

Forest resources up for grabs!

Who will guard the guards?

THERE is very little that the public can do if those that the state employs to guard its wealth involve themselves in plundering the same. Such a case, of what can only be described as daylight robbery, was exposed in a report front-paged on Monday in this newspaper. It shows the brazen manner in which a social forestry project has become the object of unmitigated plundering by the staff of the forest department.

The project was initiated in 2002 in three chars on the Padma under Paba upazilla of Rajshahi. And it stemmed from good intentions, one presumes, of providing employment and other benefits accruing from such a project, to the villagers who had taken up habitation a decade ago in the then newly-emerged but barren chars. The three chars had emerged nearly decade ago and where the forest department had planted about two lakh trees in about 100 hectares although it was warned by the water development board that these shoals may not hold out for long, being subject to erosion. And most were timber trees of various categories. So far so good!

But what defies rationale is that some members of the same department, in league with local gangsters, have managed to fell almost 15000 trees, thus depriving those that participated in the project of their entitled share as well as the state of a large amount of revenue. What is even more annoying and unacceptable is the fact that the DFO is apparently unaware that so many trees have been felled in the last six months. The locals do not dare to go to the police for fear of retribution.

The above incident is fairly representative, in so far as the forest department is concerned, of the problems that ail the sector. It has exposed the odious connection that exists between a section of the forest officials and local influential people, linked to one big party or the other, engaging in illegal timber trade, denuding the land of forest coverage and the government of revenue.

As it is, whereas ecologically 25 percent of land should be under forest cover, we have now only about 7 percent of forested land. And this in spite of the planned afforestation scheme of the government. And the plundering in the three chars amply illustrates why the afforestation venture has not been fully successful. There have been several reports of how vast swathes of forests have been laid bare and how the highways have been divested of newly matured trees by the unholy nexus of the powerful and the corrupt.

We hope that the ministry of forests would take steps to not only prevent loss of national resource but make examples of the staff of the forest department that collude in the destruction of it.

Deaths at Sadarghat

Launch passengers' life on wafer thin edge

THE way two children died at Sadarghat river terminal on Sunday is another shocking example of human life being attached little value to. The two siblings were reportedly trying to board a boat when they were crushed between two launches. Was it really an accident or a plain case of pushing two innocent children to death? They were forced to do something which was extremely hazardous.

Public safety and regard for human life appear to figure nowhere in our life today. Else, the two little siblings would not have died under such unfortunate circumstances. The launch operators were clearly oblivious of the presence of a little boat in between the two vessels. There was nobody to alert them and the small boat finally was sandwiched between the two heavy vessels, leaving the two siblings dead on the spot. How could people be so callous and irresponsible? Is it the system alone which is failing or have we been desensitized to the point where nothing really moves us?

The deaths on the boat are not to be treated as a mishap that could not be prevented. Actually, the conditions for people to die in accidents are very much present here. A photo published in this newspaper yesterday shows how people were jumping from one launch to another, as the launch could not find space at the terminal. The photo could send a chill down any sane human being's spine as the passengers were boarding the launch at the grave risk of losing their lives. But risk is no longer the thing that people bother about.

Now, whose fault is it? The Sadarghat terminal does not have enough space for the large number of launches to dock. This is no doubt a serious problem, but we do not know what the authorities are doing to set things right. And what about those small boats moving dangerously around the launches?

The authorities concerned have to pay a little more attention to the safety of launch passengers. Obviously, the little boats used to board or get down from a launch are very unsafe. Similarly, allowing people to jump on to a launch outside the jetty area is equally hazardous. These risky practices must be stopped forthwith.

Presidential clemency: Beyond question?

There are arguments that the presidential power of granting clemency is absolute. In any democracy, where there exists even a semblance of accountability, citizens have the right to know from the head of state himself the grounds for the presidential clemency.

MOZAMMEL H. KHAN

IN a democracy, should the actions of the elected officials, including the head of the government or the head of the state, be beyond any question? The controversy has surfaced vis-à-vis the recent presidential clemency granted to 20 death-row inmates convicted by a speedy trial tribunal for allegedly killing a Jubo Dal leader in 2004.

"President Zillur Rahman has granted clemency to the 20 death convicts in Sabbir Ahmed Gama killing case as per his constitutional jurisdiction and there is no scope to create any dispute over the power of the president," Law Minister Shafique Ahmed said recently. He also said that the convicts in Jubo Dal leader Gama killing case had appealed for the president's mercy as per the rule and the president had the constitutional authority to pardon any convict.

The pardon was granted by the president in accordance with Article 49 of the Constitution (Prerogative of Mercy), which says: "The president shall have power to grant pardons, reprieves and respite and to remit, suspend or commute any sentence passed by any court, tribunal or other authority." However, as outlined in Article 48(3) of the constitution: "[S]ave that of appointing the prime minister and the chief justice, the president shall act in accordance with the advice of the prime minister." This clause would naturally lead one to assume that the pardon was granted in concurrence with the wishes of the PM.

Article 49 of the Constitution, which empowers the president to grant "mercy," does not explain the situations under which the president may exercise his prerogative power. It is imperative that this power should be exercised judiciously when all other avenues for seeking justice or redressing injustice have been exhausted, and should be offered to one with the highest degree of remorse in addition to service to the nation or to humanity or to one whose survival could potentially contribute to the cause of mankind.

Commutation of the death penalty of Colonel Taher, a wounded and decorated hero of our war of liberation, handed down by a martial law court, could have been an ideal case to follow the letter and the spirit of the constitutional prerogative of mercy.

Did the honourable president, in this instance, meet that implied expectation of the nation in granting the pardon? Unfortunately, the answer is not really a resounding yes. The case in question is a very unusual one. In the words of eminent jurist Dr. Shahdeen Malik: "Apparently, both the verdict and the presidential clemency seemed very unusual." On the one hand, awarding of capital punishment to 21 people for allegedly killing one person, and pardoning of 21 people in one go could be a record setting incident in judicial history.

It was reported in the news media that following the murder, 44 houses and 15 shops at Shahpara village and Amtali Bazar were ransacked and torched, allegedly by local BNP activists, and many families were uprooted from their houses for years. A son of a released convict told the media that 13 members of his family were accused of murder even though they had left Natore a year before the incident. He said they had to leave Natore following oppression by local BNP men after the 2001 election.

Taking into cognisance the absence of rule of law and partial functioning of judiciary during the last BNP-Jamaat governance, the judgment of the speedy tribunal in 2006 was not beyond any questions to start with. However, avenues for judicial remedy were far from exhausted. If they had been, presidential clemency could have been justified.

There are arguments that the presidential power of granting clemency is absolute. In any democracy, where there exists even a semblance of accountability, citizens have the right to know from the head of state himself the grounds for the presidential clemency. In fact, this is not the first time that the president of the Republic has granted clemency.

In November 2009, President Zillur



Rahman made history by pardoning the son of the deputy leader of Parliament Syeda Sajeda Chowdhury. He was sentenced to 18 years' imprisonment and fined Tk.1.6 crore in absentia in four cases filed by the Anti-Corruption Commission and National Board of Revenue during the tenure of the last caretaker government. The president pardoned him, though he did not even surrender to the court in connection with any of the cases.

Apparently by persuading the PM to advise the president to do so, what service did Begum Sajeda offer to her son, to the institution of the presidency, to the millions of her party's loyal supporters, and to the countrymen in general who voted for the charter for change in the last general election?

The main opposition BNP has come up with its reaction. "Confusion has been created in people's mind whether killing was encouraged by the clemency," said Rafiqul Islam Mia, a member of the BNP standing committee. However, a little reflection will reveal how history has repeated itself. President Iajuddin Ahmed, in January 2005, granted presidential pardon to a double murder convict who was an active leader of the BNP's youth wing since its inception and currently happens to be a leader of an overseas branch of BNP.

The crime at issue was committed on January 25, 1982, when the country, for the second time, was under martial law, and the verdict of a martial law

court, in which all four accused were awarded capital punishment, was proclaimed on July 20 of the same year. Two of the guilty were executed while the other two, including the convict in question, were absconding.

Neither of the two victims had any direct political links, and as such the double killing probably was not a political motivated one, nor was the murder case against the accused initiated out of political acrimony. The then law minister defended his support for the pardon as an act of "upholding human rights and democracy" -- a strange proposition from a strong proponent of "crossfire" killings.

Did our honourable presidents uphold the spirit of the prerogative of mercy as envisaged by the framers of the Constitution? The convict, in 2005, in his mercy petition to president Dr. Iajuddin Ahmed did not mention any of his contributions to the nation or mankind, rather, in favour of his clemency, he very candidly pointed out his "devotion to Shaheed President Ziaur Rahman and his 19 points programs," which incidentally were formulated during the tenure of his martial law regime. However, the nation is yet to know what was written in the mercy petitions to President Zillur Rahman of the 20 death convicts or that of the son of the deputy leader of the parliament.

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Mandal chapter is now a book

Should I acquire a caste, if someone is willing to offer me one, in order to become politically correct in the era of Dr. Manmohan Singh and Mrs. Sonia Gandhi? I take these names quite deliberately, since, to the best of my knowledge, they too do not have a caste, at least if they are true to the philosophy of their faith.

M.J. AKBAR

HAS the Manmohan Singh Government ordered India's first Hindu census? The exercise scheduled for 2011 to count the caste populations of the country excludes, by definition, those who do not believe in caste.

If someone asked me what my caste was, I would have no answer. I have a nationality: Indian. I have a faith: Islam. I have a birthplace: Bengal. I have a cultural identity even if this tends to get diffuse, since my father was a Bihari settled in Bengal, my mother a Kashmiri who was brought up in Amritsar, and I now live in Haryana. The answer may be complicated but it is still an answer. But caste? I have none.

Should I acquire a caste, if someone is willing to offer me one, in order to become politically correct in the era of Dr. Manmohan Singh and Mrs. Sonia Gandhi? I take these names quite deliberately, since, to the best of my knowledge, they too do not have a caste, at least if they are true to the philosophy of their faith.

Will the prime minister claim that he is either a Jat or a Pappa Sikh or whatever when the men in white shirts with blank forms turn up at his door? Will Mrs. Gandhi tell the censuswallahs that she has become a Brahmin-Christian because she married a man whose mother was a Kashmiri Pandit and father a Parsi?

What is the precise purpose of an additional, expensive and wearisome enumeration of our innumerable social differences? The normal census already delineates fractional, not to say fractious, identities which is why we know what is the percentage of Dalits and Brahmins and Yadavs and Muslims et al in every constituency,

enabling politicians to select candidates on the basis of caste-communal mathematics.

Government knows these percentages and publishes them for citizens to read and make demands for job reservation on a quota slide-rule. Are we now heading for the specific numbers of sub-castes and gotras, so that squabbles for the job-pie get even more intense, bitter and divisive?

Decisions with long-term consequences are being made with vision no greater than an eye-range of the next regional election. Cabinet ministers who objected to this caste census were warned that the Congress would lose crucial votes in Bihar and Uttar Pradesh if it did not succumb to pressure from the margins. No party is so angelic as to reject adjustments which serve partisan ends. But the moment a party sacrifices its core values for perceived surface benefits, it is in danger of losing its political equilibrium.

The celebration of caste as a democratic virtue was perhaps inevitable in a complex dynamic where the reality of economic injustice was enhanced by layers of identity inferiority. Such problems had to be purged out of the system, and that could not happen by pretending that they did not exist, as if we had achieved some form of Gandhian Ram Rajya by virtue of becoming free of British rule in 1947.

If the Dalit struggle for equity preceded freedom, thanks to the brilliance and courage of Babasaheb Ambedkar, who demanded and got a commitment from Mahatma Gandhi on political and economic reservations, then agitation by the impoverished among those a notch or two above was only a matter of time.

There will always be a gap between economic growth and social aspiration,



particularly since it is almost impossible to spread the benefits of growth in ideal proportions: Marxism could not make it happen, and it is silly for quasi-capitalism to even try. The democratic process is the only one devised for a peaceful transfer of wealth along a sustainable axis.

This is not a favour that the rich do to the poor; higher reward for labour and expansion of remunerative employment is an entitlement in a democracy. The peculiar catch in our country is economic and political mobilisation around the unique reality of caste. The Mandal report, therefore, was an inevitable chapter in the economic history of India.

The question, two decades after Mandal reservations were adopted, is whether this chapter should become the full book. The interplay between votes and gratification is a function of any democracy, but it is dangerous to make that the sole parameter for decisions.

In an effort to ameliorate an obvious injustice, in the case of minorities who do not accept caste, the system has

taken retroactive measures, like assigning a pre-Islamic identity to Muslims and categorising them by their caste before conversion. Since jobs and reserved educational seats are on offer, many Muslims have accepted this variant.

Compromise however is never an adequate solution; moreover, it can become a bottomless abyss. The caste census institutionalises an anomaly. Caste has become a vehicle without a reverse gear, and there is no U-turn visible on the road ahead.

Perhaps the answer will lie in the prospect that government jobs will become an illusion, as the private sector absorbs the functions of state authority. Politicians have already caught on, and begun demanding reservations there as well. If we are sensible, we will draw the line long before we encroach upon the private sector.

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