

## Mashhud's spirited words Time for Right to Information Act

THE counsel given by Lt. Gen (retd) Hasan Mashhud Chowdhury, Chairman, Anti-corruption Commission to reporters that they seek out and gather correct information without being weighed down by the Official Secrets Act or other stifling rules strikes a responsive chord in us. His spirit is welcome. But so long as a culture of secrecy and privacy feeds on regressive, colonial time laws, quest for the whole truth will remain a largely futile exercise.

We in this paper being a staunch believer in free and responsible press think that nothing short of a right to information act can guarantee free flow of information. The very existence of such an act which neighbouring India has in vogue will naturally do away with outdated laws like the Official Secrets Act. This has given the people the right to seek information from a government or a corporate sector office which is liable to legal action if it fails to deliver it within a stipulated time.

The virtues of access to information are manifold. It is fundamental to establishing transparency and accountability of the government and society. It helps safeguard rule of law and facilitates people's participation in decision making processes.

The ACC chief's words of advice to the journalists may have reflected a realisation that press can be the most reliable source of information in a context where traditionally government channels of information have tended to be self-glorifying with a bias to please the power that be.

We urge Lt Gen (retd) Hasan Mashhud to join the movement that has been on for legislating a right to information act. At least, he can play a catalytic role in bringing this about. This government is intellectually quite open to such an act. The chief adviser to interim government is extremely respectful of the media and heavily reliant on press for information and trend reading in the absence of parliament as he has said a few times over. The chief of army has more than once publicly supported the idea for a right to information act.

A good deal of spade work has already been done towards bringing about the law. The law commission had drafted a right to information bill which after incorporating improvements suggested by civil society experts is before the law ministry in a revised draft. Time is now to move expeditiously on.

## Living in danger

*Take measures to repair the collapsing building*

THE disintegrating Wapda building in Mirpur in which a large number of stranded Pakistanis are living with families need urgent repair work to eliminate the possibility of fatal accidents. It is appalling to see that roofs of rooms on some of the floors above have already collapsed thereby exposing yawning holes large enough for a grown up man to plummet to his death. And the sight of children living next to those holes makes one contemplate the plight of the little ones for which they had played no role. The said building is on the verge of total collapse and yet the inmates cannot move away as they have nowhere to go. Figuratively speaking, they sleep next to death every night!

We fail to understand how successive governments have allowed nearly 500 stranded Pakistanis to live in such a dangerously decaying 4-storey building for over three decades. The building, put under the category of abandoned property since 1971, has no civic amenities to offer to the inmates, and no repair or renovation work has been carried out ever in this long period of time.

What stirs our conscience is, the building can be declared an abandoned property and left to decay as an inanimate object, but should we take the same outlook towards human beings? For no reason on earth can our decisions be devoid of human aspects. Those are humans out there living a cliff-hanger's existence and yet the authorities mull over what is to be done about them.

We strongly believe the need of the moment is to either demolish it or undertake repairs to make the building safe for human living. And this should be done not only out of humanitarian but also civic concerns.

## Is election the only way out?



KAZI ANWARUL MASUD

### GOING DEEPER

A vibrant civil society is an essential requirement for keeping vigil that misgovernance does not recur. In addition, one may consider forming a body or bodies (or strengthening the ones already formed) to keep the government on its toes and to guard against majoritarianism. Bangladesh simply cannot afford a repeat of the kleptocracy practiced with abandon in the pre-emergency period.

Alberto Fujimori had a presidential coup d'état, then US secretary of state James Baker rebuked him by saying that one cannot have democracy by destroying it.

Another American politician in the 1920s advised that democracy deficit can only be rectified by more democracy. The question, however, remains whether the verdict of the people received through elections is to be given supreme value and is to be regarded as the arbiter of decisions taken by those elected.

If so, then one has to judge rigorously the quality of democracy and of the "demos" in any given country. One has to ensure whether minimalist expression of democracy through electoral democracy should not be improved into the maximalist version by including liberal and deliberative democracy as well.

While the centrality of elections is recognised as the principle

pal agent of democracy, the liberal democrats would prefer a political system (defined by Juan Linz): "As democratic when it allows the free formulation of political preferences, through the use of basic freedoms of association, information, and communication, for the purpose of free competition between leaders to validate at regular intervals by non-violent means their claim to rule."

Liberal democrats, writes Professor Maxwell Cameron, go beyond electoral democracy through insistence on the establishment of liberal rights to guarantee free flow of information before the elections; and as political scientist Giovanni Sartori put it: "He who delegates his power can also lose it; elections are not necessarily free, and representation is not necessarily genuine."

Liberal democrats, therefore, would not like to lose

freedom after elections, in some ways similar to the refusal of Henry David Thoreau to give up his rights totally to the elected representatives. He wrote: "The authority of government, even such as I am willing to submit to -- for I will cheerfully obey those who know and can do better than I, and in many things even those who neither know nor can do so well -- is still an impure one: to be strictly just, it must have the sanction and consent of the governed. It can have no pure right over my person and property but what I concede to it."

Centuries back, James Madison advised caution in the formation of government lest it turns on the minority whose voice may not be heard or listened to.

Since rule of law is inherent in any democratic set up and necessary for the citizens to safeguard their rights, the argument

for a constitutional state in which all civilian and political actors would remain subservient to the rule of law becomes relevant. But then such a situation may give rise to tension between constitutionalism and majoritarianism.

In countries like Bangladesh, particularly in view of the events leading to the declaration of emergency (basically due to plunder and anarchy made possible by brute majoritarianism by the alliance government), supremacy of the rule of law would be preferable.

If one were to look back to the US presidential elections of 2000 then one would notice the respect shown by Al Gore and the American people to the US Supreme Court's decision declaring George W. Bush as the winner.

One must, however, concede to the fact that underdeveloped societies lack legal culture in which the courts' decisions may not be taken to be supreme, and primordial loyalties (as invariant characteristic of tribal societies), are more preponderant.

In these societies, the people have to be cautious, particularly where poverty is endemic and corruption is pervasive, in giving up their total authority to those elected given Giovanni Sartori's caution that elections may not

be necessarily free and representation may not be necessarily genuine.

Besides, elections are not the only aspect of democracy. Deliberations outside the parliament should also be listened to. Unfortunately, the institutions that would support liberal and deliberative democracy are still fragile in Bangladesh, and strengthening of these institutions has a long gestation period.

We have been subject to authoritarian rule for so long that we are unable to ask for our rights. We are so uneducated that we are not aware of our rights. We are so poor that our votes can be purchased. Who then will guarantee good governance and that promises will be kept after the votes have been cast?

A vibrant civil society is an essential requirement for keeping vigil that misgovernance does not recur. In addition, one may consider forming a body or bodies (or strengthening the ones already formed) to keep the government on its toes and to guard against majoritarianism.

Bangladesh simply cannot afford a repeat of the kleptocracy practiced with abandon in the pre-emergency period.

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## The chinks in Bhutto's armour



M. ABDUL HAFIZ

### PERSPECTIVES

Ms. Bhutto has carried some heavy baggage ever since she entered politics; she is a woman, a Sindhi and a Bhutto. For all these reasons, she always remained anathema to the establishment. A generation of army officers has been brain-washed into blaming Zulfiqar Ali Bhutto (ZAB) for the 1971 defeat. As a woman, she is unacceptable to the religious right and, in their eyes, fair game for crude jokes.

interfaced with Ms. Bhutto, the leader of a political party with a vote bank, liberal pro-US views, and gender appeal.

Washington has indeed been worried over Pakistan, which, in its view, is an unstable nuclear state with large swathes of territory in the frontier adjoining Afghanistan, where the US-led coalition has been fighting a losing war, and which are out of its control.

The touchstone of Pakistan's importance to the US is, however, its reliability as a frontline state in the so-called anti-terror war. So Pakistan must be propped up politically, economically and militarily to be a secure ally. While the US is, as usual, encouraging in ensuring the ally's economic and military muscle, in her calculation a flagging anti-terror war can be boosted if Musharraf's hand can be strengthened by providing him a wider and more liberal political base, and none can be a better choice than Bhutto to do the job.

Conforming to the US's post 9/11 neo-conservative worldview she did earn some brownie points with all who mattered in the US administration, which was eager to see that President Musharraf, a proven ally, was

such as Benazir's corruption cases, have been swept under the rug in an amazing volte-face. Yet, the US assumption that Ms. Bhutto can garner sufficient votes in the 2008 election to become the prime minister is now questionable.

The more she leaned towards Washington to curry its support and patronisation, the more she lost in terms of popularity, particularly with the extremist forces in Pakistan who view her as an American stooge to be denied any electoral mandate.

Her ratings in opinion polls have fallen sharply ever since she wanted her past sins to be whitewashed by National Reconciliation Ordinance (NRO), although there are more reasons for her poor ratings. In her bid for premiership for the third time, she cleverly distanced herself from the wider anti-Musharraf political resistance that grew with the president's show-down with the country's chief justice and the latter's subsequent reinstatement.

The country's legal fraternity accomplished what could not be done by disparate groups of politicians, even though they, on their own, joined the anti-Musharraf agitations. Now, when the president's power play has been substantially circumscribed, Ms. Bhutto chose to cosy up with him even at the risk of alienating sections of her party.

The opponents of a US-brokered Musharraf-Bhutto arrangement see the move as undermining democratic forces at a critical juncture of Pakistan's history when -- given the public mood for dismantling of the military's stranglehold -- a democratic efflorescence is imminent. It is alleged that Benazir has been sending out feelers for working with General Musharraf since he assumed power eight years ago.

Although such overtures were then rebuffed by confident Musharraf, they did show Ms. Bhutto in a poor light. The president, who is now at his weakest, has decided to rope in Bhutto for his rescue -- the latter unabashedly responded by throwing him the lifeline -- and for a share in the power pie.

Notwithstanding her claims of being a protagonist of democracy, she seldom went for its substance. Instead, she remained happy only with its trappings,

and so long as it opened the door for embezzling the state coffers. Her Swiss bank account of about 1 billion is a pointer to the recklessness of her plunder. Yet, finding few alternatives to continuing military dictatorship, the now awakened Pakistanis -- particularly the burgeoning middle class and the desperate masses -- overwhelmingly voted for her party -- maybe for its avowal of "roti-kapra-makan" for everyone.

But, even here, Benazir had no qualms in compromising public interest while upholding her own. When offered a deal by the real custodian of power, the military, she readily accepted the premiership with conditions that she wouldn't re-open her father's case, would accept an establishment-picked president, and would never interfere in defence and foreign affairs.

She swallowed the bait, thus ignoring the limitations imposed on an elected prime minister. It was the first of a series of actions in the betrayal of democracy. As a result, the democracy that appeared like light at the end of tunnel turned out to be "stained the light, night-bitten morning," in the words of Faiz Ahmed Faiz.

On her return to Pakistan on October 18, after long years of self-exile, Bhutto was accorded a roaring reception by a carnival of hundreds of thousands of dedicated party-men. The deadly moment arrived when the lethal explosion of a suicide bomb turned the occasion into a midnight carnage -- the worst in Pakistan's political history.

There had already been chinks in Bhutto's armour, but that's the armour she willingly donned. On the one hand stood the country's extremist elements, with whom Bhutto shared feelings only of disgust. This disgust obviously intensified with her willing collaboration with the Americans by accepting the US-brokered deal with Musharraf to finally crush them on their own soil.

On the other hand are her political adversaries in the power saddle, which many of them now feel is slipping away from under them. Over and above, there is the question of the military psyche, nourished by unlimited pelf and perk. Ms. Bhutto has carried some heavy baggage ever since she entered politics; she is a woman, a Sindhi and a Bhutto. For all these reasons, she always remained anathema to the religious right and, in their eyes, fair game for crude jokes.

Tragedies spanning her turbulent career have, however, hardened her, and fortune has repeatedly been propitious for her. She can always be the junior partner of a dictator, or a showcased prime minister, with her talent. But ZAB had been a consummate politician of the sub-continent. The enlightened Pakistanis expect much more from ZAB's chosen heir to his political legacy.

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## Moving from Moditva to sanity



PRAFUL BIDWAI

writes from New Delhi

### THE PRAFUL BIDWAI COLUMN

As for the claim that Gujarat is well-administered, its legislature's Public Accounts Committee has severely indicted the government for awarding contracts in major schemes without tenders, causing a loss of hundreds of crores. Tax breaks have cost Gujarat some Rs 15,000 crores. Gujarat's law-and-order situation is appalling. Its religious minorities (including Christians) and its Dalits suffer extreme discrimination and exclusion. More than 100 Dalits were murdered in Gujarat over the past three years.

Janata Party won a two-thirds majority in the assembly despite (or because of?) the violence. Today, it's more vulnerable than at any time during its 12-year tenure in Gujarat.

Gujarat's elections will prove a national turning-point. If the BJP wins them, the result will greatly influence its leadership succession. In conjunction with the Himachal Pradesh Assembly polls -- in which the BJP is expected to oust the Congress -- it'll help it stem losses in the next Lok Sabha elections. (A poll forecasts a 10 percent fall in the BJP's national tally.)

Losing Gujarat will be a massive setback for the BJP but promote a long-overdue correction to the ghastly trend that brought about the violence of 2002, in which 2,000 Muslims were butchered. This could herald the BJP's relegation to the political margins, where it belonged until the Ram temple campaign clicked in the late 1980s. This could transform Indian democracy.

Enemies beset Mr. Modi -- mainly from his own parivar. The Vishwa Hindu Parishad, RSS, and significant sections of the BJP oppose him.

The last comprise more than a dozen legislators, including two former chief ministers, an ex-

home minister, and a former union minister. They are itching to defeat Mr. Modi. They have held about 80 rallies, including an unprecedented 300,000-strong one in Rajkot.

Beneath the dissidence lie shifts in the BJP's support-base. Two caste groups, Kolis and Leuva Patels, have moved away. The Kolis are among the state's largest cultivating castes. They voted massively for the BJP in 2002. By 2004, 55 percent of their vote went back to the Congress. The Patels dominate Gujarat's agriculture, small industries, and diamond polishing. Their vote is decisive in one-third of constituencies.

All this offers the Congress a chance to vanquish "Moditva," that diabolical combination of communalism, human rights violations, and extremely dualistic elitist policies.

Mr. Modi claims Gujarat is a high-performing state with all-round growth. In reality, Gujarat is misgoverned, with warped development, where 74.3 percent of women and 46.3 percent of children are anaemic. Gujarat's per capita debt exceeds the ratio for UP and Bihar. Agrarian distress has driven 500 Gujarat farmers to suicide over four years.

Gujarat attracts industrial investment not because of its policies but because of a historical accident -- business groups invested there early on, and it has a petrochemicals cluster. Besides, the state offers "sweetheart deals" to business groups.

As the official Human Development Report (2004) points out: "Gujarat has reached only 48 percent of the goals set for human development." It lags behind thanks to "several distortions in its growth path," including agricultural stagnation.

Its gains in literacy, education, health, nutrition, etc are much lower than its GDP growth. Recent "deceleration in its achievements" is cause for "serious concern."

Gujarat's human development and gender empowerment ranks have recently fallen. Although it is number 4 among Indian states in per capita income (down from Number 2), it is number 6 in education, number 9 in health,

and number 12 in participation.

Gujarat is severely patriarchal. Its sex ratio is 487:1000 in the 0-4 age-group and 571 in the 5-9 group (national averages, 515 and 632).

Gujarat's health indices have dropped relative to other states, and are barely higher than Orissa's.

In social sector spending as a proportion of public expenditure, Gujarat ranks lowly 19 among India's 21 major states.

The industries that have flourished the most in Gujarat are all highly polluting: poisonous chemicals -- Vapi is the world's fourth most toxic hub -- textile dyeing, ship-breaking, and diamond polishing (which turns people blind).

Gujarat hasn't still recovered from its textile mill industry's wholesale closure since the 1980s. In Gujarat, labour exploitation is extreme. On minimum wages, Gujarat ranks eighth among Indian states.

As for the claim that Gujarat is well-administered, its legislature's Public Accounts Committee has severely indicted the government for awarding contracts in major schemes

without tenders, causing a loss of hundreds of crores. Tax breaks have cost Gujarat some Rs 15,000 crores. Gujarat's law-and-order situation is appalling. Its religious minorities (including Christians) and its Dalits suffer extreme discrimination and exclusion. More than 100 Dalits were murdered in Gujarat over the past three years.

The harassment of hundreds of Muslims originally arrested under draconian anti-terrorism laws continues unabated -- although these laws were repealed. The absence of the rule of law means a hollowing out of democracy.

The Congress has a historic chance to inflict a stinging defeat on the BJP. To do this, it must offer an alternative vision, take a strongly secular line, build alliances with other anti-communal parties/groups, and run a spirited campaign with a wise choice of candidates, while keeping the BJP dissidents at arm's length.