

STRAIGHT LINE

Private sector should enhance its CSR profile

It can work wonders

TRADITIONALLY community development has been considered to be the preserve of the government alone. After independence, it was for the first time that the nation witnessed widespread activism of Non-government Organisations (NGOs) in the fields of health, education, disease fighting, awareness campaign against social ills, poverty alleviation, women rights and so on. But participation of the private sector in such activities was rather limited to begin with.

In the Western world, big business houses have long been engaged in philanthropic activities including social activism to build awareness about various social ills.

It is heartening that the scene is fast changing in our country with the emergence of big corporate houses, who have been showing their interest to contribute to the welfare of the community as part of their CSR. The Standard Chartered Bank Bangladesh (SCB), for example, launched a social awareness campaign against the curse of AIDS through a programme entitled "Living with HIV" into the New Year.

Hopefully, our home-grown corporate houses will increasingly come forward to address different areas of community needs.

While contributing to community development as part of CSR, what is most vital is identifying the area a particular company will focus on. The famous guru of the marketing world Philip Kotler laid emphasis on this point while talking at the sidelines of the World Marketing Summit held in the city on Thursday.

To the companies willing to enhance their CSR profile, he gave the advice, "It is not bad to spend money for different causes, but it has to have a focus." This is the best way to channel bigger fund for a single cause thereby enabling a company to invest its money more efficiently and usefully for the community and at the same time brighten its brand image.

We hope private sector companies in Bangladesh will follow this precept underlined by Kotler and devote more funds to the community welfare agenda.

Discriminatory tax exemptions to go

A step in the right direction

PARLIAMENT on Wednesday took a very important, long-awaited step. It passed two laws scrapping discriminatory provisions contained in laws exempting the Speaker, Deputy Speaker and MPs from paying taxes on their remunerations. On the following day, two bills were also placed in the House to amend the Prime Minister's (Remuneration and Privileges) Act, 1975 and Ministers, Ministers of State and Deputy Minister (Remuneration and Privileges) Act, 1973.

That a 38-year-old regressive dispensation has been done away is laudable on the part of the Awami League. What is noteworthy is that this takes retrospective effect from July 1, 2011.

The MPs of both ruling and opposition parties have traditionally seen eye to eye with one another when it came to receiving higher financial benefits and perks which had even included sweeping tax exemptions.

Against this backdrop, the process undertaken to exempt speakers, prime minister, ministers, state ministers, deputy ministers and MPs from paying taxes on their salaries will go down very well with the people.

In established democracies, elected representatives enjoy such financial privileges as tend to discriminate between lawmakers and other citizens. Payment of taxes is just as much obligatory for citizens as it is for their elected representatives. Only more so, because as lawmakers they are only expected to be law abiders. They are to lead by example so that even tax evaders shun their habitual delinquency.

The ruling Awami League in its amended manifesto in July, 2009 had made a pledge not to continue with any law that was 'discriminatory' between MPs and citizens. By deciding to dispense with such provisions in four pre-existing laws the AL has delivered on an important pledge in its manifesto.

One more imperative relates to the provision that allows MPs to import duty-free cars that deny the national exchequer a huge sum of money. As a logical extension of the non-discriminatory policy now being adopted by the govern-

The clemency question



MUHAMMAD NURUL HUDA

THE presidential power to grant clemency has once again attracted large-scale media attention. *The*

Daily Star editorially expressed its concern on the subject on February 28, in addition to news analysis of the issue on the same day. The seriousness of the matter can be gauged from the said analysis which says that the "exercise of the presidential power to grant clemency over the last two years has led to a perception of the misuse and abuse of such extraordinary constitutional authority."

Let us first draw attention to the legal stipulation on the subject. Article 49 of the Constitution of the Republic says: "The President shall have power to grant pardons, reprieves and respites and to remit, suspend or commute any sentence passed by any court, tribunal or other authority." In addition, the substantive procedural law, that is the Criminal Procedure Code, incorporates provisions of the power of the government to suspend or remit sentences and to also commute punishment in Sections 401 and 402. Such powers may also be exercised in the case of sentences of death.

Legally speaking, therefore, the matter is quite clear and explicit. What, however, may not be adequately and satisfactorily clear is whether, without the suspected lack of application of judicious scrutiny, such legal actions are socially and politically desirable in a healthy democratic polity. Upon a point of elucidation and clarification a citizen could wish to know whether public interest

has necessitated the exercise of such extraordinary constitutional power.

Interestingly but unfortunately, the clemency issue in question has been politicised in Bangladesh and the major political parties have unseemly ventured to reap political benefits in the process, while remaining oblivious of the ruinous ramifications on the body politic.

It is thus no wonder that the then main opposition Awami League launched a blistering attack in and outside parliament on the then BNP-led government over the grant of

according to legal experts, is necessary for peace and good governance."

The premonition is that in the fitness of things the clemency in question and that of 2005 do not appear to be the "Rarest of the Rare" variety where the use of presidential prerogative was necessitated by public interest, notwithstanding the accusations and counteraccusations of lawyer-politicians across the political divide.

Repealing of the presidential pardon has been suggested as a remedy and the attention of the jurists and constitutional experts has been

an offender for a serious criminal offence is primarily the responsibility of the same executive. In criminal prosecution, the state, in effect, is the complainant, according to a considered view.

It would be worth remembering that our socio-political situation turned for the worse with the tragic murder of the Father of the Nation and four national leaders. For many years these offences were not legally and appropriately treated by the establishment till a favourable political scene unfolded. Such realities do have substantial impact on the enforcement and adjudication temperament and culture. Between 1976-1979 many heinous criminal cases involving murder, abduction, grievous hurt, amongst others, were allegedly withdrawn as part of a deal struck with some political parties by the then establishment.

As of now, doubts have been expressed as to whether a precedent is being created to believe that the executive branch can do what the judiciary should be doing and consequently there is not much wrong if desired distinction between the two vital organs of the state is blurred; and exoneration from criminal charges should be easy when political control is assured.

The moot question is, should standards of justice vary with variance in the colour of political establishment? The crux of the subject is primarily rooted in our political culture. The politicians have to decide whether they need rogue and criminal elements in furthering their so-called political objectives even at the expense of their public image and social acceptability.

The writer is a columnist of *The Daily Star*.

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clemency. At present, however, ruling Awami League leaders and lawmakers have chosen to remain silent about the presidential clemency.

Strangely enough, in the current parliament the parliamentary standing committee on the law ministry has finally shelved its plan in January 2010 to look into the process of granting presidential mercy to BNP-allied Jhinto to avoid a discussion on Awami League blessed Shahadab Akbar.

The news analysis of *The Daily Star* comments that "the wholesale presidential clemency to ruling party men has pushed the presidency into political controversy undermining people's expectations of it. And it has also raised questions about the presidential power to pardon, which though,

sought for a healthy resolution.

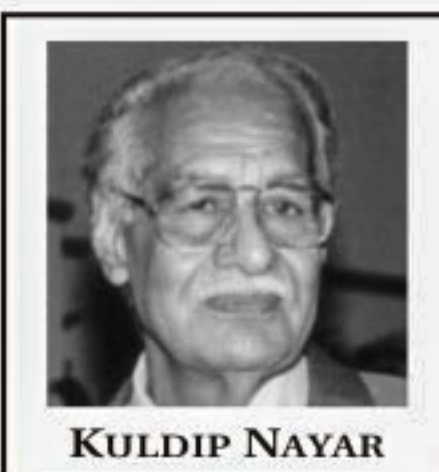
Legally speaking, the government retains the authority to exempt accused persons from criminal prosecution at different stages of trial and also show mercy to the convicted following the conclusion of the trial.

It is, however, desirable that in case of pardon the executive must be prepared to substantiate and justify its action on grounds of justice, equity and of public policy. There is a need to remember that in case of pardon it affects both the punishment prescribed for the offence and the guilt of the offender. In other words, a full pardon may blot out the guilt itself.

It needs to be impressed upon that while the act of granting pardon is an executive function the prosecution of

BETWEEN THE LINES

Are our elections free and fair?



KULDIP NAYYAR

ELECTIONS in India have lost the carnival spirit because no processions, no bunnings, no bands and no

posters are allowed by the Election Commission. But this has not decreased the expenses. UP, Punjab, Uttarakhand, Manipur and Goa which went to polls have totaled the highest amount ever spent in state elections. The rough guess is around

Rs.2,000 crore. Proportionately, Punjab was at the top of the ladder. The Election Commission can do little because the money is distributed at unknown places, generally in the hush of night. No Lokpal can detect this because the purchase of vote is at the individual level. And each constituency has hundreds of hands employed by political parties in the name of *bandobast*. They have to search their heart if the illegal money which they spend bothers them in any way. But then they are driven by the mania of power.

In our times, a volunteer would sling a *thaila* (bag), carry grams for sustenance and go on foot. This was canvassing at the grassroots. Today, even a party worker would ask for a jeep for travel and expect four meals, starting from breakfast. The communists and the RSS *pracharak*s are the only ones who remain motivated. But even among them that type of dedication is lessening.

The Election Commission has confiscated nearly Rs.50 crore and some trucks carrying liquor. Instances of "paid news" have also been spotted for action. But all this does not amount to even one per cent of money the candidates and political parties have spent. Yet the credit of making the polling without violence

goes to the Election Commission or, for that matter, Chief Election Commissioner S.Y. Qureshi. He stretched the polling over six weeks so

that the central security forces were available in all the five states. It is a sad reflection on the state police but the force is so much at the beck and call of chief minister that no fair election is possible if it is left to the state. Even local police used to help and acted independently till the mid-seventies when morality was ousted from politics.

One thing which stands out in elections is the enforcement of model conduct code, agreed upon by all political parties some 20 years ago. The ruling Congress is the only party to join issue with the Commission on this point and has threatened to make

report the plight of Muslims in India is worse than that of Dalits and that the 80% Muslims are backward).

When the Election Commission took the law minister to task for announcing a sub-quota during electioneering, he first hummed and hawed but subsequently sent a written apology. The matter would have ended then and there if another central minister Beni Prasad had not repeated the sub-quota for Muslims. He has even challenged the Election Commission in a law court. Nobody objects to reservations for the backward Muslims. The objection is to the reservation on religious grounds -- the point which the Constitution of India prohibits.

Rahul Gandhi has been batting on a different pitch. He has been indulging

Congress. Therefore, the dynasty gathered in UP to pull out the party from a quagmire of non-existence it had been stuck for years. Regrettably, the party should introduce religion as an appeal which the dynasty's head, Jawaharlal Nehru, denounced throughout his life. Muslims constitute about 19% of the electorate and the Congress has jettisoned its secular credentials to placate them.

The BJP is expected to communalise the atmosphere but it is no use blaming it when the Congress throws the first stone. The BJP did not have to get chief minister Narendra Modi of Gujarat pogrom to UP because Uma Bharti had poured enough venom against Muslims. That a party which considers itself an alternative at the centre should have the building of temple at the site where the Babri *masjid* stood once indicates the policies the BJP would follow if it is ever returned to power.

Unfortunately, the use of caste or, more so, the sub-caste has increased in every segment of activity even in urban areas. This malady has spread even among Muslims who are prohibited from putting their faith in the caste system. In fact, many Hindus have embraced Islam to escape the tyranny of discrimination. But they find the Muslim society as hierarchal as the Hindus'.

Elections have been free and fair and the Election Commission deserves all the kudos. But when money, caste and religion come into play and make a mockery of polls, can they be called free and fair? This is one question which all political parties have to answer, not the Election Commission which has been awaiting for months the government's permission not to allow such candidates who have been charged with big crime like murders, rapes or dacoities.

The writer is an eminent Indian journalist.

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the code statutory so that the violation is dragged to law courts instead of the Election Commission where the action is immediate and the complaint is attended to forthwith.

The government's thinking is understandable because the Congress has been the biggest sinner. Starting from Law Minister Salman Khurshid to the crown prince, Rahul Gandhi, the party has paid scant attention to model conduct code. It has even played the religious card by announcing that the party, if returned to power, would allocate 9% of reservation to Muslims in education and employment from the overall 27% reservation for the backward classes. (According to the Sachar Committee

in such antics which do not befit a person who may be India's prime minister. He tears the manifesto of an opposition party and makes remarks which even street urchins would hesitate to. A case has been registered against him at Kanpur where he had a road show violating the understanding on the timing and the route he gave. Had he apologised, the issue would have been sorted out. But he has persisted with it.

In fact, UP saw the entire Gandhi family, including the husband of Priyanka, Sonia Gandhi's daughter. The dynasty somehow has come to believe that it alone strings India together and all political parties are petty and parochial except the

THIS DAY IN HISTORY

March 3

1575 Indian Mughal Emperor Akbar defeats Bengali army at the Battle of Tukaroi.

1878 The Russo-Turkish War ends as Bulgaria regains its independence from Ottoman Empire according to the Treaty of San Stefano; shortly after Congress of Berlin stripped its status to an autonomous state of the Ottoman Empire.

1905 Tsar Nicholas II of Russia agrees to create an elected assembly, the Duma.

1924 The 1400-year-old Islamic caliphate is abolished when Caliph Abdul Mejid II of the Ottoman Empire is deposed. The last remnant of the old regime gives way to the reformed Turkey of Kemal Atatürk.

1939 In Mumbai, Mohandas Gandhi begins to fast in protest at the autocratic rule in India.