

## Daredevil criminality

*Sign of lax police vigilance*

IN an alarming spate of violent criminality from the night of Monday to the day after in and around the capital city, six persons were cold-bloodedly murdered.

In the most macabre of those murders, a leader of Jubo League, the youth front of the ruling AL, was shot to death allegedly by his close associate in Gulshan as the victim was entering a shopping mall.

One shudders at the ease with which the sharp shooters could get away with their killing mission unchallenged. However, some of those alleged killers could soon be identified and arrested, thanks to the CCTV installed at the shopping mall in question. It is surprising that the shopping mall that was being visited by many shoppers at midnight lacked adequate police vigilance.

It is also to be noted that the assailants of a BNP ward leader, who was shot to death in the Hazaribagh area, could not be traced as yet.

In either incidents of killing of political persons, rivalries seem to have spilled out into the open splattering public places with blood.

This is mind-boggling. This certainly does not bode well for politics, when killing of a rival turns out to be the sole method of resolving disputes.

The causes of four other homicides range from shootout between criminals and lawmen to murders with yet unknown motives to pure quarrels between individuals.

So many killings within such a short span of time point to how criminality is fast spreading making citizens' lives frightfully insecure. Law-enforcers can ill-afford to remain lax at such times.

## Encroachment in the Sundarbans

*Why ruin ecological balance?*

THE Sundarbans is under imminent threat as industrial plots have been demarcated for setting up factories, ship-breaking yards and oil refinery plants in the immediate vicinity of the mangrove forest. According to forest and administrative authorities, transforming the landscape around Sundarbans has been in the offing ever since the Padma bridge project was announced. Though companies intending to set up shop there claim to have received prior government approval, the presence of any industry in the area will undoubtedly put at risk the delicate ecological balance of the forest and imperil the lives of the tiger population.

The Bangladesh Environment Conservation Act (Amendment), 2010 prohibits locating any industry within 10km of a reserve forest without government clearance. Indeed, the Department of Environment must provide a clearance certificate to that effect. What is dumbfounding is that the government itself has taken the initiative to encourage private investors to set up projects in the area, which is in direct contravention to the Bangladesh Environment Policy, 1992.

Little wonder, the environmentalists are alarmed by the lack of adherence to policy both by the administration and private sector. The Sundarbans is home to some 400 wild tigers and a diverse fauna of some 35 species of reptiles, 270 species of birds and 42 species of mammals. Unless the government desists from flouting its own policies in the already-threatened Sundarbans, how is the private sector to be discouraged from ruining the rich diversity of this natural habitat?

## Much ado about monetary policy

FAARIA TASIN

THE recent unveiling of the Monetary Policy Statement (MPS) by the Bangladesh Bank has triggered a sense of skepticism across the economy. Since it is through monetary policy that the central bank controls money supply and interest rate which influences economic growth, the concern is understandable. But is it justified?

The current MPS targets lowering broad money growth to 17.2% from 17.7% in order to attain a lower inflation of 7%. The contraction in money supply growth may have caused fear of a higher interest rate. To add to the woes, private sector credit growth target has been cut down to 15.5% from 18.5%. Given the already sluggish economic climate due to impending national election, it is expected that a fall in private sector credit growth target by 3 percentage points may generate some degree of pessimism. An idea may emerge such that the credit target provided is not enough; and given the murky economic environment, the private sector needs all the credit it can get in order to invest and revive the economy. Although this target was set at 18.3% in May 2013, in reality only 11.4% credit growth was materialised. This implies that there had been a significant amount of idle money lying in banks. In fact, credit growth targets of over 18% were set between October to May 2013. However, actual credit growth rates were not only lower than the targets but persistently kept falling within this period. This denotes a fall in private sector economic activity despite sufficient availability of money for investment.

Economic growth rate in election years has always been relatively lower, in fact it already starts plunging a year prior to election years, which depicts lower economic activity. Under the current circumstances, it is unlikely that actual private sector credit will surpass the target of 15.5%. It should be noted that a higher credit target and ease in availability of money to the private sector may not always be desirable as this money may be used for speculative purposes and real estates. The formation of the stock market bubble and its burst in recent years may be attributed to the rise in private sector credit. In addition to prudent monetary management, impediments such as energy unavailability, political chaos and lack of infrastructure must be removed. If these barriers exist, economic growth-augmenting investment would not occur even in the face of an abundant private sector credit!

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# Why is the EC shooting itself in the foot?

STRATEGICALLY SPEAKING



Brig Gen  
SHAHEDUL ANAM KHAN  
ndc, psc (Retd)

Our fear stems from the recommendation of the Commission to do away with article 91E of the RPO. This article deals with the power of the EC to declare null the candidature of any candidate found violating the election codes. Absurd is perhaps too mild a description of the position taken by the Commission, and even more is the rationale offered by the CEC.

It is perhaps the first time that the Election Commission, or for that matter any public institution in the country, has on its own volition sought to curtail its powers and divest itself of the only effective mechanism to maintain a modicum of discipline in the candidates and his or her supporters during the period of canvassing.

It is difficult to agree with the arguments of the CEC. Yes, the said article was incorporated in 2008. What does it prove? Article 91 E is a guarantee for a good election. As the CEC he should have taken the statistics of all the previous elections. If he had he would have seen that the number of election-related violence in 2009, and all the other by-elections and local government elections including the mayoral elections, where the stake for the loser was very high, had come down. There were no deaths in these elections, unlike the past. And yet the CEC does not find the article efficacious, even after the recent city councils elections which were held in the most peaceful atmosphere without any major untoward incident. And for the transgressions, those were not by the candidates but by the respective parties, and against which the EC should have acted but failed to.

IN an environment where the level of trust between the two major political parties is zero, the only hope for the people for a free and fair election to Parliament lies with the Election Commission (EC). Regrettably, some of the actions of the EC, initiated recently regarding the Representation of the People Order (RPO), have called into question not only its capacity but also its credibility to deliver. The Chief Election Commissioner (CEC), regrettably, has introduced a new controversy, something that we can do well without.

*We are afraid the EC has decided to chop off the head without seeking cure for the headache. By divesting itself of the clout that would ensure a peaceful election by reining in profligate and unruly behaviour of the candidates the EC has opened the possibility of violent elections in future. And as it is, our elections have always been prone to violence for which an effective measure was necessary.*

We hope the CEC is aware of the term deterrence or disincentive. Why is it that the incidence of giving incorrect statements by the candidates, indiscriminate use of posters, mikes and money and extortion have virtually stopped when in the past we have seen not only these but also instances where polling officers were assaulted and ballot boxes snatched. What has caused the improvement in the pre-poll environment is the fear of Article 91 E.

The CEC's argument that any law that cannot be applied is not worth retaining, is untenable too. There are so many laws and rules that never get to be applied. Does that make those rules or laws any less relevant to the society? The frequency of application of a law is not the only justification for its existence.

In the same vein, the CEC's argument that the article does not provide a level playing field is hardly tenable. In that case we wonder whether he has sought changes to Article 17 of the RPO which requires that in the event of death of a candidate the process will start by filing fresh nominations. The provision of 91 E, of holding reelection in that constituency should be seen the proper context. And if there are any shortcomings in any electoral rules, that can be rectified by suitable amendments, additions or deletions, without doing away entirely with it.

And what was the compelling reason for seeking the changes? We wonder also whether the proposed changes are the demands of the political parties. And unlike the past, the EC did not bother to discuss the proposed changes with the political parties. What was the hurry for seeking the change when the national election is round the corner?

We are afraid the EC has decided to chop off the head without seeking cure for the headache. By divesting itself of the clout that would ensure a peaceful election by reining in profligate and unruly behaviour of the candidates the EC has opened the possibility of violent elections in future. And as it is, our elections have always been prone to violence for which an effective measure was necessary.

One cannot be faulted for seeing ulterior motives behind any change in electoral rules, which is likely to impact on the conduct of elections, without a plausible rationale. The apprehensions are further reinforced by some of the recent controversial proposals of EC.

We need an EC with clout and credibility. It seems it is about to lose both.

The writer is Editor, Op-ed & Strategic Affairs, The Daily Star.

## Politicised criminals in India

RAJINDAR SACHAR

A recent Supreme Court judgement on the Representation of People's Act, 1951 has sparked less panic and opposition than one would have expected. This is because the judgement exempts from its applicability the existing legislators; the present members of Indian Parliament and state legislators going to polls this year are not really affected.

The court has sidestepped a five-judge decision in the Prabhakar case which had categorically held that the two categories, one of persons who are not legislators and the other who are legislators "is based on a well-established nexus with public purpose." The two situations are different; in the second, the vacation of a seat affects the House.

As it is, the courts on their own have permitted a convicted member only to mark his presence to prevent his disqualification; he is barred from taking part in the proceedings or vote till his appeal is decided. For all practical purposes, therefore, a convicted Member of Legislative Assembly (MLA) plays no part in the deliberations of the legislature.

This interpretation by the Supreme Court will have serious consequences for opposition human rights activists, trade unionists and political activists, who are so indiscriminately prosecuted under various security laws or even during bandhs and demonstrations. In such a situation, the automatic vacation of the seat by a sitting legislator will vest the ruling party with arbitrary powers.

Consider the enormity of injustice to the elected legislator, who was not convicted at the time of being elected, but was convicted during his term. He will have to vacate his seat even if his conviction is set aside in appeal shortly thereafter. In the interim, another person would have been elected. This can result in irreparable damage to the career of the political activist.

The court recognises the anomaly, but observes that the legislator can ask for stay of conviction by the appellate court and if granted he can continue. With respect, is this not leaving things to the uncertainty of different reactions by judges, provoking the cynical comment in English law that what is justice is measured by the length of the Chancellor's foot. I am afraid this process is discretionary and will vary with the individual decisions of respective judges. This is hardly a satisfactory alternative to Section 8(4) of the Act, which had at least the practical objective to ensure that the electorate's choice is not nullified by the adverse decision of the trial court without giving an opportunity of being corrected on appeal which is his statutory right. In order to avoid further delay, it could be legislated that the seat will stand vacated if the first appeal fails.

No further appeals or revision before the courts will prevent the seat from being vacated. It could also be provided that an appeal by a sitting convicted legislator will be decided within three months. This alternative has the merit of cleansing the electoral process. It will also act as a safeguard against irreparable harm and injustice to the elected legislator.

No, I am not underestimating the danger of criminalisation of politics. Personally I would call it "politicalisation of criminals." Previously criminals

helped candidates to win, but now criminals compete among themselves to become legislators -- a thoroughly undemocratic state of affairs, indeed a danger to democracy.

A recent survey shows that at present 162 out of 545 Lok Sabha members and 1,258 out of 4,032 sitting MLAs have declared that criminal cases are pending against them. And this is despite Vice President Hamid Ansari's warning in 2004 -- "Exactly 23% of MPs elected in 2004 had criminal cases registered against them -- over half of these cases could lead to imprisonment of five years or more."

The situation is worse in the case of MLAs. Are we not progressing?"

My opposition to the extreme interpretation by the Supreme Court, resulting in a validly elected legislator losing his seat, should not be interpreted as minimising the danger of criminality in our legislatures. Rather the contrary. I feel that a more satisfactory mechanism to halt politicalisation of criminals is to enact a piece of legislation that has been advocated by the People's Union for Civil Liberties.

Specifically, that if six months before the polling date, a person has been charge-sheeted by a court, he/she will be barred from contesting the next election. This timeframe will give the person concerned sufficient time to have the charge-sheet quashed by an appellate court, thus negating the doubtful defence advanced by political parties of false cases being lodged against rivals on the eve of nomination date.

I am more disturbed by the second judgement holding valid Section 62(5) of Representation of People Act, 1951. It prohibits a person from voting if he is confined to prison even on a petty offence or is in the lawful custody of the police. On the other hand, an accused, if he is rich -- like

for instance those charged in the Coalgate and telecom scandals -- can vote. In essence, an anti-labour state is colluding to keep the disadvantaged in jail. The ordinary citizen will be inclined to agree with Charles Dickens' favourite character, Bumble, when he said: "If the law supposes that, then the law is an idiot," echoing in the same strain that provoked George Chapman (1559-1634) to say: "I am ashamed, the law is such an ass."

In the UK, the right to vote is only denied if a person is convicted and sentenced to 12 months in jail. In Israel, even a convicted person in jail is allowed to vote. As far back as 1955, the United Nations had resolved "that unconvicted prisoners are presumed to be innocent and shall be treated as such."

Why is it that the political parties, which are so upset over the latest Supreme Court ruling, are mysteriously silent and inactive on the question of amending election rules to give voters the right of negative voting, by carrying out the unanimous recommendation of the Election Commission, specifically to provide an extra button in the electronic voting machine to denote negative voting? Are the parties afraid of the possible answer -- "None of the Above"?

The writer is former Chief Justice, Delhi High Court.  
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## LETTERS TO THE EDITOR

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### "When women are endangered species"

While it is always a pleasure to read Syed Badrul Ahsan's articles, solely for the quality of his English, it is very seldom that I agree with what he has to say. But 24th July's Ground Realities is something I agree with wholeheartedly. The country is flooded with moulanas, illiterate imams and social/political touts. Of late, the targets have become women and girls. Fatwas have become as familiar as fatuas, which are worn and cast aside as per need.

It is time that instead of denigrating these 'purveyors of religion', we should resist them on their own turf. For those (like most of us) who are lacking in authentic knowledge of the status of women and what rights are enshrined for them in the Holy Quran (the ultimate authority), I am taking the liberty of posting the website below, which may quench your thirst for knowledge on this particular subject. Each injunction bears the reference point of where these can be found in the Quran:

--http://newageislam.com/islam-women-and-feminism/muhammad-yunus,-new-age-islam/the-quran-offers-protection-and-coequal-personal-rights-to-women-and-those-who-deny-them-such-rights-today-are-the-deniers-of-the-message-of-the-quran--though-god-knows-best/d/12113.

Sikander Ahmed  
Niketon, Dhaka

### Save the Sundarbans

The Sundarbans is one of our greatest national resources. But it is a matter of disappointment that our government has taken a decision to establish a power plant and a ship-breaking industry near the Sundarbans which will destroy the biodiversity in that area. We must meet our energy need, but that should be done without damaging our environmental resources.

Ar. Sajal Chowdhury  
Coordinator, Green Force  
Save the Environment (POBA), Bangladesh

### Begging must stop

The number of beggars in Dhaka has increased in this holy month of Ramadan. Beggars from all over the country have gathered here for earning some extra bucks ahead of the Eid-ul-fitr. But Islam has severely forbidden begging. The government should rehabilitate the beggars to stop this social curse.

Rafik Alamgir  
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### Comments on news report, "Joy wants Harvard guy to run publicity," published on July 28, 2013

#### Nasirullah Mridha, USA

Harvard or Oxford--from wherever you bring the publicity professor, let that person know every negative thing done by AL in the last four and half years.

#### SM

Who is paying for this Harvard guy?

#### Abbasuddin

Joy is too late. Bringing all the professors of the world will not help AL. The patient had died before the doctor came.

#### Vikram Khan

I really like this; Awami League needs the help of an American 'expert' and BNP needs the help of Taliban styled bigots to organise politics for us, simple Bangladeshi people...

#### Md. Shahjahan

Harvard professor might be the remedy because AL think-tank doesn't know what to do next. But a layman knows what to do: take legal action against patriot Abul, black cat Suranjit, Chhatra League, extortionists, Hall-Mark, share market, tender manipulators, etc.

#### Dev Saha

That would be total waste of resource. Awamis have created an image problem and Harvard professor would not be able to sell the pig with lipstick.

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### "5 banks swindled" (July 29, 2013)

#### Shahin Huq

I wonder why all big financial thefts happen when Awami League is in power.

#### Shafiqur Rahman

Using Allah's name to do illegal biddings is most offensive to those who use 'Bismillah' in its real context--to ask Allah to give them strength in their daily activities or things that they are striving for with honesty and humility.

#### Nds

What are the names of the banks? Deliberately kept secret to create opportunity to exploit the banks? Please be transparent.

#### Niloufar Sarker

The bank loan through LTR is obviously devised to help swindlers. There is no such thing as trusting clients without valid collateral. This report somehow failed to name the banks swindled.