

Campus scene

Release the teachers and restart all academic activities

D HAKA University is going to reopen on October 28 after more than two months of closure due to violence that erupted on the campus in late August, following a clash between the students and the law enforcers. The situation had turned critical and the university had to be closed for obvious reasons.

But that is a matter of the past, which should be left behind, and a fresh beginning made to restart the academic activities for the collective good of the students. The government has taken a number of steps to keep the situation under control and the thought of bringing back a congenial atmosphere to the campus should be uppermost in the minds of all concerned. Nobody wants a repetition of what happened on the campus. It's time to take a pragmatic view of the whole thing and work together to keep the academic process alive. The immediate need is to remove the irritants that might obstruct the normal functioning of the university when it is reopened. It is evident that some sore points will remain unless the four teachers detained for their alleged involvement in the demonstrations are not released as part of plan to defuse tension once and for all. These teachers are respected academicians who enjoy a special position in society. Similarly, the students who are not facing any criminal charges should be set free. The decision makers have to take into account the fact that the situation was very chaotic during those demonstrations and so the responsibility for the sad occurrences was more collective than individual.

Detention of university teachers on charges of their complicity in a students' movement is certainly not something that people are familiar with. Even during the worst days of martial law university teachers didn't face such punitive action.

The government, we believe, has nothing to lose but a lot to gain in terms of its standing in the public eye by taking a lenient position on the arrested teachers. We don't want the law to deviate from its natural course, but its application must be discreet and judicious. Enough time has already been lost and it is the students who are paying heavily for the closure of the universities. So the government is expected to resolve the crisis immediately. And the process should begin with the release of the incarcerated teachers.

Things looking up for RMG sector

But not for the labourers

A study of our RMG sector conducted by a local think tank has revealed that investors in the RMG sector through modernisation of their investments have more than doubled its earnings in the past seven years. However, in spite of the increase, it is disconcerting to note that many owners are not paying their labourers regularly and all sorts of extraneous arguments are being put forward for non-payment of their salaries. We agree with the directive of the government that the labourers be paid their dues by the end of the day today, and we would hope that it will have been complied with by the time this editorial is being read.

As much as we are concerned about the present turmoil in our RMG sector, we do believe that there is no reason for despair given a level of sincerity, honesty and commitment on the part of all concerned. We should, however, remember that time is of essence here. If RMG workers are not happy, the future of the sector will be in doubt. Let a beginning be made through salaries and bonus being paid to garment workers before Eid-ul-Fitr.

What the study has also revealed is that the sector has not been able to bring about any substantial improvement and modernisation of its work force worth noticing. It was observed that many factories in Dhaka and Chittagong have neither canteen facilities nor daycare facilities for the children of their female workers in particular. Many of the factories do not have common room facilities for the workers. On the other hand, a mere 40 to 50 per cent of the workers of comparatively larger factories are issued with formal employment letters while nearly 70 per cent of workers in the entire RMG sector do not have any employment letter.

In the meantime, the president of BGMEA has said that conditions stand much improved in the year 2007. True as it may be, there can be no denying the fact that a widespread undercurrent of discontent does exist amongst the workers, an expression of which we encounter from time to time. Clearly, there have been no concerted efforts by all concerned, particularly the owners of the industry, in addressing an issue that is central to the current turmoil in our RMG sector. To narrow down the actual issues at stake, salary cum benefit package and improvement of the working environment inside factory premises are a necessity and should be met both as legal and moral responsibility of the owners.

However, while we support the right of the workers for their due legal wages, we most vehemently oppose any tendency toward violence and destruction of factory properties by the workers.

The essence of Eid



A.N.M. NURUL HAQUE

E ID-ul-Fitr, the greatest religious festival of the Muslims, will be celebrated in Bangladesh on Saturday or Sunday next, depending on the sighting of the moon, with due solemnity. It is an exceptional occasion; totally different from any other festival, and comes after a month-long endeavour for self-control. The real invocation of this festival is spiritual thanksgiving and communal unity.

Eid, whose literal meaning is "that which returns," is a major annual religious event marked by

The truth about truth commission

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STRATEGICALLY SPEAKING

Truth commissions are generally "bodies set up to investigate a past history of violations of human rights in a particular country," some of their main characteristics being, they focus on the past and investigate a pattern of abuse over a set period of time, rather than a specific event. Setting up one to tackle corruption or corrupt people in Bangladesh runs the risk of being perceived as a measure to allow crimes go unpunished or to provide impunity to serious offenders. And that the government must guard against.

1 /11. for one thing, has invested some of us with unique qualities of churning out unique ideas, from time to time. These are well-intentioned suggestions though, formulated (sometimes not so well formulated) to address a topical and often serious matter of state concern.

One such idea, occupying the time of the media, the politicians, and the civil society and TV talk shows these days, originating from a very active advisor, is the truth commission. One can presume that this has been primarily motivated by the need to arrest the slide of the economy caused by stagnation resulting from the many big-wigs of our business world being behind bars on allegations of corruption.

And since they control the vast majority of commerce and trade and industry in the country, their incarceration has had a 'most negative impact, the pinch of which we, the consumers, are painfully feeling. The fact that one of the convicted businessmen, now a fugitive, has deliberately rubbed it in on his

countrymen by withdrawing the power of attorney that he had given to some of his executives to run his business house in his absence, puts the matter in perspective.

This is a deliberate act of wickedness premeditated to put the government under more duress, and the people under even more hardship. Some call it blackmail. This is perhaps what the government wants to prevent happening in other cases.

But be that as it may, the government's concern about the general inertia of the economy is clearly evident in its attempt to conjure up an antidote for it. The truth commission is one solution that it feels might revamp the economy. Full marks for trying, but there are a few questions that need to be clarified, although there are many takers of the idea -- they have their reasons for it. I have my own for not going along with the protagonists. Here are my reasons.

It may sound daft, but I will ask anyway, what is a truth commission in the context of the current situation? Granted that the idea is still very nebulous and those who have propounded the idea are yet to give us a crystallised version of it. The concept is not new, its proposed application, however, has raised some eyebrows, for good reasons, to my mind.

The hope that making a clean breast of one's complicity or indulgence in corruption, by those businessmen accused but not yet charged or convicted, to have their sentences mitigated appears to be putting the cart before the horse.

Corruption is a serious offense, in some cases perhaps more than other culpable charges like murder, where there might be mitigating factors that could absolve a murderer. There can be no extenuating circumstances to explain away corruption. One is never compelled to resort to corruption that is motivated by greed. It has to do with morality and ethics.

Many among those in custody may feel that they are not guilty.

Such people would hardly be willing to acknowledge their guilt voluntarily to escape the hassles of the legal process. By the same token, there are those who have indulged in corruption that has caused loss to the state and hardship to the people.

It is this crop of dregs of the society that will jump at what, to them, is a lifeline. Should the people stand for it, and endure their ill-practices in the future too?

Consider another reason that the government is offering as a ground for forming a truth commission. There are too many of the corrupt kind in jail, and the government has more than its handful. It will take a long time to dispose of these cases, and, gathering from the statements of high-ups in the administration, it is at a loss to address the situation.

Thus, these businessmen can check out by saying sorry and paying some sort of indemnity for their corruption. That way the inevitable long drawn process would be abridged and everybody can go about his or her business.

But is it convincing argument that the prospect of being saturated by litigation, the alleged corrupt businessmen are being allowed the option of "heads I win tails you lose." For one would like to think, notwithstanding public perception about the many of these now in jail, that one is innocent unless proven guilty. And the onus of proof lies with the prosecution.

Majority of these people are waiting to be charge-sheeted, and only a few have been convicted and sentenced so far. The clever ones might still look for a chance of any legal loopholes with a hope to wiggle out ultimately. That being the case, who would choose to acknowledge guilt and carry the ignominy for the rest of his life?

Let us look at the legal aspect of thematter.

Although the law advisor has modified his original statement, it was evident that the dispensation was meant for the businessmen only. Apart from being against the letter and spirit of the constitution that grants to all its citizens equality before law, such a commission would go against the grain of natural justice.

While all sorts of explanations have been provided about the truth commission, likening it to a plea bargain does not help to circumvent the legal procedure, since it is before a trial judge that an accused is produced, and although the trial may be dispensed with by a plea bargain, it still fetches a conviction for the accused, albeit for a lesser charge or for lesser sentence, depending on the type of bargain he or she

chooses.

And even if the chairman of the truth commission were to be given the authority to adjudicate, it would be grossly unjust for those who have been already tried and sentenced for corruption charges. Will the government consider giving the truth commission a retrospective effect?

Some business brasses have suggested that these businessmen be categorised as those who used the existing system to feather their nests and those that exploited political influence for undue gains. The question is who will determine as to who falls in which category?

And, of course, it is a bad law that is formulated for a particular category of offenders, being discretionary in nature. What have the politicians, or for that matter any other offender, done not to be allowed the same dispensation? Do not overlook the fact there are in custody many businessmen-politicians too.

Truth commissions are generally "bodies set up to investigate a past history of violations of human rights in a particular country," some of their main characteristics being, they focus on the past and investigate a pattern of abuse over a set period of time, rather than a specific event. Setting up one to tackle corruption or corrupt people in Bangladesh runs the risk of being perceived as a measure to allow crimes go unpunished or to provide impunity to serious offenders. And that the government must guard against.

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Constitutional bodies and accountability mechanism



MUHAMMAD NURUL HUDA

STRAIGHT LINE

If we do not want violent street protests to be the final arbiters of public affairs then our politicians have to be genuinely committed to structural reform and wealth redistribution in our distressingly unequal society. Unfortunately, our democratic process has precious little to offer to the overwhelming majority of voters, apart from the scattered pay-outs at election time. The compounding tragedy is that politics has been a means of livelihood for many here and the insensitive rich and the irresponsibly powerful do not face the threat of being sidelined from the political process, as yet.

Let us not forget that the rule of law was the fruit of political conflict stretching over many centuries. Therefore, constitutionalism requires that any exercise of political power shall be bounded by a system of higher order rules.

It thus, follows that to achieve these goals, the importance of having firm and capable watchdog organisations should not be a matter of debate.

A democratic society needs the services of watchdog organisations if it is committed to ensure constitutionalism. To start with, there is the paramount necessity of building awareness about the essentials of constitutionalism as part of a democratic system of government.

We have to be sure, if we want to break with the unsatisfactory practices of the present and the immediate past, and maybe before that, to anchor certain principles that could be strictly enforced. Do we, at least theoretically if not practically, want to ensure that reversion to corrupt habits becomes difficult?

The pragmatic but unpleasant information is that political power residing in people, in actual practice, might turn out to be potentially dangerous and destructive, especially in a third-world scenario. The expectation of substantial conformity with the rules is a massive challenge.

We should frame rules that embody a defensible constitutional morality, which accords with principles of good governance.

In Bangladesh, patron-client relations have come to embody a deeply ingrained set of complementary values. In fact, the stability of our society has not been largely dependent on questioning the authority of those further up the hierarchy.

In our situation, the effectiveness of watchdogs headed by a government appointee has been called into question. Once in position, rather than insisting on performing statutory obligations to investigate and prosecute ministers and officials, the person in question has been alleged to be inclined to defer to superior authority, deriving from the patronage of the government.

It has been alleged that we have a relationship pattern that unites politics and economics. To be specific, on the part of the patron, political influence or power ensures access to wealth, with the client providing the services that contribute to the patron's wealth. The client has his share in the proceeds. It is a symbiotic relationship where each needs the other to obtain the benefits that both receive.

The above informal relationship that requires associates paying each other in kind for favours rendered essentially runs counter to the traditional and formal concepts of constitutionalism. In our election

system it is not unusual to come across situations where votes have been cast in exchange for a personal commitment arising from financial rewards.

It would not be a travesty of truth to comment that many Bangladeshis do not have the opportunity to vote to secure the achievement of wider community goals due to the securing of calculated gain at election time in the form of cash hand-outs.

There is a premonition that Bangladesh is slowly but steadily moving towards a type of "Contracting State." Such movement attempts to reduce the size of the public sector by privatisation of state run industries. The objective is to improve the efficiency of delivery of services to the citizens through expertise to market forces.

This process of contract making expands the interface between bureaucratic organs of the state and elected politicians on one hand and private sector organisations on the other. Such developments increase the potential for conflicts of interest to arise in the awarding of such contracts. This is problematic because elected politicians in the government have strong business connections and involvement.

In such a situation, the task of designing effective constitutional accountability mechanisms is rendered more complex.

In Bangladesh, unfortunately, the

efficiency and integrity of constitutional bodies have been questioned. Some quarters have raised serious reservations about the selection procedure to such bodies. The allegations, accusations, innuendos and insinuations, whatever one may call them, cannot perhaps be ruled out or summarily dismissed for reasons better left unsaid.

Our political establishment may not be very sensitive about the not-very-justifiable criticisms leveled against the constitutional bodies and, as such, may not react positively, but the compulsions of a true democratic polity dictate that we turn such bodies into truly credible institutions worthy of drawing respect from the people.

Consequently, we can think of appointing the election commissioners through a selection committee representing the judiciary, representatives of political parties, nominees of the president of the Republic, distinguished academics and eminent citizens, to start with?

The procedure of submitting nominations and selection through voting by the members of the aforementioned selection committee may be sorted out through consultation. The final appointments may be confirmed by the chief justice of the Supreme Court or by the president of the Republic. Similar arrangements may be made for selecting members of the anti-corruption commission and the proposed human rights commission.

If we are desirous of an orderly and accountable democratic polity then the constitutional bodies have to be headed and presided over by suitably qualified and well-respected individuals of integrity and, thus, there should be very stringent criteria that are required to be fulfilled by potential candidates for consideration to all constitutional posts.

To secure the independence of the constitutional bodies, their funding allocation and organisational structure deserve special consideration. The setting up of

each constitutional body should necessitate the establishment of a distinct office and administration, which is not dependent on any part of the executive through a government department.

The bodies should be institutions in their own right, and should form a unique structure to enable them to perform their statutory duties.

They should be autonomy in the way the bodies organise their personnel, administration and budget. Such bodies should report to the Parliament on the results of their activities.

The above bodies have to operate within a budget limit that will be approved by the Parliament. If such working parameters are worked out, then the constitutional bodies will have the scope to determine their organisational structure, the conditions of service and salary of the staff including the commissioners.

Constitutionalism is actually a degree of self-imposed restraint, which should operate beyond the text of the constitution, especially on the part of practicing politicians and public officials. We can establish real constitutionalism when political behaviour is actually restricted within certain boundaries. The moot point is that both government and opposition must be equally committed to shared principles of constitutionalism.

If we do not want violent street protests to be the final arbiters of public affairs then our politicians have to be genuinely committed to structural reform and wealth redistribution in our distressingly unequal society.

Unfortunately, our democratic process has precious little to offer to the overwhelming majority of voters, apart from the scattered pay-outs at election time. The compounding tragedy is that politics has been a means of livelihood for many here and the insensitive rich and the irresponsibly powerful do not face the threat of being sidelined from the political process, as yet.

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BY THE NUMBERS

Eid, the holy occasion of happiness and generosity, sanctioned by religion, cannot be observed with due solemnity while thousands of people living in the northern districts of the country are spending their days in hunger. The observance of Eid will be really meaningful if we could share a little bit of our joys with the distressed human beings. Let Eid-ul-Fitr this year, be a prayer for durable peace and serenity in the country. May the message of Eid cure political estrangement and ill-feeling among the politicians, and may the true sense of fellow-felling and brotherhood be imbibed by them. May we as a nation attain that much needed spiritual intelligence for establishing an ideal life signifying the essence of Eid.

the spirit of equality and fraternity. It really returns every year with a reminder of fellow-feeling and forbearance that we are expected to demonstrate in every sphere of our life. Unfortunately, many of us who are Muslim by birth, rather than choice, hardly ever try to delve deep into the essence of Eid.

Each religious festival heralds a joyous and carnival atmosphere. But the prevailing economic situ-

ation has outpaced the festive mood for many. The continuing high prices of all essentials have eroded the real income of the common people, who cannot afford to buy pricey new dresses for their children. Therefore, in too many houses across the country, the joys of Eid will be very limited this year.

The spirit of Eid-ul-Fitr tends to activate the message of Islam for peace, unity and fraternity, and we all need to be imbued with it. But the celebration of Eid is not tempered with the principles that define piety

and reverberate with love and generosity. Now the spirit of equality and generosity ends there in our feudalistic society based on conservatism.

On the Eid eve, when many Muslim houses are agog with the expectation of celebrating it with all the pomp and grandeur, no joys of Eid will touch hundreds and thousands of people living in extreme poverty across the country. When the members of affluent families swoop on delicious dishes on the day of Eid, they will be quite disgusted with the pitiful voice of some hungry people standing outside their gates for some left-overs.

While planning for mirth and festivity, costly new fashionable dresses, and gastronomic delights for Eid celebration, do we ever think for a while that so many people living around us will be forced to go without adequate food even on the day of Eid? Should not we have Eid compassion for these poor people? Their deprivation would not be so much if we had a caring and sharing socio-economic system.