

ONE YEAR OF CARETAKER GOVERNMENT

The glass is half-empty

One hopes that 2008 will enable the caretaker administration to not only complete the serial steps associated with good governance but also to coordinate successfully its other duty -- ensuring that the common people can at least survive on a basic diet, not milk and honey, but dal, rice and a green chilli, in relative safety. Only then, one will be able to term the glass as half-full and not half-empty.

MUHAMMAD ZAMIR

SUCCESS and failure are two sides of the same coin. Consistent with this philosophy, the past year will be remembered for all the complex series of initiatives aimed at creating a more transparent, participatory and accountable governance. It will also be recalled for many developments that have recently made this administration controversial -- steep rise in prices of essential commodities and a sense of uncertainty with regard to application of emergency provisions.

There have been several measures, which have been welcomed by the citizens at large as well as our development partners. The caretaker administration, in this context, has reconstituted the Election Commission (EC) and the Public Service Commission (PSC). They have also created a new matrix for the Anti-Corruption Commission (ACC), and taken into custody hundreds of alleged corrupt politicians, public servants and members of the business community. These steps were taken with the expectation that reforms within these institutions would eventually lead to a more functional and meaningful governance.

Several other measures have

also been undertaken towards the re-invigoration of business and trade. These include the establishment of a Regulatory Reforms Commission (RCC) and the Better Business Forum (BBF). Analysts have interpreted these steps as being directed not only towards restoring confidence within the business community but also for providing the necessary impetus for domestic and foreign direct investment within our economic infrastructure.

In the same vein, consistent with stated objectives, efforts have been undertaken to ensure a free, fair and credible election. That has included necessary action pertaining to correction of the national voter list and the preparation of the voters ID Card. There has also been the separation and independence of the judiciary from the executive and the establishment of the National Human Rights Commission.

We have also finally witnessed the acknowledgement by the government of the true contribution of Bangabandhu Sheikh Mujibur Rahman towards our struggle for independence. Historical facts are being correctly represented in textbooks.

Lastly, the past year has also seen an embattled administration (with the constructive assistance of our armed forces) tackle suc-

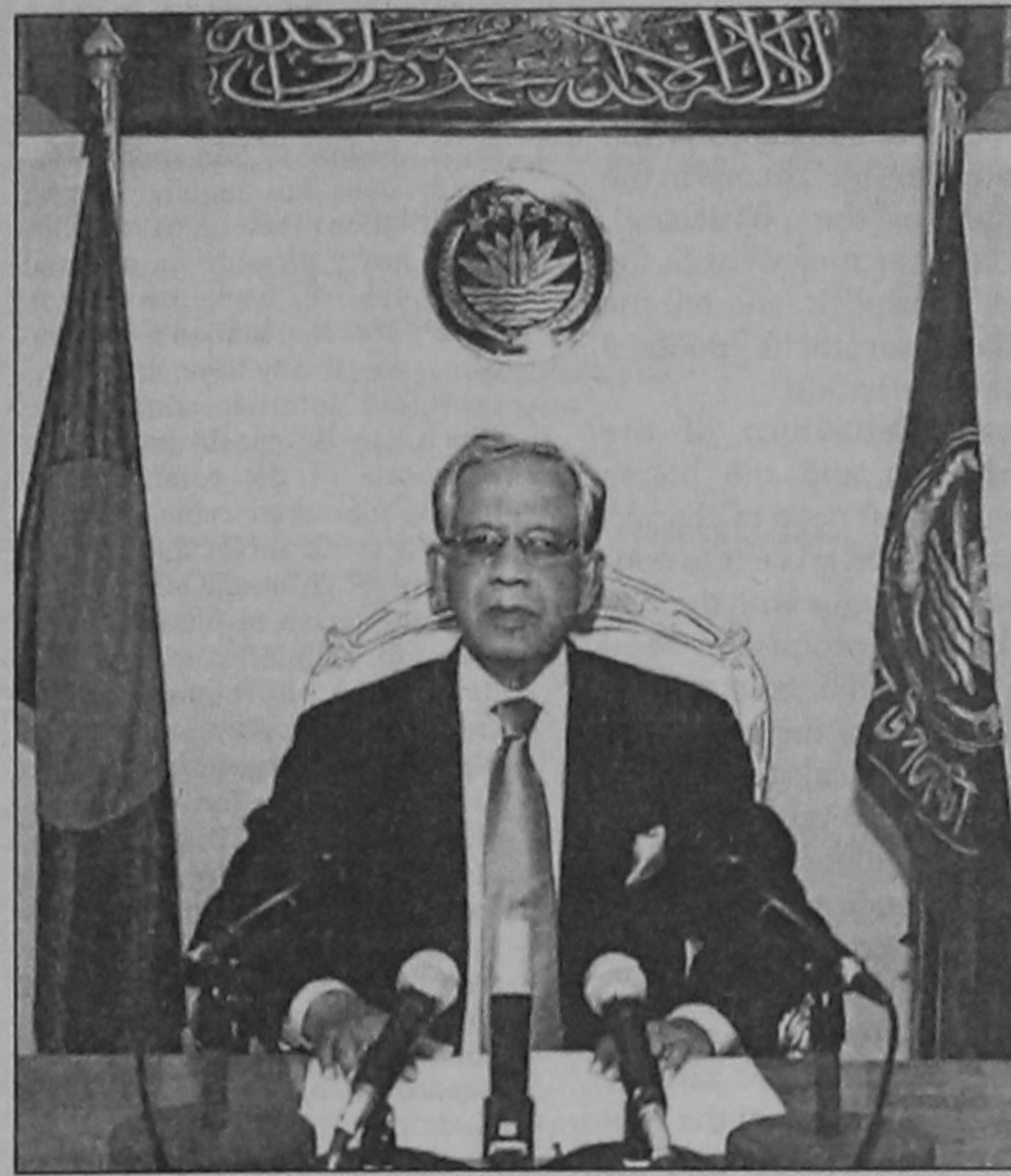
cessfully, despite scant resources, the after-effects of two major natural disasters -- twin flooding and the disastrous cyclone Sidr. This has necessitated the providing of relief and the rehabilitation of tens of millions of people throughout the country.

However, all these laudable steps and half-steps have been only one side of the coin. There is also another side, and it is this that worries me.

The problem also seems to lie in the fact that the administration is trying to achieve too many things in a short span of time. As a result, their efforts have been comparatively thin on the ground. It has also led some to suggest that there is lack of transparency and clarity in the process of decision-making and also in the according of priorities within this administration. This, in turn, has given rise to unnecessary rumours and doubts with regard to national tasks being completed within the declared time frame.

The latest shuffle within the administration is a case in point. The four advisers were probably dropped to infuse fresh blood after the High Court ruled that this was a caretaker format and not an interim government (and consequently unable to expand the council any further).

Several analysts, including



myself, had over the past weeks, been stressing on the need for spring-cleaning to restore accountability and transparency within the governing structure. The forced or voluntary resignations were probably induced to assign responsibilities for perceived failures and to restore the image of the government. The decision in this regard appears to have also been taken without the principal actors being aware of their impending fates.

Nevertheless, it has been a welcome step. One can now hope that the caretaker administration will find within itself the necessary commitment to be able to under-

take further remedial measures. One will also look forward to less of antagonistic talk with the media after this shuffle, and more of conciliatory engagement.

One year has passed. The reconstituted EC has informed us that more than 22 million voters have been successfully registered. It may be recalled that the process began in August 2007 and gained momentum in the month of December, when 10.2 million voters were enrolled. Apparently, according to the EC, nearly four lakh voters are now being listed every day in 85 areas where the enlisting is going on. It has also been suggested that the remain-

ing 75 percent task of preparing the voter list with photographs will be completed in the next five or six months.

Good. Let us then stick to this timetable. Let the electoral campaign subsequently start in right earnest from July 1 without any emergency restrictions. The elections at the local and national levels could then be held at the same time, at the end of September 2008. This happens in Western Europe and the USA. So, why not here?

Such an announcement, and an electoral road map within this month by the chief adviser and the chief election commissioner, will set to rest all rumours about the future electoral process. It will also enable the different political parties to consult within themselves, and fully prepare for the coming election.

The caretaker government, to assist this dynamics, should also immediately permit free indoor political activity within political party offices at all levels starting from Thanas. While doing so, it could be decreed that such an opportunity does not include political presence on the streets in the form of processions.

This is another year and a new beginning. I am an optimist at heart and believe that we can, with sufficient political will, sincerity and dedication overcome difficulties. What is required, however, is growth in trust and confidence

among all the major stakeholders -- political representatives, the armed forces, those associated with trade and business, the civil society and the media. Time has come for us to initiate serious dialogue with and among these sections.

Right now, a review of strategy is required. There is need for sharing of ideas and inter-acting with political representatives in particular. This will contribute to greater understanding and the fixing of an acceptable future agenda.

The chairman of the Regulatory Reforms Commission has correctly pointed out that "it is difficult for an unelected government to take hard decisions." Long-term solutions to problems -- like a suitable mechanism for containing rise in prices of essentials, the tackling of natural disasters and the making of newly created institutions more effective -- can only be found through an elected Parliament.

It is true that the process of functional and meaningful democracy demands corrective reforms within the political parties themselves, and inculcating in their mind-set the value of bipartisanship on national issues within the Parliament and its parliamentary sub-committees. It is this, which can strengthen the democratic structure. It must also be understood that this cannot be established through the breaking up of the existing leadership and creating alternative structures of decision making top-down.

This administration has a historic opportunity. It has taken many important remedial mea-

sures. It must now, however, restore trust in the democratic system through participatory engagement. That will not be accomplished through just the reconstitution of constitutional bodies, or the establishment of a truth commission or a national security council. Democracy will flourish only when there is due process of law.

Some people have formed new political parties with dubious aims and objectives. Some others have tried to show that they are honest by getting on board the reform express. The question is whether their disparate participation will contribute sufficiently enough, either in the common pursuit of democracy by the end of 2008 or in the holding of a credible election. The administration will also have to be careful to ensure that their approach towards prevention of corruption and steps taken in this regard are seen to be consistent with equity and legal provisions. These are essential for the villain to remain so, and not emerge later as a victor (after the next election).

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Village diary

In the absence of any mechanism to elicit opinions from the rural society or masses, the vibrant press that has been existing in the country might be an effective tool for the government to read the people's sentiment.

NAZRUL ISLAM

AS the present caretaker government completes its first anniversary on January 11th, it seems that a huge gap has been created between the government and the rural masses. I was convinced about the distance after visiting my village over the weekend.

In the absence of any mechanism to elicit opinions from the rural society or masses, the vibrant press that has been existing in the country might be an effective tool for the government to read the people's sentiment.

Rice price: Coarse rice was being sold at Tk 32 a kg at local bazaar on the day I reached my village. A farmer, after selling a maund (37-kg) of paddy at Tk 720, told me that poor people would

find it hard to survive if the price of paddy and rice did not come down. It was a surprise as well as shock for him and many others that a maund of paddy cost so much.

"No...no... It can't continue. If the price stays at this level, those who have paddy stock would not be able to protect themselves. The poor would simply loot those in broad day light," said the farmer named Mofazzal of village Karamja of Bogra.

It's beyond the comprehension of van-puller Abdul Hamid (50) of my village that the price of rice could go up to Tk 32 from Tk 24 per kg within a week. Where did the rice go? Referring to the flood of 1988, 1998 and 2004, he questioned: "Did the flood this year cause greater damage than

in 1988?" Hamid, who keeps up-to-date knowledge of almost every current affair, then answered his own question, saying that the flood damaged crops in the whole north Bengal, except at a few areas of Sirajganj and Kurigram districts.

"The crisis is certainly artificial, and directed towards making more money by some rice traders," Hamid concluded. Giving statistics of farmers of my village, he said about 25 percent of the people of the village are purchasing rice at present. After a month, another 25 percent, and after two months more 25 percent would join them. Only 25 percent people of the village would have paddy in stock up to the harvesting of boro paddy.

Fertiliser, fuel and electricity

supply: Three challenges: After having a poor harvest (on an average 12-15 percent less) due to fertiliser shortage, farmers of my area are preparing their lands for boro cultivation. Seedlings are ready on the seedbed. Some have started to erect makeshift houses for irrigation pumps. Within a week, they would start preparing their land for transplantation of boro seedlings. But all depended on the availability of fertiliser. The hassle of collecting urea during Aman season is still haunting them. The high price of TSP (Tk 1,400 a 50-kg bag) and MoP (Tk 1,350 a 50 kg bag) is also a headache for the marginal farmers.

"How can we cultivate boro paddy if we don't get adequate quantity of fertiliser in time. Without proper dose of fertiliser high-yielding boro cultivation is impossible," said Saiful Islam recalling his bitter experience of getting meagre quantity of urea during Aman season.

Bury your hope of getting desired quantity of fertiliser. I came to know that the BS (Block Supervisor) prepared the list of farmers of the area, and 3 kg of urea will be allocated for each bigha (33 decimals) of land," informed Thanda Mia.

"What is the problem in making urea available in the open market? Why the government does not make up the short fall of urea in advance? Demand of fertiliser is almost same every year," asked another farmer Nantu Mia.

We are talking in front of a tea stall at the local bazaar. Within a few minutes, it turned into a small gathering. Everybody wanted to know from me about the plan of the government to supply fertiliser during boro season.

During the conversation, another issue -- supply of electricity and diesel -- also came up prominently. Half of the land is irrigated by power-driven

pumps, and the remaining by diesel-driven ones. Any disruption of electricity or supply of diesel, like last year, would be a disaster not only for the farmers but also for the country, they opined.

Crime increases: Our area is generally a peaceful area. The law and order situation was very good. Except some land-related dispute, other crimes like theft, robbery and mugging were hardly recorded during the last 10 years.

But the scenario abruptly changed since last week of December. During the two-week time, dacoits looted three rickshaw-vans, killing one of its pullers and severely wounding two others, in three separate incidents. Another van was stolen from my village during my stay in the village. A number of mugging incidents also took place during the period.

I stopped plying my van after sunset. There is no guarantee that

you would come home back alive at night. The price hike of essentials has made people mad," said Abdul Hamid while taking me in his rickshaw-van from the bazaar.

Politics: There is a notion that rural people are indifferent to politics, and they have little knowledge of national politics. But, in fact, every citizen of the country is very conscious about politics. The arrival of TV and newspapers in rural areas keeps people up-to-date about all day-to-day happenings. Those do not have access to the media, also come to know the hot news from others.

In fact, I was totally disconnected from all media during my stay at home. I did not even, carry my cell-phone with me. I wanted to pass the time in total peace. But every big news of the capital and elsewhere, including disturbance at garment factories at Mirpur and Kenya's post-election violence, came to my knowledge

when I went to the bazaar. People exchange news at any gathering, or during their travel from one place to other.

"Do you think, corruption has been subdued? I paid Tk 30,000 for getting a single-phase electricity connection for my irrigation pump. The government stopped providing any new connection. But I desperately needed it for the sake of cultivation and they gave it, charging high amount," said Raja Hossain, a resident of the local bazaar.

The arrest of the university teachers and students also broke the hearts of the rural people. Many of those present at the gathering saw the teachers in police custody in TV news. They couldn't accept the arrest of the teachers. "They are our pride...they teach our children...why should they be arrested?" were the comments of the illiterate or half-literate rural people.

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Remembering Justice Syed Mahbub Murshed

After about four decades, in remembering him, I am asking myself why it is so important to talk so much about his looks? It is probably necessary because, unknown to myself, I accepted him as my hero -- who later became my idol in my professional life. I was, and still am, enveloped with his profound influence. To imitate him would be an audacity, because he was inimitable. About two decades after I first saw him, I accepted him as the only influential person in my professional existence.

JUSTICE KM SUBHAN

RABINDRANATH had said that it was possible to find a person worthy of seeing, but it was not easy to find a worthy place to see him. I realised the truth of it at a wedding in 1938. I was then a student of class ten. I saw the groom, turbaned and donned in a light cream sherwani under a 'choga' embroidered with real silver work. Tall and erect, bright eyes and slightly tanned complexion, that was the first sight I had of Barrister Syed Mahbub Murshed. I had then such an age when in the rich juvenile imagination, and I was trying to figure out whom he resembled. I first thought it was Indranath of

Srikanta, but Indranath had a few marks on his face, but Murshed had a perfect unblemished face. I got it -- it was Shibnath of 'Shesh Prasna.' Yes, Shibnath has donned the groom's dress. Or may be, it was, Othello -- tall, dark and handsome -- but his eyes lacked the hardness of a soldier. Murshed's eyes were electrifying.

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be an audacity, because he was inimitable. About two decades after I first saw him, I accepted him as the only influential person in my professional existence.

In 1943, when I was a student of Calcutta University Law College, I was lucky to be present in the courtroom where a murder trial was on and the counsel for the accused was cross examining the prosecution witness. Then, I did not understand the pointing gesture. A few other barristers were sitting in the courtroom, one of whom said "The questions indeed are worthy of a barrister." The prosecution witnesses were tumbling. The judgment was delivered. The accused got a clean acquittal. I

saw him after this in a few other cases. His questions were equally pointed. Till then, I was not very sure if I would take up a legal profession -- but the more I saw him the more I wanted to become a barrister. Till then I only saw him from a distance.

August 1946. In the great Calcutta killings I had my first chance of getting a little close to him. He was then one of the leading barristers of Calcutta High Court, a terribly busy practitioner. A relief committee was organized, which was located on the ground floor of the Congress Exhibition Road residence of Khan Bahadur Ataur Rahman Khan in Park Circus. The drawing room of the late Ismail, a reputed industrialist, was used as the office. Syed Mahbub Murshed used to reside then in a flat on the second floor. Within a few days, legal complications cropped up concerning those who were arrested during the riots and concerning the property and families of these persons. I was entrusted to contact Syed Mahbub Murshed as I was

the only one in the committee who had something to do with legal affairs.

I was then a law student waiting to take the Law final examination, which was postponed because of the riots. After much hesitation, I picked up courage to meet the legal luminary in his flat, but before I could finish, he came down with me to the office. The other members, late Mr Ismail, late Mr Sayedul Hasan, and few others who were present were puzzled over the situation and were eager to know the proper procedure to be followed in the matter. Very briefly, he clarified the situation and told us what to do. I saw him that day frankly discussing with us the problems, and he gave as much time as needed, although he could hardly spare that. He helped us voluntarily and ungrudgingly. I witnessed his concern for the affected people -- his sympathy and help for the people who lost everything during the riots. In a short time, he became a respectable leader in the matter. His success went

beyond the legal matters. He had deep concern for the suffering humanity.

Later, I saw him as Judge of the Dhaka High Court. In every case, it was wonderful to see how he applied legal principles to facts. His way of looking at facts and the application of law stood out from other honourable judges. He could fathom even a difficult case in the shortest possible time. His interpretation and application of legal principles were subjects of envy. The subordinate staff found a father figure in him when he became the Chief Justice of East Pakistan.

The first blow was struck at the autocratic regime of Ayub Khan by the Dhaka High Court, and Chief Justice Murshed was the author. He excelled himself in analysing and settling the constitutional issues that were raised before him. His rich language intermingled with the interpretation of law. It was like the admixture of the Padma and the Jamuna. His superior power of interpretation of legal principles and fearless dispositions of

constitutional matters once promoted Ayub to say that Pakistan was rightly proud of two things -- the cricket team and the judiciary. He was the author of most of the constitutional cases that settled the rights of the citizens, and established the supremacy of the rule of law.

In his area he was uncompromising, unique and fearless in his confrontation with the tyrannical and autocratic regime of Ayub Khan. He was both architect in upholding the rights of the citizens and a terror to the ruling clique. He preferred to resign his high office rather than to bow before the authoritarian regime. The loss was entirely that of the nation of the people and of the judiciary. The blow was to the public conscience from which the nation has not yet recovered.

One gets overwhelmed with emotion in writing about him. The country is deprived of his unrivalled personality; his scholarship was confined not



only to jurisprudence but encompassed world literature, music and socio-political philosophy and economics. Whenever he broached a topic, he appeared to know more than the others as he finished talking. He was free with any subject of conversation. His genius lighted up anything he touched.

I pay him my homage with deep sense of gratitude and respect and close it with the words of the poet Nirmalendu Goon: "With these reminiscences come the melancholy dewdrops on the pages."