

Unfettering the ACC

Prove it in deeds

THE provision that required Anti-Corruption Commission (ACC) to seek prior permission from the government before instituting corruption cases against its functionaries has been withdrawn. We congratulate the government that at long last good sense has prevailed and that it has taken a step in the right direction to stave off corruption.

It is worthwhile to recall that in February last year, the government had proposed some amendments to the ACC Act, 2004, which if carried out would weaken the anti-graft body.

While appreciating the government move, we would like to see that what is incorporated legally, does not remain purely on paper. Instead, the ACC should be allowed to exercise its given latitude in practice.

Whether the government accept it or not, the fact remains that corruption has reached horrific proportions at every level of society and administration. Neither government servants, nor the public representatives are immune from its ever-spreading tentacles.

The report of the Transparency of International, Bangladesh (TI, B) at the end of 2011 corroborates this view. It shows that the perceived level of public sector corruption had hardly shown an improvement over the level of the previous year (2010).

Although the government vociferously express its commitment to zero-tolerance of corruption, judging by the ground realities, it does not seem that it is all that serious about combating corruption. This we are constrained to say, as instances of actions taken against defaulting high government officials are few and far between. The only exception appears to be the opposition, whose leaders have often been made to face corruption charges.

Overall, if we are to fight graft effectively, then a congenial environment and the culture of non-interference would have to be fostered by the government.

So to prove the courage of its conviction, the government will have to take the bull of corruption by the horns with all seriousness. Unless this is done, the gains made by the government will be undercut.

The Maldivian conundrum

Democracy must be made to work

WE are shocked and surprised at the events which have lately unfolded in the Maldives. The first wave of news that Mohamed Nasheed has resigned his presidency of his own volition has been quickly negated by him saying that he has been forced at gunpoint to resign. Furthermore, he has asserted his intent to be reinstalled in power riding on what seems to be a crest of popular resentment against his forced removal.

Nasheed's trouble was rooted in his having ordered the army to arrest criminal court Chief Justice Abdulla Mohamed on charges of misconduct and favouritism to opposition figures. This gave the opposition a handle to accuse Nasheed of violating the constitution and demonstrations swelled against him -- thanks to religious conservatives who regarded his administration as un-Islamic.

Then there has been the sign of a backlash to his unceremonious ouster as people in a large part of archipelago ransacked police stations, because of police association with his ouster.

What is disturbing is the allegations made against sections of the army and the police which apparently sub-served a ploy by vice president Mohamed Waheed who took power.

The disturbances have been escalating all over the archipelago portending instability in the paradise archipelago and thus preventing democracy from taking firm roots.

The present turn of events is anti-climactic in that Nasheed had risen from the grassroots as political opponent to Maldives' long-time autocratic ruler Maumoon Abdul Gayoom, defeating him with a landslide victory in the nation's general elections in 2008. He had sparked hopes for change which now may be stymied.

We hope that the political parties will get their act together and Maldives will soon come out of the turmoil it has been thrown into. We wish the resourceful archipelago to take its due place in Saarc as a healthy

STRAIGHT LINE



MUHAMMAD NURUL HUDA

opposition from registering their vehement protest against the annulment of such unique constitutional arrangement. As of now, they have vowed not to enter into any meaningful political discourse with the establishment without a firm commitment to legally reinstate the non-partisan and neutral caretaker system to oversee the next general election.

If one goes by the history of political transactions in Bangladesh, one would be pragmatic to say that the incumbent government would not reinstate a system that has only recently been undone and on which the dominant political players of the ruling party hold strong views. One feels that under such circumstances, there is an over-arching imperative of breaking the rigidities with a view to achieving socio-political peace and stability. Breaking the apparent impasse would demand commendable dexterity and skill on the part of potential negotiators.

It is relevant to recollect that any attempt of political negotiations in Bangladesh is constrained by the deep suspicions about the mutual good faith of either side which divides both parties. These suspicions are further compounded by the mutual antipathies of the two principal protagonists who command enormous authority as the respective leaders of their parties.

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If we retrace our steps we find that the ground reality compelled the then political government in March 1996 to amend the constitution to incorpo-

LEGALLY speaking, the concept of non-partisan and neutral caretaker dispensation as a constitutional contrivance to oversee national elections is a dead issue. The legal demise has, however, not deterred the current political

rate the provision of a non-party caretaker government, as the 13th Amendment to the Constitution. The irony is that the government which seriously questioned the representative status of the caretaker arrangement ultimately agreed to a system of government that was to be made up entirely of members without any representative status. In fact, the 13th Amendment was the recognition of the validity of the demand for elections under a caretaker government.

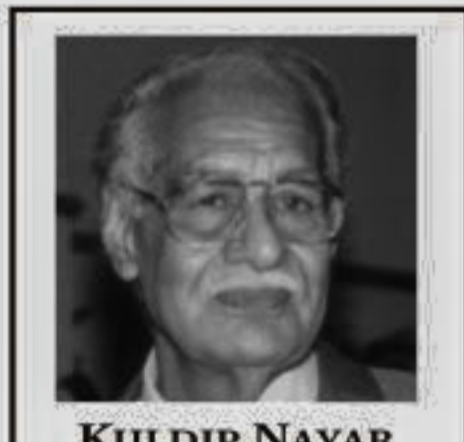
The ongoing boycott of parliament, compounded by the inability to negotiate a settlement

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of the caretaker issue, gives rise to apprehension about the sustainability of parliamentary democracy in Bangladesh. It is interesting to note here that in mid-1994 the well-intentioned external intervention by the Commonwealth Secretariat in Bangladesh's politics was seen to reflect poorly on the state of democratic politics where our parties could not even agree on a sufficiently non-partisan Bangladeshi personality to mediate a solution to our domestic problems.

The concept of a caretaker government is principally one of a mechanism for extrication from the political quagmire characterised by boycotting of the legislature, proclivity to reckless and vituperative attacks and retorts, and suspected efforts for

BETWEEN THE LINES



KULDIP NAYAR

Manmohan Singh and yet another by Justice Markandey Katju, chief of Press Council. The right to say has assumed all the more importance after Salman Rushdie's non-participation at the Jaipur Literary Festival because of threats. In Pune, screening of a documentary on Kashmir was stopped following protests by the students' wing of the BJP.

Talking of the first two speeches, both the vice-president and the prime minister have asked the media to introspect their role because of sensationalism that has crept into their dissemination. There was not even a hint of direct or indirect control of the media in their speeches. However, Justice Katju has warned the media that some regulation may have to be imposed as self-regulation is no regulation.

Since independence, New Delhi's record has been clean except when censorship was imposed during the emergency (1975-77). Governments have followed Prime Minister Jawaharlal Nehru who assured the All India Newspaper Editors' Conference as far back as on December 3, 1950: "I would have a completely free press with all the dangers involved in the wrong use of that freedom than a suppressed or regulated press."

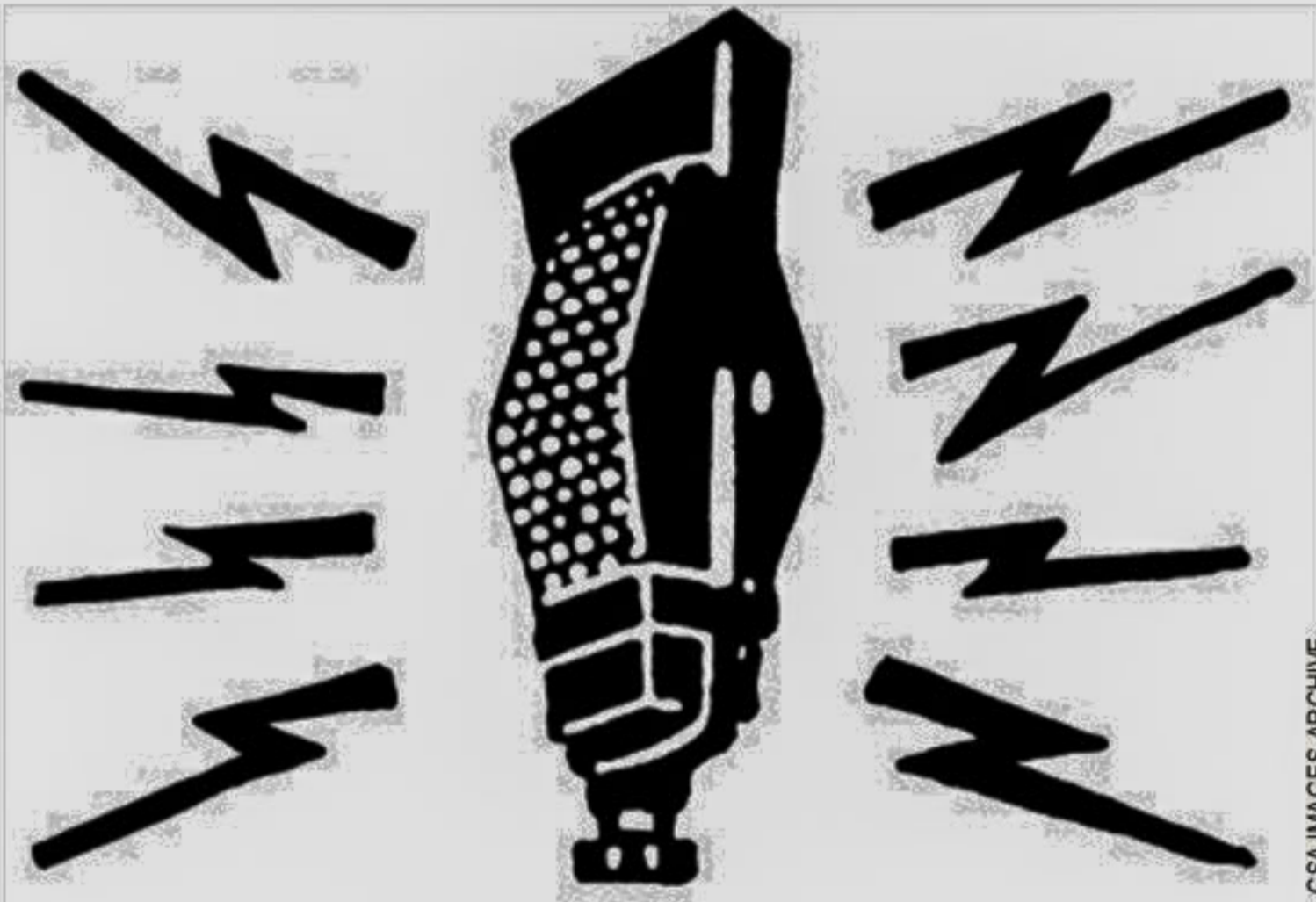
Justice Katju appears to be on a different pitch. He should know that the Press Council was constituted to safeguard the press freedom. Unfortunately, his speeches reflect little understanding of the media's nitty-gritty or its culture. To dub journalists illiterate within a day of becoming the Press Council chief has only alienated him from them. Journalists do not qualify for the job with all the degrees if they do not write well, have no nose for news or lack analytical ability. S. Mulgaonkar, one of the leading editors that India has produced, was not even a graduate.

My worry is that the media is becoming a part of the establishment. In a free society, the press has a duty to inform the public without fear or favour. At times it is an unpleasant job, but it has to be performed because a free society is founded on free information. If the press were to publish only government handouts or official statements, there would be nothing to pinpoint lapses, deficiencies or mistakes. In fact, the truth is that the press is already too niminy-piminy, too nice, altogether too refined and too ready to leave out. Still the greater danger is that the profession is becoming an industry and

HOW free is the media or, for that matter, how free is the right to express one's self? This is the question which has arisen in India after the three speeches, one by Vice-President Hamid Ansari, another by Prime Minister

tending to project views of the corporate sector. Somehow, those who occupy high positions labour under the belief that they -- and they alone -- know what the nation should be told and when. And they get annoyed if any news which they do not like appears in print. Their first attempt is to contradict it and dub it mischievous. Later, when it is realised that a mere denial will not convince even the most gullible, a lame explanation is offered that things have not been put "in proper perspective."

I served in the first Press Council. Every member



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felt that the Press Council should be without teeth. It was founded as a body of peers who should judge peers. Justice Katju's argument that it should have powers to penalise defeats the very purpose of the Council. It is not a court. There are already enough of them and one can be created for the media alone. But the purpose of constituting the Council is to leave it to the Council members -- editors, journalists and proprietors -- to decide how to improve the erring publication.

The slide began when the paper which the Council censured would not even publish the judgment against it. Even when the paper was told where it violated the ethics the paper concerned did not bother. I think it should be made obligatory for the papers to print the Council's decision, however unfavourable.

Justice Katju should see the record of the Council which has been invariably an extension of the Information and Broadcasting Ministry. The Council was at its worst during the emergency when the chairman was at the end of a telephone call by Information

election engineering by the establishment. It would appear that the sad and painful parts of the not-too-past are about to revisit us. Coercive show of strength will beget the same in future. In the opposition's movement to dislodge an elected government, the people will suffer, industry, trade -- national and international -- the developmental process, banking and finance and the ordinary men are to pay costly prices at the altar of power game.

The cynics say that the politicians' motto appears to be in power at any cost. For attaining their goal people must roar. The people do not matter eventually. In such a scenario the people are the last consideration and hardly ever the first.

While the caretaker arrangement might be construed as a scathing indictment on the unreliability of the political class to fairly conduct national elections, it is also a fact that the determined movement for its restoration is displaying signs of desperation leading to an ominous future. In a situation where neither the people nor the country might figure as the first priority, our altruistic virtues would be open to question.

The constitution of the republic enshrines fundamental principles of equity and fair play but in the absence of proactive actions by the principal actors they will remain merely as counsels of moderation. If our society proves to be so perilously polarised that the spirit of moderation is marginally present then nobody can help us. The evasion of responsibility would actually mean the demise of the spirit of moderation. Surely, we do not intend to perish.

The nation urgently requires the exercise of negotiating skill with dexterity and caution. This is not an insurmountable task for our politicians. They may or may not seek the services of persons that are not politically anointed or affiliated but the responsibility of seeking resolution through dialogue and compromise cannot be shrugged off. The imperative is to engage in the arduous process. The demand is for credible elections leading to good government.

The writer is a columnist for The Daily Star.

The right to say

Minister V.C. Shukla who played havoc with the press. George Verghese was wrongly dismissed by *The Hindustan Times* but before the Council could give its verdict in his favour, it was abolished.

Even lately, the Council did not live up to its independent status. There were many complaints against the press on what came to be recognised as "paid news." News columns, considered sacrosanct, were used to campaign for a candidate who paid money. The Council's original report had to be watered down because of the pressure exerted by proprietors of newspapers and television channels. Justice Katju's warning against paid news is all right but he may find the Council itself divided on the subject.

As regards Salman Rushdie, he had to cancel his visit because of threat to his life. Probably, the government was equivocal in providing him security. But this is not the point. The democratic polity that India is guarantees the freedom of speech. Some fundamentalists, who had taken umbrage against his book, *The Satanic Verses*, made the entire Muslim community a hostage. Liberal Muslims never speak out, although they are vociferous in condemning Hindus on any act of omission or commission.

The Supreme Court has said: "The personal liberty of an individual is the most precious and prized right guaranteed under the constitution." The Deoband seminary should realise, if it has not so far, that in a secular society the constitution is above *fatwa*. M.F. Husain met more or less the same fate at the hands of Hindu fanatics. All such voices are marginal and do not represent the majority.

Free expression was violated at the Symbiosis College of Arts and Commerce which cancelled the screening of a documentary on Kashmir. The institute had received a notice from the Akhil Bhartiya Vidyarthi Parishad (ABVP) which objected to the screening of the documentary, calling it "separatist." The documentary -- *Jashn-e-Azadi* by Sanjay Kak -- spoke against the army and in a way justified terrorists' functioning in the Valley. (In protest, I am resigning from the position of Professor Emeritus in Journalism at Symbiosis).

No doubt, the space for free expression is shrinking all over the world. Yet I always thought that India would be an oasis in the desert of suppression and restriction on free expression. The fanatics and a weak government have proved me wrong. In Rushdie's case, the UP election aggravated the problem because the state has nearly 15% of Muslim electorate while the screening of Kashmir documentary had to be cancelled to placate the Hindutva crowd.

The writer is an eminent Indian columnist.

THIS DAY IN HISTORY

February 11

1953
The Soviet Union breaks off diplomatic relations with Israel.

1968
Israeli-Jordanian border clashes.

1979
Islamic revolution of Iran establishes an Islamic theocracy under the leadership of Ayatollah Ruhollah Khomeini.

1990
Nelson Mandela is released from Victor Verster Prison outside Cape Town, South Africa after 27 years as a political prisoner.

2011
The first wave of the Egyptian revolution culminates in the resignation of Hosni Mubarak and the transfer of power to the Supreme Military Council after 18 days of protests.