

## Make JS functional

*Opposition should join in to make its contribution*

BY persisting with its boycott of parliament, neither the opposition Bangladesh Nationalist Party (BNP), nor the parliament, nor the nation has gained anything in any way.

On the contrary, it has been a loose-loose outcome for all concerned.

Thankfully, however, there is talk of extending the JS session which will allow for the opposition to join in.

There are all but a few days left for the opposition to join the parliament or else they stand to lose their parliamentary seats.

More than fulfilling the technicality of keeping their JS membership intact, it is their inherent constitutional obligation to participate in the parliamentary proceedings as the legitimate elected opposition in parliament.

Vital issues of national importance are before the parliament including that of placing opposition demand for restoration of the caretaker system to hold the next national election.

Therefore, it becomes all the more incumbent for the opposition to set aside any reservation it might have in taking their rightful place in the JS.

They cannot be oblivious of the fact that the parliament is the house of the people, and the opposition is duty-bound to the electorate to represent and speak for it.

On the other hand, the continuing boycott followed by agitation programmes on the street has only served to ratchet up the politics of confrontation.

We call upon the speaker to use every option he has in his hand to keep the JS functional and vibrant with both the Treasury and the opposition members participating in constructive debates.

Importantly, the Treasury Bench needs to ensure that a congenial and welcoming atmosphere prevails in the JS permitting the opposition the necessary space to play their legitimate role at this juncture.

We earnestly hope the opposition will join the parliament to make its substantive contribution rather than meet a mere technical requirement.

## Our dying rivers

*We must protect the lifeline of the nation*

EXPERTS on the environment have urged the government to form a single national river authority under a stringent law to save the country's rivers.

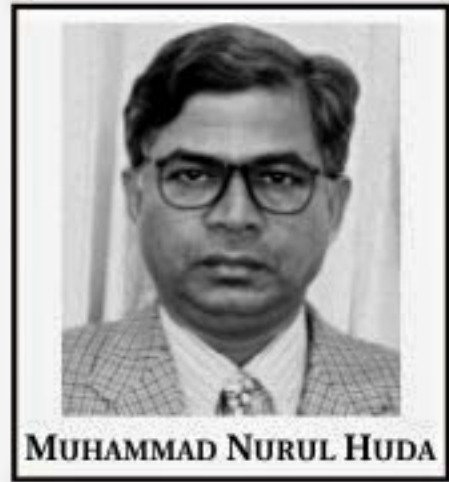
Risks to our rivers as identified in a report on the protection of rivers, recently shared at a press conference held on the subject, include the decrease of water level and water flow, river pollution, filling up of rivers, erosion of banks, river grabbing and construction of illegal structures in their places. According to experts, all these problems are created by people with vested, selfish, and commercial interests and the law must be designed so as to deal with these issues and those responsible for them.

The issue of India's projects on river-linking and Tipaimukh dam and China's plan to build a dam on the Brahmaputra River were also raised by experts.

For Bangladesh, its 73 rivers are the lifeline of the nation and the death of rivers, as is increasingly becoming imminent, would mean death of the people as well as the nation itself. While we have incorporated protection of the environment into the most recently amended version of the Constitution, we are doing little to translate the commitment into action. The authorities must take quick and stern measures against those contributing to the destruction of our rivers in particular and the overall environment in general by drawing up and implementing stringent laws. Many of our environmental concerns, which may seem natural, are in fact man-made. As it is, we are one of the most vulnerable nations in the world in terms of the impact of global warming and climate change. We must do everything we possibly can to protect our environment and our people from man-made as well as natural disasters.

## THIS DAY IN HISTORY

- 624
- Led by Muhammad, the Muslims of Medina defeat the Quraysh of Mecca in the Battle of Badr.
- 1805
- The Italian Republic, with Napoleon as president, becomes the Kingdom of Italy, with Napoleon as King.
- 1958
- The United States launches the Vanguard 1 satellite.
- 1959
- Tenzin Gyatso, the 14th Dalai Lama, flees Tibet for India.
- 1969
- Golda Meir becomes the first female Prime Minister of Israel.
- 2011
- Libyan civil war: The United Nations Security Council adopts United Nations Security Council Resolution 1973, authorizing a military intervention by member states to protect civilians in the Libyan Arab Jamahiriya.



MUHAMMAD NURUL HUDA

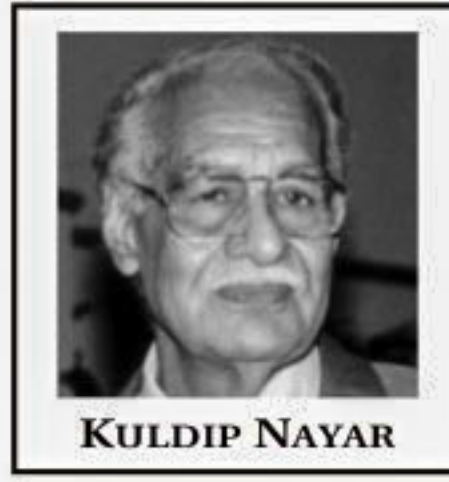
CITIZEN'S discom-fiture prior to and during the "March to Dhaka" on March 12 has been immense and all classes of people have voiced their anger and helplessness. The State organs are largely the objects of people's wrath, rightly or wrongly. The State apparatus left behind by the British standing above and insulated from society with the police as one of its primary agencies always attracted the nationalist leaders. However, there were very little efforts to modify the British Indian State.

Our leaders while legitimising the institutions of the parliament, cabinet and the political party, preferred working through the pre-existing bureaucratic structure. They perhaps thought that the rational-legal bureaucracy created and left behind by the British had its utility in the "State building" they were undertaking.

Consequently, the State became the centre of political energies and the bureaucracy became the guardian of the society's collective interests. Administrative change became difficult under such a scenario. This has been the sub-continental experience.

Violence caused by political activities or apprehensions of the same would naturally call for a political response from the State authorities rather than a police response. The latter may be necessary but is seldom satisfactorily adequate. In our situation, it needs to be known that, large-scale institutional

## BETWEEN THE LINES



KULDEEP NAYAR

NUMBERS are important in a parliamentary system and Prime Minister Manmohan Singh's assertion that he has them should be assuring to the ruling Congress. After its debacle in state elections of UP and Punjab, the party's anxiety is understandable.

Yet the annoyance by West Bengal Chief Minister Mamata Banerjee can reduce the numbers. Her Trinamool Congress party has 19 members in the Lok Sabha. She has already given a notice for amendment in the presidential address which mentioned the creation of a National Counter-Terrorism Centre (NCTC). Supporting her are also six non-BJP state chief ministers.

If the Samajwadi Party's Mulayam Singh, lionised by the victory in UP, were to align with the Trinamool Congress with his 22 members, Manmohan Singh's majority can come tumbling down, reducing him to a minority in a house of 543. The Dravid Munnetra Kazhagam (DMK) with 18 members can add to Manmohan Singh's troubles because the party has given a notice to express its annoyance over the plight of Tamils in Sri Lanka.

Even then the numbers meet the needs of the constitution, not that of governance. Except for the first few years, the Manmohan Singh government has been lousy in its performance. Price rise has been constant and the decline in growth relentless. The same Manmohan Singh who introduced economic reforms with Victor Hugo's words that the time for idea of India has come and none can stop it is now bereft of ideas. He is listless and his government gives the impression as if it has outlived its stay.

If one were to count the scams, they

# Political protest and violence

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malfunctioning has resulted in politics acquiring an appetite for all spaces, both public and private.

In our situation all violence becomes political, in a sense. Ironically, in such a situation the State relies largely on the police machinery for information pertaining to protest and violence, as well as for the analysis and interpretation of the phenomenon of public disorder in terms of their nature, causes and solutions. The continuation of the colonial practice of relying on police on such a crucial matter and also in determining State response has been less than salutary.

Terms such as "law and order," "public order" or "security of state," are often used in our situation to deploy State violence with impunity. The police tend to make indiscriminate use of the provisions of section 144 of the Criminal Procedure Code to disperse "unlawful assemblies." Effective guidelines are not provided in law for the use of force to deal with such assemblies. The general specification is that minimum force shall be used. Such use of force has often led to the loss of life and liberty.

The District Magistrate and Superintendent of Police have been part of the basic design for conflict management, in so far as it relates to political protest and the consequent public disorder. The constitutional "transfer of

power" in 1947 implied no basic administrative changes in the structure of governance. Therefore, the basic features of the republican constitution, parliamentary democracy and development administration are in conflict with the inherited political-organisational characteristics of the administrative structure.

It would thus be proper, in the background of increasing political violence, to devise appropriate policy response to it. Quite logically, the institutional mechanisms for policy analysis and action in the governmental parlance would need to be freed from their colonial attributes and restructured to addressing the emerging challenge. One would expect far-reaching administrative and police reforms.

The paramilitary and repressive political-organisational features of the police structure need to be removed; police reform exercises cannot be meaningful otherwise. These features impinge on the movements of the people in their fights for constitutionally guaranteed social, human and legal rights as also the general and specific laws of the land. The movements shall no longer be put down with brutality and human rights violations.

The intelligence organisation shall not function under its antiquated colonial guidelines. Those guidelines are

# Is Congress BJP's carbon copy?

would beat all the governments since independence hollow. So much money, trillions of rupees, has lined pockets of ministers, bureaucrats and outsiders, both Indian and foreigner. Never before has the public exchequer been looted so openly and so unashamedly.

But for some enterprising media hands and activists, the scandals would not have come to light. And the Prime Minister's Office (PMO), the kingpin, would have gone on keeping Manmohan Singh in the dark if the Supreme Court had not pointed out that officers and advisers at the PMO were to blame. Strange, none has been

morality from politics in the seventies, the party lost the sense to differentiate between right and wrong, moral and immoral. Still there were times, even during Manmohan Singh's regime, when the hope of cleaner and nobler politics flickered. Why do the future of government and the Congress look so bleak now? Can the Congress turn back from the precipice?

In fact, the party can begin a new chapter if it were to introduce a bill in parliament to lay down that the political parties would accept money only through cheques and would get their accounts audited by the recognised

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punished, strengthening the belief that Dr. Manmohan Singh knew all but stayed quiet because of political compusions.

How these instances of corruption do square up with the numbers is the question. Even if the Congress had a majority on its own, its stock is so damaged that the party would need to overhaul itself and affect some miracles to come back into the people's reckoning.

The reason why the people voted for it in the past for decades was the different image the Congress projected from its rival, the Bhartiya Janata Party (BJP). Whether it is competitive politics or the abandonment of values, the Congress looks a duplicate copy of the BJP. Both are corrupt and both are communal and casteist.

True, when Indira Gandhi ousted

chartered accountant firms. This step will raise the reputation of the Congress high and remove the stigma that the suitcases full of currency go right up to the top in the party to finance elections. The BJP is no different, but the responsibility of cleansing the system lies on the shoulders of those in power.

The Congress is, however, doing the opposite. With the help of an obedient Central Bureau of Investigation (CBI) the scandals are minimised to favour the party which comes to support the Congress. More than that is the absence of remorse. The insensitive Congress continues to make mistakes. Take the case of reservations. During the recent election in UP, which has 19% of the Muslim electorate, Law Minister Salman Khurshid introduced a sub-quota for Muslims from the overall 27%

polluted by further politicisation.

Therefore, there is an urgent need for well-formulated legal framework and charter of duties for intelligence organisation in tune with a liberal democratic polity. The 30 year rule on declassification followed by other democracies should be applicable in our situation, particularly after the enactment of "Rights to Information Act."

The relationship between political violence and power has to be noted. Often the law itself becomes violent on account of severity of application backed by official sanction. The rule of law thus can lead to the deployment of violence for purposes of governance. Therefore, there is a necessity of serious policy discussion of the phenomena of violence.

While security of the State is important, it runs the risk of exceeding the limits of legitimacy and indulging in unacceptable levels of violence. The State thus may turn into a provider and predator of security, a dimension, which must be examined in any optimal notion of security.

In the sub-continent the police coercion became a vital instrument of State policy by mid -- 1930s. The political parties in our situation exercise influence over the deployment of police during demonstrations, strikes and elections. Political turbulence brings out in full virulence the repressive role of the inherited police system. It is time for both the public and police to break out of an increasingly norm-free, unpredictable and unjust environment. The professional imposition of a coherent moral consensus on the society is the answer.

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reservations for Other Backward Classes. That the Muslims are 80% backward is a fact which the Sachar Committee has brought out, but the law minister using this during the elections has muddied the waters of pluralism and given strength to the BJP's obsession with Hindutva.

The Congress is supposed to have secular credentials. Casting even a shadow on them is tantamount to betraying the ethos of independence -- a secular society. But then the Congress of today is increasingly going away from those values and principles. Now its purpose is to concentrate power at the centre, unlike Mahatma Gandhi's precept of decentralisation.

Federalism is the core of the constitution and it is that very core which Home Minister P. Chidambaram and his ministry are trying to destroy. The proposed creation of NCTC is nothing but setting up machinery for snooping at what the states are doing in the subjects which the constitution has allotted them exclusively. The protest raised by some of the chief ministers should have put an end to this move. Yet the president's address mentions the proposal.

If nothing else, such acts of the Congress government may revive the third or fourth front of non-Congress and non-BJP chief ministers. They are meeting on April 19 to chalk out their strategy on how to stop the centre from encroaching upon their authority. They have also been disturbed by the home secretary's remark that the chief secretaries should not "act like stenographers" to the chief ministers. This may have made the non-BJP states all the more determined to have a loose kind of liaison so that they are not pushed by the centre any more. Were this to happen, the prime minister's claim that his government has the numbers does not mean much. His other allies may also leave him.

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The writer is an eminent Indian columnist.