

HC verdict on Speaker's ruling revives controversy

Judiciary and Parliament must work in tandem

THE High Court (HC) verdict, whose full text was released on Monday, on the Jatiya Sangsad (JS) Speaker's ruling about an HC judge on May 29 seems to have reopened, rather than put an end to the row between two fundamental organs of democracy and the state.

Initially, the row was triggered by a debate in parliament over the views expressed by an HC judge at a hearing against government's delay in implementing an HC order given in 2011 on vacating Supreme Court property on R&H premises.

At a stage of the debate, the Speaker said, "...it looks odd when they (court) take quick decisions to resolve their own problems, while people wait for years to get justice."

Later at an HC hearing on June 5, a judge termed the Speakers' comment as tantamount to sedition. And the Speaker through a JS ruling later termed that judge's comment a violation of the constitution.

We were saddened to see that two vital pillars of democracy, the judiciary and parliament, embroiled in a slanging match issuing derogatory remarks about each other.

We think the Speaker's initial comment against HC judges' way of working was uncalled-for. But what the HC justice said in response was astounding. We fail to understand how the Speakers' remark can be tantamount to sedition.

However, later the Speaker in an attempt to put an end to this controversy asked the MPs to drop their motion against the judge leaving the matter to the discretion of the Chief Justice to resolve.

We had hoped that the Speaker's last ruling on the issue would have resolved the controversy once and for all. But it appears from the recent HC observation that the issue is far from resolved.

We are left dumbfounded at the continuing tug of war between two vital organs of the state. If the parliament as the House of the people and an independent judiciary have a contentious relationship and do not show respect to each other, democracy is placed in jeopardy as people's confidence in the system is dealt a severe blow.

We hope the Speaker and the Chief Justice will exercise their wisdom to settle the issue amicably between these two institutions of democracy and the state and give a decent burial to the controversy.

Remove last hurdle to Padma Bridge financing

No time to act self-righteous

THE issue of World Bank (WB) getting back on the financing of Padma Bridge has once again hit a snag where the issue of removal of yet another individual is threatening to derail the project. The interests of the nation are at stake here and we find ourselves back to square one. In the case of former Communication Minister Syed Abul Hossain, it was the refusal of the Prime Minister (PM) to remove him that led to the cancellation of the WB funding in the first place. The government failed to take constructive steps on WB's confidential memo and dilly dallied with anti-corruption investigation terming the evidence as lacking in credibility. It is ironic that Canadian authorities found the evidence credible enough to launch investigation against two former executives of a Canadian engineering firm and we didn't. The government made a farce of not accepting Abul Hossain's resignation by delaying its official acceptance. The whole matter turned the nation into a laughing stock on the international stage. All this is water under the bridge and we find ourselves in another situation.

We should be immensely grateful to the co-financiers of the project, i.e. Asian Development Bank JICA who have lobbied hard with the WB to get the project back on track. Both agencies have extended the contract deadline several times. Given that there is now a real possibility of WB resuscitating its loan package, the PM is reportedly not willing to ask her advisor to go and wants the WB to drop its insistence on removal of Economic Affairs Adviser Mashiur Rahman. Mr. Rahman has stated that he will step down only if the PM asks for his resignation. The PM for her part has left it to him to act. We are again facing the absurd drama of personal ego and sense of honour taking a superior place to national interest. Given Mashiur Rahman's long experience in bureaucracy especially as ERD Secretary, we expect that he will take it upon himself to resign and clear the grounds for the government to move ahead with this vital infrastructure project. The fact that finger of suspicion has been pointed against him should be grounds enough for a man of Mashiur Rahman's stature to resign voluntarily in the greater interest of the nation. If there is no valid ground for him to be under clouds of suspicion, the truth will be revealed in due course and he will be vindicated.

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GROUND REALITIES



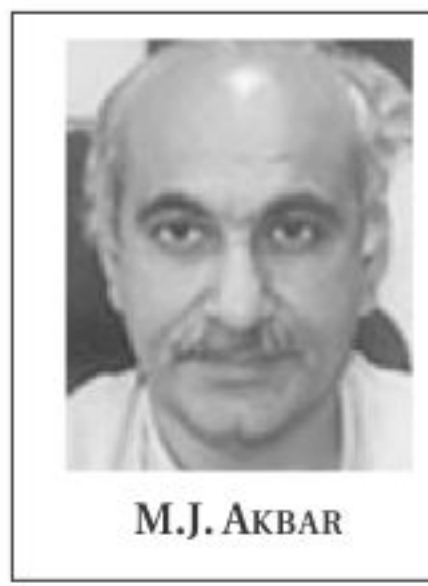
SYED BADRUL AHSAN

SEPTEMBER causes a stirring in the soul. Outside the parameters of the soul, it is the spectacle of falling leaves which give September a distinctive symbolism that has translated itself into poetry over time. Indeed, W.H. Auden once gave us a poem, *September 1, 1939*, that ensured a place in history for the month. In the soul, therefore, September comes in that vastness of history. There is a sweep about it, a reaching out as it were, into the human consciousness.

And all for good reason. On September 1, 1939, the floodgates to the destruction of modern sensibilities were flung open when Nazi Germany, only a fortnight after the Ribbentrop-Molotov pact, invaded Poland. Sixteen days later, the Soviet Union rushed into the helpless country from the east. Poland disappeared. The Second World War was fast coming to Europe. Speaking of wars, in September 1965, India and Pakistan went to war for seventeen days. The result was a battlefield stalemate. Ayub Khan and Lal Bahadur Shastri went all the way to Tashkent four months later to go back to where they had been before the hostilities erupted.

Murder and mayhem have been part of the September narrative in Indonesia. In the depths of the night on September 30, 1965, six generals in the Indonesian army were murdered. A seventh one, Suharto, promptly sidelined President Sukarno, took charge and launched a massacre of suspected communists in the country. A million would be murdered by the state. Among the dead was D.N. Aidit, the respected leader of the Partai Komunis Indonesia. Suharto would go on to

BYLINE



M.J. AKBAR

You can sell a fertile womb at heavy discount as long as the child is still inside. This metaphor passes the test of common parlance: our natural resources, like coal, are the gift of Mother Nature. The Supreme Court has held that a natural resource is also a national resource. It is a property of the people, and government is only a temporary caretaker. It is duty-bound to maximise the returns to the people in case of any economic exploitation of natural resources.

CAG, or the Comptroller and Auditor General, is the government's premier audit authority. Vinod Rai, who holds the position, has had a distinguished career in government, reaching the status of a secretary in finance when P. Chidambaram was minister. Dr. Manmohan Singh sponsored him for CAG precisely because of his reputation for competence and integrity; and he duly took over on January 7, 2008. Rai sent a report on coal mines to Parliament during this monsoon session affirming that "Delay in the introduction of the process of competitive bidding has rendered the existing process [of allotting coal blocks] beneficial to private companies. Audit has estimated financial gains to the tune of Rs. 1.86 lakh crore likely to accrue to private coal block allottees." The language is simple enough. For a substantial portion of this period, the

turn Indonesia into a kleptocracy over a period of thirty two years until his ignominious fall.

In terms of tragedy, few incidents can beat Black September in the ferocity of human behaviour. In September 1970, assassination attempts were made on Jordan's King Hussein; four jetliners hijacked by Palestinian guerrillas were blown up in full view of the world; and, eventually, Jordan's monarch waged pitched battles against Yasser Arafat's guerrillas before pushing them out of his country. A year earlier, on September 1, 1969, a young colonel in the Libyan army, Muammar Gaddafi by name, seized power in a coup d'etat and deposed the monarch, King Idris.

For Bangladesh, September has a special resonance in its history. On September 25, 1974, Bangabandhu Sheikh Mujibur Rahman addressed the General Assembly session of the United Nations. Only a few days earlier, Bangladesh had made its presence felt through gaining membership of the world body.

Ho Chi Minh, potent symbol of the Vietnamese struggle against colonialism, died on September 2, 1969. Incidentally, it was on September 2, 1945, that he had declared the independence of Vietnam. Egyptian President Gamal Abdel Nasser died of a heart attack on September 28, 1970. And September 28, 1947, was the day when Sheikh Hasina, the future Bengali leader, was born. Death came to China's supreme leader Mao Zedong on September 9, 1976. For the first time in their modern history, the politicians and people of China were seen scrambling for new leadership. The Gang of Four and Hua Guo-feng would arrive, to be followed eventually by the diminutive Deng Xiao Ping

prime minister held the portfolio. After some brainstorming the UPA government has formulated a response: coal has not begun to be mined from these allotments, so there has been no gain; hence the CAG report is unsustainable. This argument would be valid if the government also announced that it was canceling these allotments, returning the money paid and auctioning the blocks. This should be very easy, since, as per the government's own statement, no mining has begun. In other words, the private sector has

Diversionsary tactics to confuse the truth work, up to a point. Whether the BJP should stall Parliament in order to get its message across may be a moot issue in many minds. But the forum of confrontation has shifted from Parliament to the teashops and courtyards of the country. The decisive arguments are being heard by the ultimate judge in a democracy: the voter. Judgement will be heard on election day. Mother Nature's womb belongs to the people.

not made any investments in its purchase; the original price therefore should be sufficient compensation. This is the only way to ensure that Finance Minister P. Chidambaram's claim of "no gain" means what it claims. Nor should the private companies complain. As noted, they have not begun mining. The CAG report itself states that its figure of Rs. 1.76 lakh crore [about \$37 billion] constitutes the gains that are "likely to accrue." Cancellation is the only insurance against unwarranted tor-

and his fellow reformers.

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In modern history, September 11, 1973, turned out to be a day destined to be cast to the winds of infamy. On

the day, the Chilean military, America's Central Intelligence Agency, the Nixon administration and Chile's political opposition came together to dislodge the elected government of Salvador Allende. The president was killed inside La Moneda presidential palace. And then began, in ever-widening circles of disbelief, a long, long period in state-organised terror. Augusto Pinochet Ugarte, the dictator, would oversee a long perpetration of terror on his country before his regime would crumble, with no one shedding tears. Twelve days after the coup, on September 23, Chile's Nobel prize-winning poet Pablo Neruda died of illness and a broken

heart. Illness can be rolled back. A broken heart never quite heals.

Exactly twenty eight years after Chile mutated into a state of fear, two jetliners flew into the twin towers in New York, reducing the buildings to powdery rubble and killing more than three thousand people trapped inside them. It was terror at work. And it would produce retaliatory terror, in Afghanistan and in Iraq. The two countries would be left destroyed by American firepower.

Fifty three years before the outrage in New York, on September 11, 1948, Pakistan's founder Mohammad Ali Jinnah succumbed to cancer thirteen months into the birth of his Muslim country. Built on untenable political foundations, Pakistan would lurch from one disaster to another, eventually to lose its eastern half to a sovereign Bangladesh. In a blood-drenched Bangladesh, on September 26, 1975, the assassins of Sheikh Mujibur Rahman decreed an indemnity ordinance for themselves, the better to protect themselves from prosecution for their criminality. The criminality would be formalised in the fifth amendment to the nation's constitution by the military regime of General Ziaur Rahman in early 1979.

On September 2, 1666, the Great Fire of London began at Pudding Lane near the Tower of London and continued for three day. As many as 13,000 houses were burnt. On September 5 and 6, 1972, the Black September faction of the Palestine Liberation Army murdered eleven Israeli participants at the Munich Olympics, to our horror and shame.

There once was a beautiful story which brought together a handsome Rock Hudson, a sensual Gina Lollobrigida and a beautiful Sandra Dee. That was in 1961. And it was a movie. They called it *Come September*.

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16, 2004, a change to auction on the valid grounds that this would be less open to favouritism and generate far more revenue. This view emerged from a meeting with all stakeholders, held on June 28, 2004.

One would imagine that the cabinet would applaud. Instead the idea was blocked by officials within the Prime Minister's Office. On September 11, 2004, PMO circulated a note asserting that there were flaws in competitive bidding; on November 1, 2004, PMO opposed an amendment to the Coal Mines (Nationalisation) Act, 1973. Why? There is no convincing answer. These are not the only instances. And if auction was wrong then, how has it suddenly become right after at least 57 blocks were awarded by this government to private businessmen -- a list that includes some very famous names along with the usual lot of unknowns. A draft Mines and Minerals Bill incorporating auctions was finally readied in 2011, but it still has not been passed.

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