

## Rule of law and democratic right

Unfortunately, we have been seeing the supremacy of person above law repeatedly. We saw with anxiety that sometimes legal jurisdiction did not extend to influential politicians and wealthy persons. If anybody from the opposition party is found guilty of corruption, then such guilt of that person is never heard of again when his party comes to power.

JAHANGIR ALAM SARKER

ALL of us know that rule of law means supremacy of law. After the formation of a government the principle behind state polices shall have to be the supremacy of law in all matters. Simultaneously, all the citizens of the state shall be considered equally in the eyes of law. Democracy is closely related to the application of the rule of law.

Whatever may be the reality, the governments of almost all the countries of the world claim themselves to be democratic. So, it is assumed that there can be no country where there is no law or constitution. It is true that democracy has not been truly established in our country as yet.

One of the main features of our constitution is the rule of law. According to Article 27 of the Constitution, all the citizens of Bangladesh are equal in the eyes of the law and are entitled to get equal shelter under it without any discrimination. Simultaneously, the legal principles need to be established for a real change in our social framework. There is no scope for unequal treatment.

Unfortunately, we have been seeing the supremacy of person above law repeatedly. We saw with anxiety that sometimes legal jurisdiction did not extend to influential politicians and wealthy persons. If anybody from the opposition party is found guilty of corruption, then such guilt of that person is never heard of again when

his party comes to power.

The law and the courts should be free to act in their prescribed ways. The judgments of the court will have to be honoured. We will have to discard all political partisanship. Our ministers and MP's will have to give up the colonial mentality. The task of implementation of any law, the area in which it is to be implemented, the procedure of implementation, and the extent up to which it is to be implemented shall not vest upon the ministers, MP's of the ruling party or on any high administrative official, rather it should be allowed to operate in its own usual way. Through that, the people will get a positive idea about the courts, and they will be respectful towards the law.

We see that the political parties on coming to power launch black laws one after another. The most interesting matter is that they call the laws "black laws" when they are in the opposition, but call them "good laws" when in power. This type of dual policy is the main obstacle in the implementation of the rule of law. All the black laws became white laws in the darkness of night.

There are many such laws. For example, Section 54 of the Special Power Act, 1974; Druta Bichar Ain, Jononirapotta Ain, Shontrash Domon Ain, etc are noteworthy. The political parties like these laws, which is why they are not repealed even when the government changes. We shall have to be more careful and conscious when applying laws. Those who form the



Democracy is not only elections, it also includes rule of law.

government shall have to take the following into account:-

- Creating public welfare administration free from political interference to change the colonial mentality and simultaneously to exercise democracy inside the government party.
- Keeping watch over the application and practice of law, which is necessary for the establishment of the rule of law;
- Giving special care to the establishment of the rule of law by applying laws impartially. All the citizens of the state shall be bound to the law for the acts and deeds they perform;
- The law, not a person, nor an institution, nor a party, shall be the cardinal feature and guideline of state administration. Just as any citizen cannot go above the law through political influence, so no citizen can be considered low in the eyes of the law;
- The MP's and the law-makers shall take special care in respect of establishment of the rule of law;
- Steps should be taken to repeal all the anti-people laws, including Section 54 of the Special Power Act;
- The government shall have to con-

sider appointing governors to ensure judicial and administrative independence;

- The police department as law enforcing agency shall have to be reformed and made the people's friend.

Besides these, the application of the principle of the rule of law is merely a farce in our country. An ombudsman must be appointed immediately for establishing the rule of law, transparency and democratic accountability. The present government must be committed to ensure the security of life and property of the people, protection of individual rights and the dispensation of justice on the basis of equality and fairness.

It may be said that we shall have to be more attentive to the implementation of the rule of law by avoiding the negative sides. If the government wants to implement the democratic right of the citizen then it will have to practice overall democracy. Without that, the fate of the people will not change.

Jahangir Alam Sarker is a lawyer and human right's activist.

## Making Saarc Food Bank operational

Critics say the earlier Saarc Food Security Reserves set up in 1988 had failed to deliver anything due to lack of political will in certain quarters in the Saarc. Many analysts are expressing doubt and uncertainty "in the backdrop of inordinate delay in putting the joint food security stock in business."

M. ABDUL LATIF MONDAL

THE 4th Board Meeting of the Saarc Food Bank (SFB) was held in Dhaka on October 27-28. This was a follow-up of the earlier three meetings, the first and the second of which were held in Colombo in October, 2008 and February, 2009 respectively, and the third one in Kabul in November, 2009. These meetings are taking place keeping the launching of the activities of the SFB in abeyance.

An "Agreement on Establishing the Saarc Food Bank" was signed in New Delhi on April 3, 2007 by the foreign ministers of the Saarc countries, excepting the Kingdom of Bhutan that was represented by the minister for labour and human resources.

The agreement, which superseded the "Agreement on Establishing the SAARC Food Security Reserve," has two objectives; (a) to act as a regional food security reserve for the Saarc member countries during normal times, food shortages and emergencies; and (b) to provide regional support to national food security efforts, foster inter-country partnerships and regional integration, and tackle regional food shortages through collective action.

Other salient provisions of the agreement include reserve of food grains (rice and wheat), quality of the reserve, withdrawal of food grains, procedures for the release of food grains from the reserve, replenishment of the reserve, procedures for the withdrawal of food grains by a member country from its own share of the reserve, determination of price, institutional arrangements, and functions of the food bank board.

The prices, and terms and conditions of payment in respect of the food grains would be subject of direct negotiation between the concerned member countries based on guidelines for price determination to be approved by the food bank board. The agreement

sought to rationalise and improve the provisions on the procedures for withdrawal and release of food grains.

Under the agreement, the food bank has been authorised to start functioning with a total reserve of 241,580 tons of food grains, of which India, Pakistan, Bangladesh, Nepal, Sri Lanka, Afghanistan, Bhutan and Maldives are to contribute 153,000 tons, 40,000 tons, 40,000 tons, 4,000 tons, 4,000 tons, 1,420 tons, 200 tons and 180 tons respectively.

Quoting a Saarc official, local news agency UNB reports that the two-day



meeting of the food bank board at Dhaka deliberated on ways to make the "much-touted" SFB effective and operational for supplying food during emergencies, addressing the victims' demands.

But the SFB is not yet able to reserve adequate food grains to ensure regional food security. At present, around 243,000 tons of food grains -- 153,000 tons in India, 40,000 tons each in Bangladesh and Pakistan, 4,000 tons each in Nepal and Sri Lanka, 1,200 tons



in Afghanistan, 200 tons in Bhutan and 180 tons in Maldives -- are available with the SFB. The meeting proposed increasing the strategic reserve at the SFB to 400,000 tons from the present 243,000 tons, which may later be increased to one million tons.

The factors that reportedly influenced the meeting in arriving at the decision of increasing the strategic reserve to 400,000 tons are: (a) rapid growth of population outpacing declining agricultural land in the South Asian region; (b) increasing number of hungry people putting the future of food security at risk in the South Asian region; and (c) inadequacy of the SFB to address food crisis during any emergency, as well as food security in the South Asian region.

While the above concerns of the board deserve appreciation, the fact remains that the need for making the SFB effective and operational early cannot also be undermined. Critics say the earlier Saarc Food Security Reserves set up in 1988 had failed to deliver anything due to lack of political will in certain quarters in the Saarc. Many analysts are expressing doubt and uncertainty "in the backdrop of inordinate delay in putting the joint food security stock in business."

While addressing the inaugural ceremony of the 4th meeting of SFB as chief guest, Food and Disaster Minister Abdur Razzaque said: "The Saarc member countries need to focus on several issues -- food-grain pricing,

operational guidelines and delivery systems -- to make the Food Bank operational."

Earlier, while speaking as chief guest at a seminar titled "Saarc Food Bank and expectation of hungry people," organised by EquityBD and Agriculture Reporters' Forum at the National Press Club on the eve of the 4th meeting of the SFB, the food and disaster management minister termed the overall activities of the Saarc as slow, but expressed hope that it would be able to achieve the common goal of the region. Speakers taking part in the discussion opined that SFB was not working for poor people or natural disaster-affected people since its establishment in 2007.

In its editorial of October 30, The Daily Star wrote: "The advantages of the food bank would be initiation of low prices of the products and deferred payment system for the people in the emergency situations. Transportation cost would also be less, as the food reserve will be available in different places in border areas of the member nations."

Anyway, it is the expectation of about 23% of the world population living in South Asian region, particularly of about 40% of world poor and 35% of the world's malnourished here, that the SFB will rise to the occasion to materialise the objectives of the Agreement on Establishing Saarc Food Bank.

M. Abdul Latif Mondal is a former Secretary. E-mail: latifm43@gmail.com

## A question of governance

Has anything improved since Nimtoli chemical disaster?

A GAIN, a fire broke out in a chemical warehouse on Thursday in Armanitola, this time with the difference that there were no casualties and it was put out by local people without fire brigade's help.

This news coincided with an outrage expressed by the parliamentary standing committee over noncompliance by recalcitrant warehouse owners with the latest official deadline of September 30 to move to new locations. In June, a devastating fire attributable to the presence of chemical warehouse in a thickly populated residential area came as a rude jolt. We woke up to something that was there all the time. Over the years under the authorities' very nose a danger to life was raring to break out. It was looming over different neighbourhoods in old Dhaka -- thanks to combustible chemicals stored in the thick of residential blocks.

The Nimtoli tragedy taking a toll of at least 121 people gave a severe jolt to the government as directives went out from it to relocate the chemical warehouses away from their present residential locations. But the sad fact is that despite a series of deadlines given to owners of warehouses, or more precisely, house owners who had rented out a portion of their building to chemical traders, the whole effort has evidently drawn a blank.

The diagnosis was clear in the sense that building owners were tempted out with high rentals to store dangerous material that was clearly tabooed in residential areas. Neither could they be dissuaded nor legally proceeded against, including the chemical industry owners who had made a deal with the house owners or themselves made arrangements for storing dangerous chemicals in their own premises in densely populated areas.

After nearly five months since Nimtoli disaster we come to know that there is an ambiguity as to whose responsibility it is to enforce the deadlines as well as to take legal action against those who failed to meet the directives. The environment secretary said in the relevant parliamentary committee meeting that it was the job of the industry ministry. A typical instance of buck-passing that has been the trademark of flawed governance characterised by an absence of clear-cut delineation of authorities. Industry ministry issues licence to set up an industry or a factory; to that extent, its role can be subject to scrutiny as to whether it has issued licence to any unauthorised enterprise. Maybe several of these warehouses are not registered at all. Shouldn't there have been a database? Yet, to the extent the environment is exposed to danger, obviously the department of environment (DoE), or for that matter the ministry has responsibility.

People are interested in results, not excuses.

## Tsunamis and early warning systems

Can we really outpace nature's fury?

NATURE has always exercised an overwhelming presence in our lives. And for all our efforts to tame it to our will, it has often--or almost always--demonstrated the sheer power with which it can leave lives destroyed or scattered into pieces. One would have thought the warning systems and the safety measures put in place after the Asian tsunami in 2004 would place victims of future tsunamis in less peril and would indeed help them stay many steps ahead of an approaching natural disaster. Well, if it is a question of serving warning of an impending tsunami or tidal wave hours before it strikes a coast, there is not much to worry about because enough time is there for people to move to safer locations. The risks to life arise when people have only minutes to evacuate their homes. It is then too late for them, for the waves outstrip them and end up taking their lives and destroying their homesteads.

And that sad lesson has just been learnt through the tsunami which struck Indonesia's Mentawai islands last week. A 10 ft. high wave struck the islands after an offshore earthquake, which means the inhabitants of the islands did not have any time on hand to move to safer places. Altogether 400 people, probably more, were killed by the waves. It only shows the inadequacy of warning systems. Could the offshore earthquake have been registered on the meters? Perhaps there is a clear need here for early warning systems to be equipped with more sophisticated means of detecting approaching disaster. Again, as reports would have us know, warning systems mean little when villages along a coast have no telephone system. And not all villagers may have radios to tune in to. Which takes us to the matter, already mooted by some, of teaching people to read the ways nature works through--guess what!--observing natural phenomena. By observing the sky and by keeping track of strange movements among the waves (such as a sudden receding of water along the shore), people might just be able to comprehend the risks before them and take appropriate means of survival. That again depends on the time they have in hand and the speed at which the waves might be moving.

Early warning systems might yet turn out to be a reasonable measure of guaranteeing safety. We may yet outpace nature's fury, if not exactly neutralise it. But what do we do when nature takes other forms, as sudden as they are violent and unpredictable? Again, it is Indonesia's misfortune we speak of. The eruption of the Mount Merapi volcano tells us again that there are aspects of nature we cannot truly tide over. Nature's paradoxes?

Our heart-felt condolences to the Indonesian people and government at their grievous losses and our sympathies are with the bereaved families.