

Disposing of court orders in a week's time

Good police initiative

WE appreciate the decision by the Dhaka Metropolitan Police to have court orders disposed of within seven days of their receipt. Indeed, the fact that the police department has acted on its own to take such a step reflects the desire for improved performance on the part of the police. This is especially important considering that for years the police have been under a cloud regarding their reluctance to submit reports on cases filed by individuals as well as act on court orders on some pretext or the other. It has not been unusual for citizens to be put through long periods of suffering owing to the laid-back attitude of the police in responding to court orders. Such suffering has been manifested through policemen asking for illegal gratification, sometimes from both parties to a dispute, as a precondition to the filing of reports. Additionally, there is a long record of the police filing no cases at all where the accused have been people wielding political influence.

It is in light of such realities that the DMP move to authorise officers in charge (OCs) of police stations in the capital to deal with matters within a week of receiving court orders assumes importance. It is our expectation that the internal order, as part of the streamlining being carried out in various sectors of the civil administration, will yield the kind of results that have long eluded citizens. All too often, people have been subjected to a miscarriage of justice even before legal proceedings have got underway because of the harassment they are put to. Such miscarriage occurs as a result of either police reports not being prepared and submitted at all or, once they are produced, are seen to be overtly biased towards or against individuals or groups. In other words, it is such distortion of realities that has often made a mockery of the system of justice at the primary level. Hopefully, such a legacy will now begin to be rolled back now that a good initiative has finally been taken. We will hope that the initiative will not end up as one more instance of mere lip service.

The step by the police to have all court orders complied with within a week of receiving them is, we would like to think, part of a self-corrective process within the police department. The success of the measure ultimately depends on a continued and effective monitoring of the work of police personnel vis-à-vis investigations, preparation and submission of reports and disposal of court orders.

Addressing terrorism and cross-border crimes

Saarc needs an effective mechanism

NOBODY in South Asia would contest the fact that there is no alternative to a regional approach if the scourge of terrorism and the problem of cross border crimes are to be addressed effectively. The recently concluded meeting of the regional home ministers in New Delhi has acknowledged the fact. We are heartened to note that an appropriate legal mechanism in the form of Mutual Legal Assistance treaty is being formulated that would help the countries of the region to cooperate in this regard more fully.

Although cross borders crimes and terrorism are two different problems, we must not overlook the fact that there is a close nexus between the terrorists and the cross border criminals.

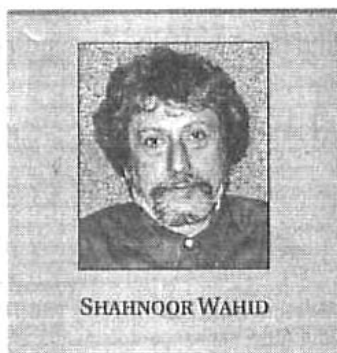
Perhaps we ought to ask ourselves why, in spite of the existence of the two instruments to tackle these issues we have not been able to fully utilise these? It may be either that there were lacunae in the instruments or that the countries lacked the commitment and the goodwill to see that the arrangements were made effective.

We find it difficult to believe that the South Asian nations would display lack of positive inclination in combatting a scourge such as terrorism, being fully aware that the pervasive nature of its ill effects does not remain confined to only within the borders that the terrorists operate in. We understand that the meeting reviewed the implementation of the two protocols, namely the SAARC Regional Protocol on Suppression of Terrorism 1987 and its Additional Protocol 2004 which was intended to incorporate the obligations of the Security Council Resolutions 1373 and 1456.

The home ministers have rightly pointed out that it requires sustained and proactive effort, and mutual cooperation to make the Protocols work. The relevant desks must be made effective which at the moment they are not. There is also the need for exchange of information that would help launch preemptive action against the terrorists. This is a sine qua non for combating terrorism and indeed all types of criminal activities. Information must not only be available easily these must be timely too.

The two issues of terrorism and cross-border crimes, particularly the former, afflict most of the countries of the region. The decisions at the meeting give us the impression that the countries have restated their commitment to fight it together. We would like to see it implemented.

Oh, those VIP Scoundrels!



SHAHNOOR WAHID

THEY are the sons, brothers, friends, nephews and sons-in-law of people who are either famous or infamous in this upturned society of ours. They are the gone-to-the-dogs "VIP Scoundrels" who give a damn if they destroy the lives of thousands of young men and women of this country. Some of them even don't belong to this country, in heart and soul, therefore they give a double damn for the people of the land.

These people need awful lots of money to live a scandalous life -- a life defiled and debased by drugs, drinks, abnormal sex orgies, blackmail, pornography and more unknown profanity -- of veritable vulgarity. They would do anything to earn that kind of money. But, no! They would not try to earn it in broad daylight by working hard like you and I do. They are the creatures of darkness so they would earn it in the dark and in the quickest way possible.

But do they operate such illegal business in isolation? Do you think

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those "ungodly godfathers" who have been smuggling the drug called yaba into the country, or even manufacturing them within the country, have been doing it without the needed support, protection and shelter? Do you think that to operate the big time illegal business right in the heart of Gulshan or Mogh bazaar or anywhere for that matter they do not need any protection from the powerful people? Of course they do.

So, who provides these rascals the support and shelter they need? Instead of a straight answer hear this. There is a saying in Bengali that if you pull the ear, the head will appear. Similarly, if you pull a criminal, a corrupt politician or a police officer will appear. The recent haul of killer drug yaba is a case in point here. Stories of drug dealing godfathers having political connection have begun to surface already. They grease the hands of local police officers and politicians to stay out of trouble. It makes sense, doesn't it?

If the investigators (Rab intelligence) do investigate vigorously and mercilessly, they will definitely find heads of corrupt politicians, corrupt police officials and corrupt civil service officials popping up from the gutter. No one in their right mind would believe that the civil and police administration suddenly discovered the existence of the large network of drug business after the recent arrests. No way, sir. No way. Some of them knew all about it right from the beginning and enjoyed the cut from the profit. Please question all the narcotics department officials and police officers who were assigned to Gulshan area in last five to ten years and you will get the answer.

Already the name of a notorious political person, known for all sorts of vulgarity on earth including murder of a model girl has appeared in the media. This man is known to have been smuggling yaba and other drugs into the country since the '80s under the protection of the political power of the time. Also,

names of close relations including sons and daughters of full ministers and petty ministers are also creeping up to uncover a crime racket of gargantuan proportion.

Many questions cloud our minds today. Why the premium residential areas like Dhanmondi, Gulshan, Banani and Baridhara are becoming hotbeds of crime and criminality? Why and how white collar criminals find it easy to rent flats there to peddle drugs and alcoholic beverages and organise sex parties and prostitution business? Is there no house owners' association or something in those areas to check the antecedents of the tenant(s)?

We also fail to comprehend the role and responsibility of the local police in preventing or reporting such criminal activities to the higher authorities before some other agency busts the ring, thereby making them look like fools. Why don't we see courageous police officers getting hold of the godfathers of organised crime

networks, defying a verbal order from the top officials not to touch them?

We must give credit to the Rab for unearthing some big time corruption networks and the yaba ring on the basis of their own intelligence and surveillance. As long as they do it within the bounds of the law of the land, we should give them the required support. But, talking about the law of the land, do we have effective laws to apprehend and try all the crimes, especially new ones like cyber crime or taking kickback from government projects by ministers or powerful political people?

Creating appropriate laws to deal with "VIP Scoundrels," who wear tuxedos, diamond-studded shoes and dine and wine with you in posh private clubs, has become the need of the moment. Another issue that needs to be looked into with due seriousness is double-checking the criminal backgrounds of the citizens of some Asian, South-Asian, African and East European countries before issuing them entry permit or visa. Many of the citizens of these countries are known to be involved in drug smuggling, arms smuggling, organised prostitution and other harmful trades. Our embassies and high commission people have to be extra strict in issuing visas.

We have this uncomfortable feeling that hundreds of foreign nationals are living in this country with expired or forged visit or work permits. Many of them are alleg-

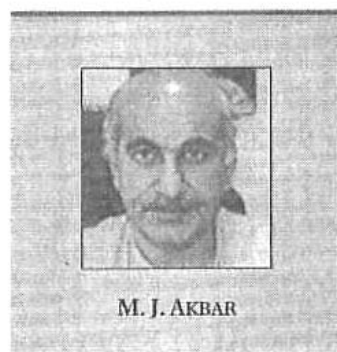
edly engaged in smuggling business with the "VIP Scoundrels." Therefore, if the Rab intelligence digs into this area of unlawful activities they might open the Pandora's Box really.

There was a time when smugglers and drug dealers used to maintain a low profile and live in some nondescript areas to avoid detection. But things have changed drastically. Modern day criminals, with the support of some corrupt politicians and civil and police officers, have started to live in posh residential areas like Banani, Gulshan, Baridhara, Uttara and Dhanmondi. They have become members of most of the private clubs by paying astronomical sums and they offer free drinks to all and sundry. They regularly donate huge sums to clubs, mosques, madrasas, political parties and hospitals to maintain friends in every sector. We should learn to call them criminals on their face.

Unless these smugglers, corrupt politicians, corrupt police and civil officers, corrupt teachers, corrupt businessmen, corrupt doctors and drug dealers are ostracised socially, we shall never be able to create a healthy society we dream of so earnestly. These people with the strength of their ill-earned money will sabotage again and again our every attempt to make a just society that we must leave behind for the future progeny. Will someone ponder a while, please?

Shahnoor Wahid is Senior Assistant Editor of The Daily Star.

A certain uncertainty



M. J. AKBAR

TWO significant news items were circulated within twenty-four hours of each other by the Press Trust of India, an agency that believes, correctly, that the information it distributes should be independent of its consequences. It concentrates on what, not why or wherefore. It is left to us, hence, to wonder if there are any dots that connect.

The first item reported that the next session of the All India Congress Committee would be held in Delhi on 17 November. An AICC plenary can be fun. It is a wonderful party mela that attracts a spectrum of shapes, shades and shrieks, a collection of the washed and unwashed, starched and silken, lords, middlemen and peasants that reflect the national character of a party which has lost a national vote but retains a national aspiration. The speeches are predictable paens of loyalty, but that is only to be expected. Once upon a time these used to be annual affairs, with resolutions discussed in the subjects committee before being moved at the full session, and new presidents elected with their own working committees. But those days are long over. The late P.V. Narasimha Rao attempted to

All facts are not equal in an election. There are facts, and then there are decisive facts. The great charm of democracy is that the voter never quite lets on which is the fact that is going to be decisive as he steps into the booth. Politicians who are confident about victory pay the bitter price of regret. This much can be said about the winter of 2007: there is a pall of uncertainty over every political face. This may be bad news for politicians but is extremely good news for politics. The equations that produced a government in 2004 have fractured, but alternatives are tentative.

revive inner party elections to the working committee (but not to his own job) at the Tirupati AICC but abandoned the exercise after checking the results. That was the end of that. Even the subjects committee is being abandoned now because very few can understand why it exists.

The last AICC plenary was in January 2006 at Hyderabad. It was a double-whammy celebration: for a well-deserved triumph in Andhra Pradesh, and a more crafted victory at the national level. Ritual homage was paid to the future in the praise for Rahul Gandhi and everyone went home to enjoy the fruits of office.

The coming AICC session in November is not a plenary, but a limited gathering of AICC members. It has been called at short notice. It has not been summoned to celebrate anything, because after three years in office no ruling party has more reason for worry than celebration. It is not being called to reassert its confidence in the leadership, because there is no question of any challenge to the president of the party, Mrs Sonia Gandhi. But it cannot be an exercise in nothing. So what is the

purpose?

Is there a link to the second PTI story, which said that the American administration wants the Indo-US nuclear deal to be presented to the Congress by January next year? The specific PTI sentence is: "Harping on a year-end deadline for the nuclear deal with India, the US has said it will be good to get it voted in the Congress by the coming January."

The next meeting between the government and the Left on the nuclear deal is scheduled for 14 November. If the January deadline is to be met, this will also be the last meeting on the subject, for the deal must then pass through the IAEA in Vienna and the Nuclear Suppliers Group. The AICC session therefore is perfectly placed for three resolutions: congratulating the president of the party and the Prime Minister for negotiating and implementing the nuclear deal; offering it as a panacea for prosperity; and welcoming Rahul Gandhi, with his young followers, into the top echelons of the party.

The Congress will fight the next elections on the twin slogans of the nuclear deal and youth. The November AICC is clearly designed

to set the stage for trumpets. Generals sound the bugle only on the eve of battle. Logic suggests, therefore, that the Congress has made up its mind and will settle for a spring election, in either February or April. Expect a few "pro-poor" announcements soon. All the factors that must be taken into consideration also suggest this. If the nuclear deal slips out of control, and ends up in political never-never-land, the Congress will have nothing to show for its three years in power. It is banking on the youth of the urban middle class, which is a natural ally of America and disdainful of the Left, to provide the necessary impetus to its election prospects.

Moreover, the politics of the impending Assembly elections in Gujarat has revived the Modi-riots issue. Crime and punishment have a tenuous relationship when it comes to communal riots against minorities. The fact that those who killed in Gujarat had the support of Narendra Modi, or are still free, will astonish only those who wear tinted eyewear. Modi, unsurprisingly, believes that electoral success places him above the law, and he can get away with

shooting the messenger. There is no penance in his soul, or even mild regret.

Unwashed bloodstains form a macabre backdrop to our social history. The gruesome Bhagalpur riots, when Yadavs massacred Muslims, took place in 1989. A token few were convicted for their role in it only this year; the rest are nearly twenty years older, and possibly parading as respectable pillars of the community. But the conviction of the few must be considered an achievement. Many of those who were directly involved in the anti-Sikh riots of 1984 are in high office; most are comfortably forgotten in the anonymity of Delhi. The killers of Mumbai's Muslims in 1992 and 1993, a process that lasted for intermittent days spread across weeks, could have been stopped by the Congress government then in power, but were permitted to indulge in mayhem. A commission of enquiry has named dozens of the guilty, including policemen who became part of the murdering mobs, but over seventeen years successive state governments, including Congress governments in the last eight years, have protected rather than prosecuted the killers.

Each general election becomes a purgative for a multitude of sins. The sins are placed before a jury of voters that measures them on the scales of self-interest. It is natural for the scales to keep swinging in a volatile democracy. Political parties, if they have it in their power, choose the moment when they believe the tilt is in their favour to go to the polls. The Congress seems to have convinced itself that 2008 is a better year than 2009 for elec-

tions. All facts are not equal in an election. There are facts, and then there are decisive facts. The great charm of democracy is that the voter never quite lets on which is the fact that is going to be decisive as he steps into the booth. Politicians who are confident about victory pay the bitter price of regret. This much can be said about the winter of 2007: there is a pall of uncertainty over every political face. This may be bad news for politicians but is extremely good news for politics. The equations that produced a government in 2004 have fractured, but alternatives are tentative. The Third Front, equidistant from both the Congress and the BJP began with a flourish, and then nearly collapsed on itself before showing signs of revival. There is no alliance yet which can promise a post-election government on its own.

The consolidation necessary for government formation will probably take place around the numbers thrown up by results, rather than pre-election issues. The present government was formed after the results, not before them; you can expect that again, with the difference that the binding Common Minimum Programme will be even more minimalist in order to achieve a degree of commonality.

The size of the field is the same; the number of players has multiplied. The next general election will be the last to offer a flux. After that voters will veer towards one principal party. Which one? That depends on who does what over the next three years.

M. J. Akbar is Chief Editor of the Asian Age.

Nepal at crossroads (part one)

MAHMOOD HASAN

NEPAL is one of our very close neighbours and political developments in the Himalayan kingdom will surely have profound implications for South Asia. To any political observer the political turmoil in Nepal is at the same time interesting and worrying. Interesting because a new political order is in the offing and worrying because the process may degenerate into chaos and violence.

The Himalayan kingdom has been going through political upheaval since King Birendra along with his entire family was assassinated on June 1, 2001. The throne then passed backwards to Gyanendra, Birendra's beloved younger brother. Normally in a monarchy the throne passes forward to a younger scion. Gyanendra (60) ascended the throne on June 4, 2001.

Nepal has been struggling to establish a democratic system of government for the past two decades. This expedition for an egalitarian society has been fraught with uncertainty and extreme violence. It had gathered

devastating momentum since June 2001, when Birendra was killed. The struggle is essentially triangular in nature among three forces -- the monarchy, the parliamentary parties, and the leftist Maoists. This three-way confrontation has led the opposing forces to a brutal show of strength and extreme violence that resulted in thousands of deaths since 1996. The fourth force -- the people of Nepal -- was all but forgotten.

King Birendra (1972-2001) ruled Nepal under the party-less system established by his father King Mahendra. Birendra's reign was never smooth because of the democratic aspirations of the people of Nepal. The 30-year old "panchayat" system of government came to an end in 1990, when the stifled polity rose to unshackle their daily lives from the omnipotent king's influence.

The people's movement -- Jana Andolan -- compelled King Birendra to change the system of governance. Multi-party politics was allowed through constitutional reforms. Until 1990 there was no political party in Nepal, except the mainstream Nepali Congress Party (an offshoot of the Indian

Congress) and the National Democratic Party (which supports the monarchy).

In May 1991 the first parliamentary elections were held and NCP leader Gijra Prasad Koirala became the first elected prime minister of Nepal. However, King Birendra retained many important and ill-defined powers. The 1990 constitution provided for a bicameral legislature -- the Lower House with 205 elected members and the Upper House of 60 members. Despite holding absolute powers King Birendra was open to the new parliamentary system of democracy. But continuous squabbling among the political parties -- particularly within the NCP, the largest political party of Nepal -- denied the kingdom a stable government.

It was around this time that the left forces surfaced in Nepal. The complex Left Front together with the NCP spearheaded the Jana Andolan. Suspicious of the mainstream NCP -- the communists formed the "United National People's Movement" (UNPM). In November 1990 the Communist Party of Nepal (Unity Centre) was formed with elements from the UNPM. In 1991 at its first conven-

tion, the CPN (UC) adopted the strategy of "protracted armed struggle on the route to a new democratic revolution" and decided that the Party shall remain underground. The CPN (UC) then set up its political wing, Samyukta Jana Morcha (SIM) with Baburam Bhatara at its head.

At the May 1991 parliamentary elections SIM became the third force in the parliament. In 1994 CPN (UC/SIM) split into two because of differences in their strategies -- one calling for armed struggle while the other opting for constitutional methods. The militant group renamed itself as the Communist Party of Nepal (Maoist) led by the redoubtable Pushpa Kamal Dahal, nicknamed "Prachanda" (nom de guerre -- meaning extremely powerful). It was thus a gradual transformation of the left forces from a traditional political party into a violent underground insurgent group. The CPN (Maoist) derived their inspiration from Peru's Shining Path rebels.

The Communist Party of Nepal (Maoist) alienated from mainstream political parties, went underground. When Prime Minister Sher Bahadur Deuba

refused to accept their 40-point demands the Maoists called for Jana Joodha (guerrilla war) on February 13, 1996. The demands among others included -- the liquidation of the 240-year old Shah dynasty, establish a secular republican state, a constituent assembly to draw up a new constitution, and end to discrimination based on caste, gender or nationality.

The Maoists had about 15,000 well-trained "hard-core" fighters with several thousand militias fighting with them. The ill-equipped government police failed to respond to the Maoist onslaught at the beginning. Armed with antiquated weapons -- such as shotguns and Enfield rifles -- the Maoists quickly overran dozens of police stations in the countryside.

By mid-2001 they controlled 22 of Nepal's 75 districts -- imposing taxes and discharging functions of a government. One of the main reasons how this anachronistic movement gained support and became so powerful is the oppressive caste system in Hindu Nepal. Poor lower caste Hindus looked upon the Maoists as their saviour from the clutches of the higher

castes. However, the fact remains that while many poor villagers joined the Maoists voluntarily -- many others were coerced into the group. Those who wanted to leave after joining were quickly liquidated. So far nearly 13,000 people have been killed in the decade-long mountain war. The brutal war, however, did not produce a decisive winner. The Maoists though powerful were deeply despised by the mainstream parties and the urbanised polity.

At first the government was reluctant to recognise or negotiate with the Maoists. But as things got worse the government agreed to have peace talks with the insurgents. After several attempts the first round of talks began on August 30, 2001 but it soon broke down on November 23 of that year. King Gyanendra who had just ascended the throne suffered his first jolt. Desperate to keep things under control Gyanendra declared a state of emergency on November 26 and deployed the Nepalese army for the first time to control the insurgency -- but by then it was too late.

For the next three years clumsy handling of the political situation by successive prime ministers and

inept leadership of an obstinate king, led Nepal down the slopes of the Himalayas. Fierce clashes between the guerrillas and government forces took a steady toll of lives on both sides.

Deeply concerned at the gross violation of human rights by both sides, UN Secretary General Kofi Annan in April 2004 offered to mediate between the opposing forces and help find a solution. While abduction and indiscriminate killing by the Maoist guerrillas became a routine affair -- the government forces attacked innocent villagers suspecting them to be Maoists. Annan urged both sides to end the fighting and resume the peace process with the participation of all the parties.

Around that time the government rejected the Maoist demand for direct negotiations with the king. The government also rejected the UN offer of mediation. India was instrumental in pressuring the Sher Bahadur Deuba government to reject the UN offer -- on grounds that it would put an outlaw group in the same status with the legitimate government.

By 2004 the government forces

lost control of much of the countryside and retreated to the heavily fortified district towns. Although the army was better equipped it could not control the mountainous terrain.

The Maoists demonstrated their presence in Kathmandu for the first time in 2004, when they called for a three-day strike on April 5. Hundreds of demonstrators were left injured in clashes with the police. On August 16, 2004 a bomb blast at the main gate of the largest tourist Hotel Soaltee in Kathmandu brought jitters to the expatriate community and the tourists. A bomb blast at the US Information Service on September 13 drove the US Embassy personnel from Nepal. The Maoists imposed a blockade of Kathmandu on December 23, 2004 -- bringing life in the capital to a standstill. Chaos and violence ruled Kathmandu. A sense of deep mistrust and uncertainty gripped the capital.

Mahmood Hasan is a former Ambassador and Secretary. This is the first part of a three part special background on the Nepal crisis. Part two to follow tomorrow.