

Govt's foot-dragging over DCC polls

Early holding will benefit citizens

THE Election Commission (EC) has been forced to postpone the Dhaka City Corporation (DCC) polls at the government's insistence. The government has put the issue of redrawing the city ward boundaries as the reason for delaying the DCC polls. Evidently, this has upset the Chief Election Commissioner (CEC), who said he was ready to hold the polls on May 31 next.

The government, however, has not explained how re-delimiting of the city wards would lead to a better running DCC administration or that it would lead to bring order in the city which is getting more chaotic with every passing day. What is more, if further delimitation of the city wards is so vital an issue, why did they not complete this work during the last one year and a half that they have been in power? Unfortunately, their delay tactics have only made matters worse for the Election Commission.

To all intents and purposes, with rising discontent among the city's population over the worsening water and power crises, the ruling party is only using the excuse of re-delimitation of wards to avert any possibility of reversal in DCC polls, if it is held earlier.

But what has prompted them to think that further deferment of the mayoral polls through such method will help them come off with flying colours in the long run? For they might well not forget the fact that the Dhaka city is but one of the most complicated metropolitan centres on earth so far as its manageability is concerned. And during the last three years that it has had no functional local government to administer it, it has become more unmanageable. The continued foot-dragging of the government in holding the DCC polls, on the other hand, is only making things worse as the power and water supply situation has shown no sign of improving in the near future and the road traffic has been getting messier. To add to all this, there is the fear that the already potholed roads will become almost unusable during the approaching rainy season.

In the circumstances, one cannot dismiss the possibility that this inordinate delay in the DCC polls may even prove to be counter-productive, if the mood of the voters is of any concern for the party in power. Worse still, their rivals in the opposition may put this stalemate in the city's administration to their advantage.

So, it would be better advised for the government to have a rethink on the entire issue and cooperate with the EC to hold the elections as early as possible. And once the new DCC mayor is elected, the vacuum in the city administration will go. The government will be then better placed to provide the city dwellers with the basic amenities they are being deprived of for long, if only due to the present state of maladministration in the DCC.

Lean season employment in a mess

Let the ultra-poor benefit according to plan

A recent report highlights how a well-intentioned and much-needed government employment scheme has run into unforeseen difficulties. Intended to provide employment coverage to 50,000 among the ultra-poor for 40 days in *monga*-prone areas in northern Bangladesh, the programme remains a non-starter.

The date of expiry of the scheme being April 20, at least 15,000 among the targeted poor risk going jobless at their hour of extreme need. The plan was to offer Tk 120 per day in lieu of some infrastructure-related work. In other words, it is a double-edged loss -- one, in terms of cash in hand to feed; and two, some tangible work that would have been in place will be missed.

What is more disquieting is that the allocated funds might have to be returned if the 20th April deadline is overshot. We suggest an extension of the deadline in a context where subsistence support is always needed, so why not extend it anyhow. But then, if the scheme were timely implemented in the thick of *monga* how much more thankful would they have been.

The tragic lesson here is that there is nothing wrong with plans and programmes and money too has been placed; yet due to human follies these could not get started. In the present case, it is the second phase of the pro-poor scheme that is in jeopardy, instructively out of character with a 60-day employment generation programme conducted in November-December last year quite effectively barring a few hiccups.

What baffles one even more is that this time the selection committees comprised elements from all major political parties. But it appears that feuding in the unions got reflected in the committees which was compounded by factional feuds in the ruling Awami League. And, the upshot of all these has been that no agreed lists of beneficiaries could be drawn up.

We urge an early intercession at some level of the government to make sure that the programme is completed to the benefit of all those ultra-poor who are looking for whatever succour they can get. Besides, why deny them the opportunity of contributing their mite to the embellishment of the rural infrastructure?

The speedy trial debate

A considered view is that the ordinary law and the normal criminal justice system have not been adequate to cope with serious crimes affecting public peace and citizen's sense of security. At the same time one has to be pragmatic to admit the alleged inefficiency or corruption of the law enforcement machinery that are attributable to the above incapacity.

MUHAMMAD NURUL HUDA

THE Government of the day has felt the necessity of making operative 'The Speedy Trial' law. To recollect and put things in perspective, this piece of legislation was framed in 2002 and was made operational for a period of two years at one go in the preceding years. The hon'ble Law Minister has said that the revival of the said Law has been necessitated to dispose of the trial of the pending cases that were instituted under this law.

Although the hon'ble Law Minister has not said anything explicit about new registration of criminal cases under the revived law, it is obvious that there is no bar to take cognizance of the relevant offences by the investigating agencies. From this viewpoint one has to understand the worries of

the opposition political party which has voiced grave concern over the potential misuse of this law to scare harass and stifle their party workers.

It is interesting to note that the opposition BNP was in the seat of power when the law was framed in 2002 and at that point of time the Awami League which was in opposition voiced similar concern over the motivated application and misuse of the law. It is also significant to note that on both the occasions the political executives wielding power have diligently impressed upon the urgency of investigating and trying some serious offences and deterring potential law breakers and mischief makers.

Under the circumstances, one finds it difficult to correctly appreciate the rationale of the varying policies of the political

parties with respect to this tough legislation that apparently seeks to protect and preserve public peace and tranquillity and by extension public interest. In other words, while in power the ruling party forcefully and convincingly justifies the necessity of the special law but when in opposition finds the same legislation to be mischievous, oppressive and retrograde.

One may theoretically question the necessity of such special law, particularly when all the offences mentioned therein are also covered by the substantive penal law, that is, the Bangladesh Penal Code. However, the ground situation and the overstretched court's continuous preoccupation with increasing number of criminal cases are cited as causative factors that have largely influenced the political executives and the regulatory administration to take recourse to the speedy trial law. The deficiencies of the procedural law, that is the Criminal procedure Code, are also considered an impediment to expeditious trial.

The problem, according to some observers, lies in the selective application of the law which definitely is not the intent of the legislature. Such deviant application is manifestly an executive aberration. We have to remember that an unusual situa-

tion calls for unusual law. The fact that a law is liable to be misused cannot be a valid ground for not having an act at all. In other words, merely because power may sometimes be abused, there cannot be a justification to deny the existence of power. It is almost impossible for human wisdom to conceive of a government with power enough to answer its legitimate needs and at the same time incapable of mischief.

A considered view is that the ordinary law and the normal criminal justice system have not been adequate to cope with serious crimes affecting public peace and citizen's sense of security. At the same time one has to be pragmatic to admit the alleged inefficiency or corruption of the law enforcement machinery that are attributable to the above incapacity. One cannot countenance a scenario wherein law would be made effective by overturning the principles of liberal jurisprudence and notions of natural justice.

It has to be borne in mind that the efficiency of the special law does not lie in the ostentatiousness with which any work is done, or the show of coercive power, but in being able to strike at the root and prevent the occasions which necessitate the use of such power.

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Overcoming power crisis

Energy crisis is a great national crisis. Opposition is threatening to organize protest rallies and public meetings. Generally speaking, we do not see any desperate situation in the gas and electricity sectors. The government should be cautious and realistic about the implementation of its programmes for energy.

A.B.M.S. ZAHUR

LESS than two decades back we were discussing seriously mainly about "system loss" in gas and electricity sectors. Common people were given the impression that Bangladesh was floating in gas. Even supplying gas to India was seriously considered at high level. During BNP-led regime

(2001-06) we did not agree to laying of gas pipeline in our soil for supply of gas from Myanmar to India through Bangladesh. When it was revealed that Bangladesh itself might face gas crisis soon Bangladesh requested Myanmar for supply of gas to augment her possible deficit. It was too late. Myanmar refused to accept Bangladesh proposal as she agreed to supply her surplus gas to China.

In regard to electricity the 4-party alliance government concentrated more on distribution rather than on production. As such laudable progress was made in collection of electric poles for distribution of electricity. Such silly things happen only in countries where the governments behave like a dictator. It is interesting to note that those who were instrumental in committing that crime

to befool the common people are now crying for suffering of the people. What a joke!

We wonder whether the high-ups of the 4-party regime did ever tried to attach due importance to the infrastructure development, the relation between infrastructure and investment (both local and foreign). Now some of the stalwarts of former BNP-led government argue that their mistakes and omissions cannot be any excuse for the present government. In making such argument they do not like to accept that building infrastructure is a time-consuming, complex and huge task which involving a heavy investment.

To put tremendous pressure on the present government to wipe out the problem of power outage quickly is not fair. Before we pronounce our judgment we may consider the following points:

- whether the government has been able to give enough emphasis on solving the crisis;
- whether the government is moving in the right direction to solve the crisis;
- whether there is any flow in the coordination of the work; and
- whether enough effort has been made for resource mobilization for investment in the programme for overcoming the crisis.

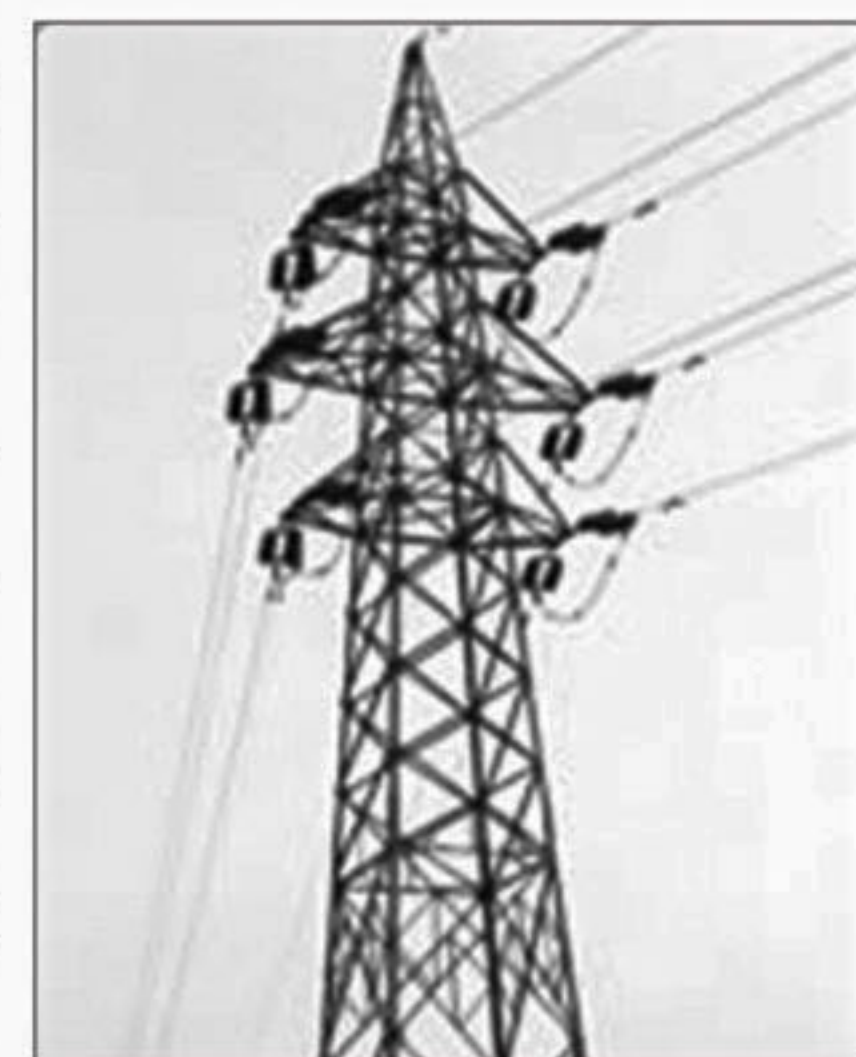
As we see government is pretty serious about solving the crisis of gas and electricity. With economic development the demand for gas and power increases. In addition, some of our plants are too old. Maintenance of some of our plants is unsatisfactory. These plants need immediate repair and in some cases overhauling. Shutdown of plants for repair work is a ticklish problem.

In the past not enough of consideration was given to produce electricity from renewable source like solar energy, wind etc. The production of electricity from coal has not been given due importance. The present government appears to have given some importance on producing electricity from solar energy and increasing production of electricity from coal.

Perhaps considering the importance and sensitivity of gas and electricity sectors. Our prime minister has rightly kept the portfolio of energy with her. She is also alert about the scandal around energy during the 4-party alliance rule. She seems bent on overcoming the crisis at the earliest. Among her achievements in the sectors are:

- negotiation with Russia for setting up nuclear plants to produce electricity at Ruppur;
- good prospect for receiving assistance from China and India in the sectors;
- good response from Asian Development Bank;
- good start for producing solar energy; and
- achieving better prospect for extracting coal from Barapukuria.

Energy crisis is a great national crisis. We expected enough cooperation from our opposition. Instead, it is threatening to



organize protest rallies and public meetings. Generally speaking, we do not see any desperate situation in the gas and electricity sectors. We have already received clear promises from China, India and ADB. The process of signing of pact with Russia is at the penultimate stage. It is matter of time that the government would be able to overcome the power crisis. Thus it is considered reasonable and just to allow the breathing space to push forward its programme.

The government should be cautious and realistic about the implementation of its programmes for energy. We are not certain about supply of electricity from India. Implementation of Chinese and Russian assistance may take time. Even receipt of assistance from ADB is time consuming. Thus concerted and coordinated effort is called for.

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Enough is enough

Prime Ministers of India and Pakistan on their visit to Washington reportedly told President Obama to use pressure to convince the other. But the two did not feel the need to meet each other to discuss the same point. We have already wasted 60 years. Let's not waste another 60 years.

KULDIP NAYAR

IT was a dinner hosted in honour of Pakistan Foreign Secretary Salman Bashir at the High Commissioner's residence at Delhi. The talks between India's Foreign Secretary Nirupama Rao and him had ended without any concrete result. I asked Bashir at the dinner whether Kashmir figured in their discussions. He said, 'Yes'. But the most significant remark he made was in reply to my query if the ground covered behind-the-scenes would have to be walked over once again. He said they would pick up the thread from where it had been let off. "We would resume from the stage already reached," Bashir said.

I thought I would mention this important conversation once the dust over the talks between the two foreign secretaries had settled down. I did not want to bring up Bashir's remark at the time when the tempers were frayed in the wake of their then talks which took the two countries to nowhere.

Since Kashmir is the litmus test for Pakistan to judge India's sincerity on relations between the two countries, the channels which existed behind-the-scenes can be reactivated without any difficulty. They can resume their effort from the point they had reached before the 26/11 terrorist attack on Mumbai. This was the time when the composite talks got snapped. Obviously, Islamabad would have to bring the perpetrators to the book quickly because New Delhi seems to have put this

as a precondition to any further dialogue.

If reports on the work done on Kashmir through the back channels were to be relied upon, then 80 per cent of the job is said to have been completed. I was present at the reception at Delhi where the then Pakistan Foreign Minister Khurshid Mahmud Kasuri declared from the podium that the settlement on Kashmir had been reached and only a formal announcement remained.

Only recently did Kasuri repeat at an Indian TV channel that the solution had been found and would have been signed but for the Pakistan government's diversion to the situation created by the lawyers' agitation in the country. Kasuri told me more or less the same thing when I met him last after the polls in Pakistan. He did not disclose the contours of the settlement but asked me to wait till the publication of his book.

If the two countries had reached the stage of agreement, they have only to cross the T's and dot I's. They should do that soon so that the 62-year-long dispute which has beleaguered relations between the two is out of the way. The state-to-state relationship between the two countries at a particular time also sets the tone for talks that the back channels conduct.

mistrust are equally important because the solution to Kashmir alone may not normalize relations.

Islamabad's contacts with different groups of the Hurriyat are not to the liking of New Delhi. They are at the telephone end of Pakistan High Commission which finds them affected by what the rulers in Pakistan feel at a particular time. This is not necessarily dependent on developments in Kashmir.

Apparently, Islamabad is not happy over Kashmir's domestic politics which has attained some equanimity. The pace of infiltration and the number of infiltrators from the Pakistani soil into Kashmir have gone up. This may be to put pressure on New Delhi to initiate talks on Kashmir or part of the strategy to keep the pot boiling. Whatever it is, the talks between the two countries cannot be a hostage to it for a long period.

Hardly has Kashmir settled when Pakistan has brought the water issue to the front burner. Pakistanis are bound to be greatly agitated about a problem that relates to their daily life. My impression is that Islamabad is indulging more in rhetoric than reality. Pakistan's foreign minister Shah Mahmood Qureshi has said in a recent statement that India was not to blame on water.

The Indus Water Treaty has well stood many pressures and provocation, including wars, for the last 60 years. Rivers Sutlej, Beas and Ravi have been allotted to India and the Chenab, Jhelum and Sind to Pakistan. None of the two can violate the sanctity of exclusive use of the three rivers to each. Disputes if not resolved mutually have to be referred to the World Bank which negotiated the agreement signed at Karachi by Jawaharlal Nehru and General Ayub some 50 years ago.

Some disputes have arisen over the use of water in Kashmir. The Indus Treaty does not allow even a drop for Kashmir's own

use, however justified. Even the generation of power by harnessing the run of water, allowed by the treaty, is dependent on Pakistan's approval.

The Salal project built in Kashmir had to get the nod of Zulfikar Ali Bhutto. The Baglihar dam, which generates only power, had to be changed in design. Islamabad referred the matter to the World Bank which appointed an expert to give his pronouncement. New Delhi had to modify the project accordingly. There is uproar in Pakistan over the proposed Kishanganj project in Kashmir. The project, still at the discussion stage, cannot go through until Pakistan gives its concurrence. Therefore, the criticism of India taking unilateral steps is wrong.

However, the fact remains that water in all the rivers is lessening. Climate changes are affecting India and Pakistan as they are the rest of the world. By politicizing the issues the water problem cannot be solved. Maybe, both countries should think of jointly developing the entire Indus basin on an integrated basis. In a way all six rivers will then belong as much to India as to Pakistan. This is a distant prospect, but it may be worthwhile for the governments and the peoples of both countries to seriously consider. Unfortunately, this cannot be done until the politics of hatred is eschewed and the two countries sit down across the table to tell each other enough is enough.

America has now become a mentor for both. Each one of them gauges how much Washington has tilted in the opponent's way. Prime Ministers of India and Pakistan on their visit to Washington reportedly told President Obama to use pressure to convince the other. But the two did not feel the need to meet each other to discuss the same point. This is the state of India-Pakistan relations. We have already wasted 60 years. Let's not waste another 60 years.

Kuldip Nayar is an eminent Indian columnist.