

## HC orders against extra-judicial penalties

*The pernicious practice must stop and perpetrators brought to book*

**T**HE High Court directive to the police to probe all incidents of extra-judicial punishments inflicted on the victims of so-called arbitration reflects the court's due concern over the aberration of justice often based on so-called fatwa delivered by village mullahs. The HC order has come in the wake of a series of incidents in which people, particularly vulnerable, poor women, were whipped ruthlessly, following pronouncement by self-appointed arbitrators in utter violation of the law. And these women, who could not seek legal redress, had to suffer silently as the law enforcers failed to protect them.

Now this parallel justice system developed by the vested quarters is not only unlawful but also an affront to society as a whole. It is also based on misinterpretation of religious ethos and exploitations of religious sentiments of simple people. And what is really a matter of great concern is that they often show a marked bias against women.

All these practices have nothing to do with the teachings of Islam. The High Court has very judiciously ordered the law enforcers to protect the victims of so-called fatwa and village arbitration. The court also expressed its indignation at the failure of the police to come to the rescue of victims. Obviously, the law enforcers' role in preventing such extra-judicial activities is very important, but reports indicate that the police officers could never do anything more than telling the press that they would be looking into the matter whenever an incident of this kind happened. Similarly, the role of the civil administration was never forceful enough to make any impression on the elements running their own system of justice.

It is a much broader question of establishing social justice than being only fair to a few helpless individuals. After all, extra-judicial activities greatly undermine the existing justice system alongside denying equal rights to all citizens. It reminds us of the days when the law of the jungle prevailed in the absence of the judiciary. It also undermines the position of Islam as a religion because of the misinterpretation of its ethos by the half-educated, obscurantist elements.

Both the civil administration and the law enforcement agencies will find it hard to explain why they could not do anything about the atrocities committed in the name of dispensation of justice. The HC orders should amply make it clear to them that they have to stop such social repression through tightening the noose of the law, or face the accusation of being incompetent.

## PM's instructions on parking

*These should be implemented urgently*

**R**ECENTLY a campaign is in force to rid the streets of unfit vehicles, which contributes to worsening of the city's traffic congestion. Equally important is the issue of stopping the practice of parking vehicles in a haphazard fashion.

The situation has come to such a pass that prime minister herself took up the issue and instructed the authorities concerned to take measures to stop haphazard parking of vehicles and draft a set of rules for the purpose.

In this context, it is worthwhile to note the suggestions made by a pro-environment group in collaboration with a body of the urban planners. They pointed, among other things, to the habit of parking vehicles all over the place as one of the causes of the awful traffic snarl-ups. Whimsical parking apart, the inadequacy of the available road space to accommodate the ever-swelling population of vehicles is also a issue.

Of the many factors lying at the root of the problem of ever-shrinking road spaces are encroachment on pavements and road corners, including piling up of construction materials, hawkers setting up business, not to mention the arbitrary stoppage of vehicles on the thoroughfares and violation of all traffic rules on the book.

To avoid chaos on the road specified spots could be allocated for parking of the vehicles. The Dhaka City Corporation (DCC) may consider creating such parking zones in the city away from the busy roads. It should be mandatory for high-rise building owners to have their own parking spaces.

The issue of inadequacy of road space may be addressed also through managing it efficiently among the different kind users.

But on top of everything is implementation of the rules framed for the purpose strictly.

True, the suggested measures do not exhaust the options to ease the city's traffic mess. But seeing the worsening traffic condition of the city, the authorities have little time to wait either. Given the existing constraints, a lot can still be done in the present circumstances through infrastructural adjustments, optimum use of the available road space and strict implementation of rules made for the purpose.

## Floundering political reform

We had hoped that their position on reform was motivated by their conviction rather than by any extraneous influence. As we had feared, their pronouncements were only rhetoric, an expedient only to ward off pressures from the power that was at that time.

SHAHEDUL ANAM KHAN

**P**RESENTLY it appears that there is nothing more detestable to, or more maligned by, the leadership of the major political parties than the word "reform." It creates a sort of a pathological discomfort even to have the word mentioned, let alone considered seriously and acted upon.

Not only has it attained a disreputable character, but also the party chief has sidelined the reformists within the AL. And those belonging to the same school of thought in the BNP face the same fate (that is what one could make out from the threat held out by a senior BNP following the AL council meeting).

Everything on the reform front has gone quiet. But reform with more bias towards reform of political parties, has been a popular demand.

During the Oct 2006 and Dec 2008 interregnum we had called for internal reform of the political parties because of the near autocratic manner in which the country had been run, particularly during the 4-Party alliance regime. It was the result of absolute power resid-

ing in the hands of the party chief, who either lacked the sagacity to differentiate between the government and the party, and between the party and the country, or deliberately diluted the difference for self-aggrandisement. But it was also clear to all of us that reform and change within the party are things that have to be internalised by the party leaders as well as its grassroots workers and not something that can be imposed upon from the outside.

It may interest the readers to know that one senior AL politician had unhesitatingly admitted in 2007 that behind all the woes that the nation had been suffering from were the politicians' follies, both as individuals and collectively as political entities. And he went so far as to suggest then that he would rather have the next three years used to cleanse the system of all the bad cholesterol, so that the choked polity could be reinvigorated with fresh blood.

What one notices now is a fear psychosis amongst the same crop of senior leaders that keeps them from even broaching the issue at this time. It is not surprising that it is so, given the fate

they have suffered and what might be in store for the BNP reformists. It unfortunately confirms our fears that we had expressed then. We had hoped that their position on reform was motivated by their conviction rather than by any extraneous influence. As we had feared, their pronouncements were only rhetoric, an expedient only to ward off pressures from the power that was at that time.

The AL council meeting was a disappointment to those that had hoped to see a display of intra-party democratic culture from one of the oldest political parties in the country. What was even more distressing was that the protagonists of political reform failed to stand by their conviction. They not only failed to communicate their point of view to the party chief, some of them were seen meekly supporting the manner and the method of "election" and "selection" to the various party posts and the way the council was conducted.

And as for the councilors, while we appreciate their unflinching faith in the party boss, their exuberance in willing to forgo their democratic right to elect the members of the committees indicates a weak and subdued mentality with no desire at all to express their opinion on important issues concerning the party. What does it bode for party democracy?

Perhaps there is no credible alternative to the current chairman of the AL and she is eminently suited to hold the party together. And what the more than

5,000 AL councilors did was an expression of loyalty to their chairperson. However, loyalty is a good thing but reposing all the powers in one person does not further the cause of collective decision making, which is the essence of democracy, whatever else it may help the party to achieve.

While Sheikh Hasina was elected uncontested, and nobody expected otherwise, we have the JP (Ershad) party chief expressing his desire to hold the mantle of the party chief for the rest of his life. Although the JP has curtailed the authority of the party president to act on his or her own, but can there be anything more ridiculous than to think that one is indispensable for the party, and that one can run the party intelligently even beyond the age of senility? As for the BNP, we are waiting eagerly to see what surprises it has in store for the country in its council meeting.

Change is a part of life, and change for the better indicates the vibe and dynamism of a system. The current British prime minister, immediately on taking over had suggested reforms in 12 major areas cutting the authority of the government, and in certain cases the chief executive, while investing more power in the House. Will the long overdue reform in our politics and polity, on which we had noticed a convergence of view among political parties, ever come to pass?

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## For an amended caretaker system

The experience of the last 12 years or so may help us to bring appropriate amendment(s) to the CG system in greater national interest. We need the system until the political parties, particularly the ruling party or the principal leadership, develop a political culture that contributes to the successful functioning of democracy.

M. ABDUL LATIF MONDAL

**W**HILE speaking at a discussion marking the 34th death anniversary of Bangabandhu Sheikh Mujibur Rahman on August 15, Awami League (AL) general secretary and minister for LGRD and cooperatives, Syed Ashrafur Islam, said that a national dialogue could be held to decide whether or not to continue with the caretaker government (CG) system, which, according to him, was launched as an experiment, but has failed. He suggested that the Election Commission (EC) could hold a dialogue with all political parties on the matter.

It may be mentioned that prior to the AL general secretary's proposal, deputy leader of the House Sajeda Chowdhury, while taking part in the general discussion on the budget for FY 2009-10 on June 28, called on the lawmakers to strengthen the EC and scrap the CG system. H.M. Ershad, chairman of Jatiya Party, a partner in the AL-led government, asked for cancellation of the CG system, terming it a disgrace and a stigma.

Khandaker Delwar Hossain, general secretary of the main opposition BNP, reacted to the proposal by saying that BNP did not subscribe to the idea of scrapping the CG system. He said that the CG system was still necessary and the AL was planning to hold the next general election under their rule to go power again by manipulating election results.

We are aware of the circumstances that led to the introduction of the CG system, first under chief justice Shahabuddin Ahmed, without any prior constitutional amendments, on December 6, 1990 when president Ershad stepped down, and then formally through the 13th amendment of the constitution tabled by the ruling BNP on March 21, 1996 and passed on March 26, 1996 by 268-0 votes.

It's not understood why the AL general secretary has termed the three general elections held in 1996, 2001 and 2008 under the constitutional CG system as failures, when these elections received national and international acclamation for their fairness and neu-

trality, and particularly when two of them brought the AL to power.

One political analyst recently wrote that the AL had been having a very bad time since elections and its performance was not winning points. Many of the problems it faces have grown over the years under both AL and BNP regimes, and because they were ignored they have perhaps become unmanageable. If the AL can't handle them unpopularity is inevitable, and that may translate into an electoral loss the next time. The AL may not want to risk a free and fair election under the CG system. Hence, it wants to do away with it and reduce the risk -- unlike the BNP, which wanted to keep the system but manipulate it.

Next comes the holding of a free and fair election by the EC under a political government. Will it be possible for the EC with the level of power that it enjoys? The past experience of elections held by the EC under political governments gives a negative answer. Another analyst has written that since independence there has been a gradual public alienation from the election process owing to electoral malpractices.

As such, election results were always a foregone conclusion. The crisis of people's confidence in the stage-managed election system reached its peak during Ershad's rule. The people saw how the party in power nakedly interfered in some by-elections in the nineties and thereafter.

The constitutional obligation to frame a law to regulate the appointment

of the chief election commissioner (CEC) and other election commissioners (ECs) remains unfulfilled. As a result, the policy of "pick and choose" guides their appointment. They naturally remain obligated to the government that appoints them in the above manner.

It's good to hear about strengthening of the EC. But a look into the history of our politics shows that it's most unlikely that the government will make the EC so strong and independent that it can call the shots in an election, no matter who rules the roost.

The AL general secretary has suggested that the EC can hold the proposed dialogue with all the political parties. Is the EC empowered to hold dialogue with the political parties on such an important constitutional issue?

It's a fact that our CG system is unique, but it has also received appreciation from many countries. It's on record that important political personalities have advocated replication of the system in their countries. It's not that the system is flawless. The experience of the last 12 years or so may help us to bring appropriate amendment(s) to the CG system in greater national interest. We need the system until the political parties, particularly the ruling party or the principal leadership, develop a political culture that contributes to the successful functioning of democracy.

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## Stabilising prices of essentials

In a country like Bangladesh, with a vast majority of people below the poverty line, the prices of essentials affect the people enormously. Nothing is more important to a poor man than his stomach. The question of freethinking or democratic rights comes later.

A.B.M.S. ZAHUR

**O**NE of the major factors for AL's landslide victory in the national election was its emphasis on bringing down the prices of essential items to an acceptable level. At the initial stage of its regime, the AL-led government showed commendable performance by doing so.

Needless to say, prices of essential goods play a critical role in maintaining a government's popularity to a great extent in the sub-continent. Not long ago, we saw how the BJP-led alliance had to face the displeasure of the people due to abnormal rise in the price of onions.

In a country like Bangladesh, with a vast majority of people below the poverty line, the prices of essentials affect the people enormously. Nothing is more important to a poor man than his stomach. The question of freethinking or

democratic rights comes later.

The performance of AL, it may be recollected, was highly commendable in respect to stabilising prices of essentials during its regime in 1996-2001.

Later, we saw the performance of BNP-led alliance during 2001-06. In the later part of that regime we saw how prices of essentials rose.

It is indeed regrettable that instead of supporting the efforts of the government to control the prices of essentials, BNP is pointing out flaws of the government. How can it forget that it may also find itself in a similar situation in case it comes to power?

We have to agree that in the capitalist free market economy the state, instead of involving itself in trading, prepares grounds for free trading. Ultimately, it is seen that a vast population of the country is held captive by the capitalists.

During the nineties, Bangladesh left the domestic market at the hands of the

foreigners in the name of free market economy. This created syndicates consisting of middle-men and importers. Bangladesh, an import-based economy, has to satisfy demands of the syndicates, whose members belong mainly to both the major parties. Thus, it is extremely difficult, if not impossible, to bring these syndicates under the dictates of the government.

Slowly and gradually these syndicates have made huge profit, which helped them consolidate their position. Thus, whatever the AL government of 1996-2001 was able to do in regard to stabilising the prices of essential items may not be possible for them to do today. The war is now between the syndicates and the government. Let us see how far the government can go.

State trading saves the common men from importers and middle-men, who make excessive profit. With regard to the Trading Corporation of Bangladesh (TCB, estab.1967), we may say that it was never an efficient organisation. It earned a bad name through corruption and mismanagement. However, it could, to a certain extent, act as a deterrent against importers making high profits. With the stoppage of its activities there was nothing to stop the capitalists from making unlimited profit.

By considering the revival of TCB to

stabilise the prices of essentials, the present government has committed an error. As such, despite its sincerity, it has not yet been successful. Broadly speaking, the following appear to be its omissions:

- Instead of spending time in discussions with various organs of government and the FBCCI, some time should have been spent with prominent members of the syndicates and the retailers' associations;
- More time should have been spent on appointing the dealers of TCB;
- There is an inadequate supply of materials to the dealers;
- There has been too much delay in arranging imports.

The prime minister has taken note of the price fluctuation of certain essentials. TCB has been advised to provide requisite items at the earliest. Some fiscal measures have already been taken.

The syndicates have also been given a clear message about the government's intention to bring down or stabilise prices of essentials. However, due to lack of efficiency, dynamism and coordination it is not expected that the present situation can be improved much before the Eid-ul-Fitr.

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