

Sorry, Mr. President

SHAKHAWAT LITON

PRESIDENT Abdul Hamid did not refrain from giving consent to a bill passed by parliament on November 10, introducing a provision that makes it mandatory for the Anti-Corruption Commission (ACC) to take the government's permission before filing cases against public officials. He consented to the bill at around 12:30 am on November 20, when the parliament secretariat officials went to the Bangabhaban to present the bill before him for his consent. According to the constitution, the bill has become law as soon as the president signed it. So the notorious provision came into effect at midnight. One can term it as a midnight law!

From the night of November 20, government officials are protected from corruption charges. The ACC will not be able to file a graft case on its own against any government official. The word 'independent' stipulated in the ACC Act, 2004 has now turned into a mockery. The fight against corruption will fall flat as government officials, who are involved in implementing the annual national budget of more than Tk.2 lakh crore, have been given special protection from graft charges. This would definitely add to the pervasive culture of corruption in public administration to go with impunity.

The office of the president, of course, was aware of the public sentiment against the controversial provision. The government's move to introduce this provision through a bill placed in parliament in February 2011 sparked a storm of criticism. Non-government organisations (NGO), civil society members, donor agencies and the country's development partners had expressed their concerns. Finance Minister A.M.A. Muhith himself had opposed the provision. He wrote to the parliamentary standing committee on the law, justice and parliamentary affairs ministry expressing his concern and requested that the anti-graft body's power to sue government officials not be curtailed.

The ACC itself strongly opposed the provision, terming it unconstitutional. In a letter to the parliamentary standing committee in May 2011, the ACC said the proposed change ran counter to Article 27 of the constitution on equality before law. Article 27, which deals with one of the fundamental rights of citizens, reads: "All citizens are equal before law and are entitled to equal protection of law."

In face of huge criticism, the parliamentary standing committee on the law, justice and parliamentary affairs ministry had also taken a stance against the

proposed provision. The committee members visited Australia, Indonesia and South Korea from September 9 to 24, 2011, to see best practices on the anti-graft procedures. In its report placed before the parliamentary standing committee, the delegation said the anti-graft bodies in those countries function independently without intervention from other organisations of the state.

From that perspective, it continued, no provision should be in place in amending the ACC act, which if passed, shall cause impairment of the anti-graft's functional independence. "As a result the section containing the provision for prior approval to inquire, investigate or prosecute public servants with the charge of corruption should not get passed through the parliament," said the report, which was also placed in parliament recently along with the report on the overall activities of the committee.



STAR ARCHIVE

In light of the delegation's observation, the parliamentary standing committee took a strong stance against the controversial proposal. And in September, 2012, it recommended that the House reject the controversial provision proposed by the government.

But the government did not pay heed to the entire outcry. On November 10, it used parliament like a rubber stamp to pass the bill to introduce the controversial provision. Parliament was made to stand against public sentiment regarding introduction of the controversial provision to please the bureaucracy. The government, it seems, was desperate to offer the bureaucrats legal protection from graft charges.

The passage of the bill again sparked outcry. Representatives of the donors at a meeting with the finance minister on November 11 expressed their

concern. The ACC termed the provision "unconstitutional." Transparency International Bangladesh sent a letter to Bangabhaban on November 17 appealing to the president not to give consent to the bill carrying the controversial provision.

But the president did not take any time to sign the bill into law. His action may make many people who expected something different from him feel sorry. Could the president refrain from signing the bill into law? Does the constitution give such authority to the president, who is considered as a titular head of state in parliamentary form of government? Of course, he has the power. When the bill was placed before him, he could have refrained from signing it into law and returned it to parliament with a message requesting that the new provision be reconsidered. Article 80 (3) of the constitution provides him with this significant power to exercise within 15 days of placement of a bill before him. It is his discretion whether to exercise this power or not. He requires no advice of the prime minister to do so.

If the president exercises this authority, parliament will consider the bill together with his message. If the bill is again passed by parliament with or without the controversial amendment, it will again be presented to the president for his assent. This time, the president is likely to give his assent within seven days. If he does not, he would be deemed to have assented to the bill on expiry of seven days.

President Abdul Hamid could not make any difference. He did what his successors did in the past.

Since the restoration of parliamentary democracy in 1991, only the then president Justice Shahabuddin Ahmed once used this constitutional authority during the past Awami League rule (1996-2001) by refraining from signing a bill into law. He returned the bill to the parliament.

Article 80 (3) gives significant power to the president in a parliamentary form of government with a unicameral legislature system. If there is an upper House, then there is a possibility of further scrutiny of the bills passed by the lower House. In our unicameral legislature system, our president can do the function by exercising his authority stipulated in Article 80 (3). For this, the Bangabhaban, the office-cum-residence of the president, should have a legislative wing which will assist the president to perform this function. And the government must move to change its pervasive attitude of keeping the Bangabhaban subservient to it.

The writer is Senior Reporter, The Daily Star.

Of soldiers keeping the peace

SYED BADRUL AHSAN

THERE is the survival instinct. And there are the many improbable ways of surviving. Back in 2011, as heavy fighting raged between government and rebel forces in Cote d' Ivoire, a peacekeeping contingent from the Bangladesh army found itself trapped in the centre of it all. Its job was to provide protection, under a United Nations mandate, to civilians caught in conflict in the country. In this particular case, the intensity of the struggle between the warring groups in Cote d' Ivoire rendered the contingent as well as the local population immobile. No shop opened and hence no provisions. Conditions of scarcity resembled the moments before a famine set in.

For twenty two days (that was the duration of the conflict at that point of time), Bangladesh's soldiers survived on that very filling of fruits, the jackfruit. Some homesick Bengali soldier on an earlier peace mission had planted a sapling in that distant continent and now it was coming in handy. That is a sign of the many perils ingrained in the job of international peacekeeping, a responsibility the Bangladesh military began to carry out in 2003. Ten years on, Bengali soldiers proudly inform you of the good job they did in restoring normal conditions in Liberia, a performance President Ellen-Johnson Sirleaf did not fail to acknowledge. In Sierra Leone, a grateful President Tejan Kabbah made it a point to have Bangla adopted as the country's official-cum-national language, apart from the traditional Liberian language.

And yet Bangladesh's soldiers have not had an easy task to perform. In these past ten years, you are updated on the matter of the ninety plus Bengalis who died even as they tried ensuring a triumph of peace around the globe. In the Congo, ironically described as a democratic republic, Bangladesh's military is in its element as it builds the political-cum-social structure so necessary for a country to have its self-esteem restored. In the Congo, seven Bangladeshi soldiers were killed in ambush in February 2005. An eighth casualty hit the military in May of the year. And then, of course, there was another, in April 2007. On Tuesday, senior officers of the Bangladesh army, part of a mission assessment team, remembered these dead men at the martyr square in Bunia.

The dimensions of the conflict in the Congo are brought home to you by Bangladesh's Brigadier General Anis, commander of the Ituri brigade, at a briefing at the brigade headquarters of the force in Bunia. The story is simple enough: the United Nations, through its peacekeeping mission in the country, strives mightily to ensure that security does not break down, that no provocation disrupts the urgency of keeping order in the Congo. It thus becomes the job of the Bengali soldiers to make sure that groups like the just-defeated M-23 and Front for Patriotic Resistance of Ituri (FRPI) do not allow conditions to slide. Men like Cobra Matata, leader of the FRPI, cannot be indulged. Likewise, the often unruly soldiers of the FARDC, the Congolese military, cannot be permitted to commit human rights violations in the country.

At the entrance to the operations base of the Bengali peacekeepers in Bogoro, twenty-two kms from Bunia, it is Dag Hammarskjold who speaks to you. "Peacekeeping," said the soon-to-be-dead UN secretary general, "is not a job for soldiers. But only soldiers can do it."

A translation of such idealism into ground realities is the perspective alongside which Bangladesh's soldiers have been doing their job. And they have done it quite well.

The writer is Executive Editor, The Daily Star.

Solution or further crisis, what's ahead?

A.K.M. MOINUDDIN

IN Bangladesh, elections and pre-election violence are deeply connected. When election gets closer, violence goes up. We have been witnessing massive violence over the last few months but this week has been relatively comfortable. Thanks, Biswal (US Assistant Secretary for South and Central Asian Affairs Nisha Desai Biswal) for visiting Bangladesh as it is believed that there has been no hartal for your trouble-free tour here.

Since this comfortable week gets over Friday, people fear that the opposition will take to the streets again with non-stop countrywide shutdowns. The people have reason to get worried. President M. Abdul Hamid apparently could not raise any hope among the opposition alliance leaders about resolving the country's prolonged political crisis. He mentioned Constitutional limitations when the opposition delegation led by BNP chief Khaleda Zia met him and sought his help. The president rightly pointed out that no government in the past incorporated any provision in the Constitution over the role of the president in extending his help to overcome any critical situation. He, however, assured the opposition leaders of taking initiative 'within his Constitutional power.'

So what does the Constitution say? In the exercise of all his (president's) functions, save only that of appointing the prime minister pursuant to Clause (3) of Article 56 and the chief justice pursuant to Clause (1) of Article 95, the president shall act in accordance with the advice of the prime minister, provided that the question whether any, and if so what, advice has been tendered by the prime minister to the president shall not be enquired into in any court. So, if I understand clearly, it makes the point that the president cannot

take decision alone or independently.

There has been no immediate outcome that the opposition had wanted to see after the meeting with president, who faces a crucial test now. Definitely all eyes will now focus on the Bangabhaban no matter what outcome comes from his office in the end.

The opposition is well aware of the limitations of the constitutional power of the president. However, they want to see that the president, as a symbol of people's unity, will play a 'historic and epoch-making role' in resolving the current national crisis.

Meanwhile, with the sale of nomination papers by the Awami League and Jatiya Party, there is no denying that the election season is well and truly upon us. The confused political situation has taken a new twist with the formation of 'all-party' or multi-party interim cabinet. Unfortunately, it still remains unclear whether BNP and its allies, in the end, will participate in the polls-time government and subsequent elections. The same way, it is not clear what will be the implication if they finally boycott the polls.

People are eagerly waiting for the election. They need to be given a free, fair and genuine chance to choose their future leadership. The recent developments in the political arena made us optimistic about a solution through dialogue and that there will be a way forward. We hope things will go well. At the end of the day, we hope, the election will take place with the participation of all parties. And surely, Bangladeshi people, in final analysis, will determine its credibility. In the same way, the Bangladeshi people, not the outsiders, will choose their own government.

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SYED JAHANGIR

IT was probably in the year 1948 in Kolkata, at the Pearl Road apartment of poet Sikander Abu Jafar (my *dadabhai*), when I first met Nargis Jafar (my *bhabi*). I was just sixteen then, and even to this day I fondly remember my first impression of her affectionate smile, her caring eyes emanating warmth, and her amusingly smart wit.

It was after the Partition of India, when a devastating communal riot broke out in Kolkata, that *dadabhai*, Nargis *bhabi*, along with their year-old son, Syed Alamgir Jafar, had to take shelter in our ancestral home in the village of Tetulia in Shatkhira. They eventually settled in Dhaka.

One day in 1952-53, while strolling down Hatkhola Road Nargis *bhabi* came across what she thought was a bookstore and went in to take a look at the books. To her utter surprise she found that it was a library -- the USIS Library -- and she was further shocked when they offered her a job. That was the beginning of a successful career of a librarian, who rose from the ranks of the USIS Library, and eventually became the local consulting librarian to set up the library of the Parliament of Bangladesh.

USIS was one of the rare hubs for intellectuals, especially students, at that time. Many of those students went on to become well known civil servants, doctors, engineers, academics, etc. Her pleasant demeanour and helpful temperament made her a popular figure among the library users, and soon she became the famous "*Bhabi*" of USIS.

In 1976, Nargis Jafar joined the Asia Foundation as the Director of the Books Program till her eventual retirement from professional life in 1998. During her time as the Director of the Books Program she visited innumerable schools and colleges across Bangladesh, delivering free books.

Her role in promoting women's rights and professional skills are well known. She was the Treasurer and later Vice-President of Bangladesh Mohila Parishad, Founder Member of Bangladesh Library Association, Founder Director of Business and Professional Women's Club and pioneer in establishing the Business and Professional Women's Hostel, of which she became the first Superintendent.

Nargis Jafar had another passion besides books, and that was social work. During the early '50s she met Begum Sufia Kamal, the

renowned poet, social worker, and one of the pioneers of women's emancipation in Bangladesh. To her, Begum Sufia Kamal was a guide, a friend, a confidant, and above all else her intellectual mentor and role model. To Begum Sufia Kamal, Nargis Jafar was her dearest and most affectionate disciple. This relationship was the cause of Nargis Jafar's involvement in all social service activities. Her role during our Liberation War was simply extraordinary and exemplary. She sheltered many freedom fighters in her own residence risking her own life. She also worked tirelessly to help the Mukti Bahini in every possible way, including collecting money, medicines and clothes for them. I hope that someday the country will honour her with due recognition and award.

After the death of Begum Sufia Kamal, Nargis Jafar was understandably distraught. I remember her mentioning once that Begum Sufia Kamal used to tell her, indicating how close their relationship was, "when I am gone, lots of people will shed their tears, but no one will be able to understand your pain."

Her health started to deteriorate gradually, and multiple health problems besieged her last days. She finally breathed her last at 11:00am on October 12, 2013. (*Innaillah.....Rajeun*).

Nargis Jafar's life was one of struggle, self-fulfillment and commitment to social change. She was one of the earliest organisers of women's movement, to which she remained committed till the very last. Disciplined, committed and forever modest, Nargis Jafar is an exemplary personality for us to remember and respect.

The writer is a very well known painter and art critic of the country.



Mrs. Nargis Jafar

By THOMAS JOSEPH
ACROSS
1 Tortoise's rival
5 Soda fountain orders
10 Country singer Jackson
11 Kind of musical wonder
13 Crooner Crosby
14 Cash, in slang
15 Some piano keys
17 European peak
18 Defensible
19 Summit
20 Horse healer
21 Bride's chest
22 Bed cover
25 Captain Nemo's creator
26 Bad actors
27 Knight's title
28 Chest bone
29 Windfall
33 George Gershwin's brother
34 Some piano keys
35 Infuriate
37 Owed amount
38 Frat party
39 Land unit
40 Horn
41 Listen to
DOWN
1 Custom
2 Full of energy
3 Talked at length
4 Carves into metal
5 Early Ford
6 Ouzo flavor
7 Writer Deighton
8 Usher's place
9 Steak choice
12 Knock over
15 Veritas
25 In — serious
27 Gets serious
29 Produce
30 Brother's daughter
31 Horse's cousin
32 Showy flower
36 In the past
Saturday's answer

A XYDLBAAXR is LONGFELLOW
On letter stands for another. In this sample, A is used for the three L's, X for the two O's etc. Single letters, apostrophes, the length and formation of the words are all hints. Each day the code letters are different.
10-18 CRYPTOQUOTE
BVJI ZI DZLQ ZS NFM
ONBLM IN PN, ZI DZLQ
ZS NFM ONBLM SNI IN PN.
— JMZQINIDL
Yesterday's Cryptoquote:
OUR FRIENDS INTERPRET THE WORLD AND OURSELVES TO US. IF WE TAKE THEM TENDERLY AND TRULY.
- AMOS BRONSON ALCOTT
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BEETLE BAILEY by Mort Walker
HENRY by Don Tranchte
QUOTABLE Quote
"Progress is impossible without change, and those who cannot change their minds cannot change anything."
George Bernard Shaw