

## The rights of indigenous communities

*We must mainstream them into development process*

INTERNATIONAL Day of the World's Indigenous People was observed in Bangladesh as elsewhere yesterday. It is certainly a matter of appreciation that in recent years countries and governments around the world have grown increasingly conscious of and sensitive to the rights of indigenous people; and in fact there have been conditions where governments have tried making amends through tendering formal apologies about injustices committed against indigenous communities in the past. It is only proper that at a time when global social awareness has focused on addressing the ills that have kept some communities in a straitjacket, governments and societies should come forth spontaneously to convince indigenous people that they too have access to the opportunities that others are privy too.

The issue of addressing the problems of indigenous people holds particular relevance for Bangladesh owing to the fact that it has been home to a number of tribes or cultures since time immemorial. For ages, these indigenous peoples, among whom are Chakmas, Hajongs, Choch, Marma, Tripura, Lushai, Bom, Santal and a host of others, have inhabited this land and have lived side by side with the mainstream population. Their distinct cultures have given them a particular character and have indeed enriched the heritage of this country.

That said, there is also the fact that for quite a number of reasons indigenous people have sometimes felt aggrieved. The instance a few years ago of the authorities trying to build an eco park in a region inhabited by an indigenous community is yet too fresh in our minds to be forgotten. In the not so distant past, that is, the early 1960s, the building of a dam in the south east of the country by the then Pakistan government resulted in a huge displacement of a vast cultural group, with all the unwelcome ramifications. In free and democratic Bangladesh, it would be an anathema if the ethnic groups should face any form of discrimination whatsoever.

Fundamentally, it will be through ensuring greater opportunities and wider participation of indigenous people in national activities that we can take this country forward. In recent years, a fairly good number of people from these communities have made an entry into such professions as the armed forces, civil service and elsewhere. Yet there needs to be more emphasis on such advances being made. There are the relatively backward indigenous groups, such as the Garos, Khasias and Santals, who are in need of affirmative action in order to be part of the wider community. We are happy to note that in recent years, efforts made by academics and social groups to bring indigenous problems into focus through rallies, publication of books and research have greatly sensitized people to indigenous issues. But these efforts need to be made more substantive through a continuous process of integrating indigenous people into national developmental activity and thus mainstreaming them in the economy. Care must be exercised, though, to ensure that their distinctive heritage is not only maintained but also promoted --- because the customs and mores of these communities add colour, content and diversity to our national culture.

## Worry over spurious drug lingers

*The errant not brought to book yet*

CHILDREN continue to suffer, even die and yet the company responsible for manufacturing the toxic drug still remains outside the purview of the law. There are not many countries where, even after the death of 25 children, substantive action on the part of the authorities will not be in evidence.

It is a shame that drugs mixed with toxic elements should find access to the market. And it was only the death of the unfortunate children that made the authorities and the country aware of the prevalence of such a despicable situation. With such a high toll of lives in any other civilised country, many heads would have rolled by now unfortunately no one in Bangladesh owns up the moral responsibility for such tragedies.

The latest death occurred on August 7 due to ingestion of paracetamol syrup produced by the said company and purchased on August 26. The unfortunate episode has reinforced public perception that where the issue of public health and wellbeing is concerned the administration is seldom proactive. If that not be the case how come one can get to buy a proscribed drug several days after it was ordered to be withdrawn from the markets?

The unfortunate deaths are not an accident but deliberate murder the company must have known that the chemical they were using to produce the drug was harmful to humans - yet they did not hesitate. And those that were entrusted with the responsibility to exercise oversight, having failed to do so, are equally culpable of the crime the manufacturer has committed.

What is shocking is that the drug administration till last Thursday, several days after the company was sealed off, was still in the process of reaching a decision on filing a case against it. This situation cannot be tolerated. Shortage of manpower is no excuse for one's failure to perform the assigned tasks, particularly when it involves human lives.

Merely sealing of the company is not enough. It has to be ensured that the proscribed drugs do not remain on the shelves, which clearly has not been done. The government should take to task all those responsible for the tragedy, from the manufacturer to the relevant agencies in the loop of the drug administration. Equally importantly, the government ought to make up the manpower shortage, particularly of agencies that are dealing with public health and safety.

## AL veterans: Consigned to oblivion?

The AL veterans and their admirers ought not to be disappointed for there are ups and downs in politics. They must not give up the truths that they adhered to during their tumultuous political careers. In spite of their setbacks, they are held in high esteem by anyone conversant with their contributions to the independence war and the politics pursued by Bangabandhu.

M. ABDUL HAFIZ

PRIME Minister Sheikh Hasina has been in power for over six months now, and she has resolved to come out of the shadow of the colleagues and close political companions of her illustrious father. She has chosen to act decisively to create an impression that she is more than equal among them, although none disputed the fact that she was the de facto successor of Bangabandhu.

The first thing she has already initiated in that direction is to clip the wings of the AL veterans thought to be her potential opponents in a power game in future. She had throughout been circumspect about them, and now they are suspected to be in complicity with the authors and planners of her political elimination through the so-called minus-2 theory during the last caretaker dispensation.

As a result, these veterans -- dubbed as reformists -- have been made ineffective in framing policies and taking decisions. Condemned along with them are

also some of the promising leaders of the upcoming generation. Flummoxed at the fate of the heroes of yesteryears, political observers as well as umpteen rank and file members of the party appear to be wondering whether it is a step towards consigning them to oblivion.

The ignored lot could have inadvertently put their feet in their mouths when grilled by interrogators after 1/11. Even the AL supreme is not oblivious of their ordeal. Yet, to her, their behaviour in custody smacks of conspiracy. So, why shouldn't she replace the doubtful ones and surround herself with loyalists? Bagabandhu's fate at the hands of some of his close colleagues might have spurred her calculation. The experiences of the past have taught her that there are few places for compassion in power politics, and a smoldering fire left uncared often proves to be fatal. So, she perhaps wisely refuses to entertain dissidence in the party.

Intra-party cold war over who will dominate and the relative positions of

the top leaders are unavoidable in all political outfits. It is only apt to think that even Awami League was immune from it -- which is why a compliant Abdul Jalil embellished for long the post of the party's secretary general and not an assertive Tofael Ahmed. Now, by deftly reshuffling the party, the Sheikh Hasina-Ashraf duo will obviously call the shots within the AL from now onward. Even if it looks risky, politics does make strange bedfellows. But Sheikh has adequately consolidated her grip on the party.

However the prime minister's problems emanate from doubtful provenance, i.e. her jumbo-sized cabinet and a feuding bureaucracy -- neither of which has proved to be a doer even in do-able things. As a result, the hiatus between the election promises and the achievements is fast widening, and this is what causes concern.

The remaining incumbency for another 4½ years will not, in all probability, deliver; neither can it be peaceful. This is notwithstanding her sincerity to make her dispensation a success and making efforts to that effect. But the government has been jolted by its inexperience and puerile behaviour.

In the meantime, the AL veterans and their admirers ought not to be disappointed for there are ups and downs in politics. They must not give up the truths that they adhered to during their tumultuous political careers.

In spite of their setbacks, they are held in high esteem by anyone conversant

with their contributions to the independence war and the politics pursued by Bangabandhu. They can hardly be separated from the glorious history of the nation's milestone events, for which many of them were catalysts. The sighs and tears witnessed at their fate point to the amount of love they still retain among the people.

But then there is no last word in politics; neither can there be any complacency over one's political achievement. Loyalty and compliance are indeed relative and ever-changing. What shape the politics of Awami League will take by the time the present government finishes its tenure is difficult to predict. None has the wherewithal to predict as to whose will be the last laugh in the continuous struggle, apparently by all and sundry, for reaching the apex. This process is not peculiar only to Awami League. As in the Awami League, there are many in the BNP also suffering from similar angst, dejection and even heartbreak.

What is to be carefully watched is whether any of the actions by any political quarter encourages the extra-constitutional forces. We would like to nourish the optimism that the politicians, irrespective of their status, will behave in a manner that will keep any such adventurer at bay and that the civilian-political authority of the country maintains its sway over the entire space of statecraft. There are many doubts, therefore, that the political veterans can really be consigned to oblivion.

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## Mobile court to improve law and order

Mobile courts can help to restore discipline, improve law and order and promote the campaign of rule of law, provided they get the support of politicians and commitment of the judiciary and the executive.

DHIRAJ KUMAR NATH

TO further improve the prevailing law and order situation in the country and also to re-enforce the drive for prevention of crimes, the government has empowered the executive magistrates to take cognisance of offences on the spot and award punishment with the promulgation of Mobile Court Ordinance, 2009 (MCO). The president promulgated this ordinance because the Parliament was not in session.

The separation of the judiciary from the executive became a reality on November 1, 2007. The order of the separation did not include instructions about the mobile courts to be conducted by executives. The MCO can help in overcoming the stalemate in detection of cases.

The minister for law and parliamentary affairs has, however, rejected the demand for the trial of cases by executive magistrates in consideration of possible contradiction with the judgment of the case of Masder Hossain and 441 other judicial officers who filed Writ Petition No.2424 in 1995. The law minister also

emphasised in the conference of the district magistrates that they could exercise the power under 80 Acts/Ordinances in the schedule of the MCO.

However, there remains some confusion about the procedure of the cognisance of offences, trial of cases and imposition of punishment specially in cases like Highways Act, 1925, Drugs (Control) Ordinance, 1982, Motor Vehicles Ordinance, 1983, Acid Control Act, 2002, Narcotics Control Act, 1990, Pure Food Ordinance, 1959 etc.

The MCO might not be able ensure improvement of law and order significantly since there are many gangs of hijackers and terrorists, including some intruders spreading their network inside Bangladesh.

Incidents of murder, theft, rape, robbery etc. have increased in comparison to previous years. In addition, threats over phone, overpowering in tender process, and anarchy of employees in industries are challenges to the social system and the economy, especially during the economic downturn. The people are frustrated with the prevailing law and order situation in the country.

In every district there is a law and

order committee headed by the district magistrate. The police super of the district, a vital member, frequently remains absent from the meetings presided over by the deputy commissioner. The chief judicial magistrate is concerned with criminal and civil cases of public interest, but is not a member of the law and order committee. The district magistrate, after the separation of powers, has lost his coordinating role.

This issue was brought to the notice of the authority during the deputy commissioner's conference on July 28, and the prime minister advised all the members of the law and order committee at the district level to be present.

The PM has also warned that her government would take stern action against any delinquent, and show zero tolerance for negligence of duties. She made it clear that none can abstain from a committee meeting in consideration of who is superior to whom in local government.

The prime minister mentioned the reporting system from the field level to the centre, which she called primitive, obsolete and traditional, and not consistent with the expectations of a government working to change the order of the day.

At present, in most cases, junior officials in charge are reporting in the old format, although almost all deputy commissioners and magistrates are computer literate. This mode of reporting cannot provide information about the market and the movement of terrorists.

The formation of village courts, as announced by the LGRD minister during

the conference of deputy commissioners, appears to be an encroachment on the statutory and inherent jurisdiction of the Union Parishad chairman and members. A village court as a separate entity was also tried before, but was ineffective and unacceptable to the villagers. Village courts cannot provide services like mobile courts. The minister has, however, promised to prepare a charter of duties and responsibilities of the upazila chairman, vice-chairman, councilors and the UNO.

The improvement of law and order depends on the support of the people, with strong commitment of the party in power. Although "Operation clean heart" in 2003 gained public support, it could not continue because of protests against it by party activists. The Rapid Action Battalion is a threat to the law-breakers. In fact, detection and discovery of crimes is preventive, not an in-built mechanism for permanently healing ailments.

Mobile courts can help to restore discipline, improve law and order and promote the campaign of rule of law, provided they get the support of politicians and commitment of the judiciary and the executive. The offender must be treated as a criminal, whatever be his identity, credential or origin, and should not be known by his allegiance or loyalty to any person, party or group.

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## Get out the wallets

All the programs and incentives to pull out the wallet remain in place. US is the only advanced industrial country that does not have a national sales tax. The American consumer will likely start spending sooner than many imagine. That's good for the world, but is it good for America?

FAREED ZAKARIA

IF I were told that I could have the answer to one question about the fate of the global economy, I would ask, "When will the American consumer start spending again?" I know that doesn't sound as sophisticated as a question about industrial production, interest-rate fluctuations, or the Chinese stimulus plan, but it's the key to understanding when we will get out of this recession -- and what the recovery is likely to look like.

The rise of emerging powers like China, India, and Brazil is real. But there is still just one 800-pound gorilla. The American consumer is the single largest factor at play in the global economy. Our spending is currently equal to the entire economies of China and India added together and then doubled.

The gorilla is showing some signs of life. It's rare for a statistical report to make news, but in late July, the release of the Case-Shiller Price Index was reported as the lead news story by both *The New York Times* and *The Wall Street Journal*. The report showed that the American

housing market seems to have stopped declining. That's big news because the housing collapse has been the driving force behind both the economic recession and the financial crisis.

Usually, recessions end with a return to spending on housing, automobiles, and appliances, followed by other consumer durables.

But this is not a usual recession. The US entered this downturn with the average American deeply in debt. In 2007, total household debt was \$13.8 trillion. Household debt per person nearly doubled between 1997 and 2007, from about \$25,000 to \$46,000. That means people might spend the next few years rebuilding their personal balance sheets, spending less, saving more.

In fact, they're already doing that. The savings rate has shot up to almost 7%, the highest rate in 15 years. But many experts think that it will have to get up to 8 or 9% before Americans start spending again.

That would mean either a longer recession or a much weaker recovery than most expect. The Chinese government is spending pots of money building bridges right now, German industries are retool-

ing, but eventually they will all need to be able to export to Americans again.

We have come to believe that Americans are genetically coded to consume. In fact, it's not about DNA. Historically, Americans were seen as puritans, thrifty and hardworking. In the early 1970s, the American savings rate was more than 10%. But a change in economic conditions began to get Americans spending. Credit expanded dramatically in the last three decades, especially in the last eight years.

The inflation of the 1970s left people worried that their savings could be wiped out. And a series of government policies and programs subsidised debt and expenditure and did nothing to reward savings.

The biggest of these is the tax deductibility of mortgage interest, which costs the country almost \$100 billion every year. Please don't tell me it creates an ownership society.

Margaret Thatcher eliminated a similar program in Britain, and Canada doesn't have one either -- and both have the same home-owner-ship rates as America. The policy does not encourage home-owner-ship; it encourages the accumulation of debt.

The point is that people respond to incentives. Japan had a relatively low savings rate until the 1950s and '60s, when the government put in place policies that raised the savings rate. Conversely, as Tokyo has tried to get consumers to spend over the last two

decades, Japan's savings rate has plummeted.

The Chinese may or may not have a propensity to save, but their current high savings rate reflect a government policy to create high savings.

In addition, objective factors matter. Chinese know that they do not have a government safety net, that they will have to pay for their own health care and retirement, and so they save. The Japanese, by contrast, are aging rapidly and retirees are spending down their savings at a rapid rate.

What does this mean for America? I doubt that the country will return to historically high savings rates. The baby boomers are aging, which means that they will save less and spend more.

Credit is not nearly as available as it was two years ago, but compared with the rest of the world, America remains awash in easy access to cash -- and at historically low interest rates.

And perhaps most important, we have decided as a society to massively favour spending over saving. All the programs and incentives to pull out the wallet remain in place. For example, US is the only advanced industrial country that does not have a national sales tax. The American consumer will likely start spending sooner than many imagine. That's good for the world, but is it good for America?

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