courses offered in Singapore, countries like Thailand, Indonesia, Cambodia, Laos, Burma and Vietnam are left struggling with their problems of educational access and inclusion.

The need to close the educational gap, to remove the enormous disparities in educational access, inclusion and achievement, and to focus on the scientific knowledge of the 21st century must be fulfilled if Asean is serious about building its community by 2015. Singapore's journey to educational excellence lends an example of how education can have a huge impact on economic success.

Divorced from Malaysia in 1965, Singapore, a tiny island without valuable natural resources, felt that education could play a vital role in driving economic change by expanding the pool of professionals and executives. On top of this, emphasis was placed upon science and technology education in order to buttress the nation's

economic development. Economic functionality has to this day been a cornerstone of educational policy in Singapore.

The government encouraged students to enrol in vocational institutes that taught science and technical subjects, with the message that they could offer a ticket to personal economic advancement. Singapore quickly became the centre for "brain services" in the 1980s. During this period, Singapore's production of engineers, in proportion to its population, was nearly double that of Britain.

In the current phase of its educational policy, Singapore stresses the need to foster creativity and innovation so as to prepare its new generation for a world of competition where knowledge and brainpower, not natural resources or mass production lines, are the main sources of competitive advantage.

It is evident that Singapore's educational success provides a backdrop of great discrepancy in the levels of educational advance-

ment in Asean. Elsewhere in Asean, education is given a low priority when it comes to national development. How member countries address the issue of the educational gap, therefore, seems to be a difficult task in itself.

The suggestion would be for Asean to relate the educational gap to the issue of human insecurity. As one Asian scholar says: "If we continue to leave vast sections of the people outside the orbit of education, we make the world not only less just but also less secure." Lack of education, particularly that of technical know-how in today's standard, is undeniably a form of insecurity. It prevents people from getting jobs, and thus disconnects national economies from the globalised world.

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The most important objective of the programme should underline the necessity to collectively close the widening gap in educational development within Asean. Success in this area will demonstrate Asean's seriousness in transforming itself into a meaningful regional entity and pursuing an active role on the international stage.