

A silver lining in the cloud

Don't let go the window of opportunity

WE feel that a sliver of opportunity has been created on Thursday, when the Prime Minister and the BNP acting Secretary General accosted each other briefly at the Senakunja on the occasion of the Armed forces Day Reception. What transpired, as we learn from the media, opens new prospect of talks between the two parties.

We would like to believe that, in spite of all that has occurred in the last seven days, not all is lost regarding an amicable conclusion of the current impasse. If the PM has expressed her intention of the two parties' involving the secretaries general to get the ball rolling, it would be inexpedient for the BNP not to grab the opportunity. We repeat what we have said many times before in this regard, that it is not the time to stand on ceremonies and officious disposition. What is at stake is not only the credibility of the nation as a democracy, failure to arrive at an equitable solution has imponderable potentials.

We would like to reiterate that election without the participation of a major political party would not receive the endorsement of the people at large, not to speak of the international community, particularly those countries that have genuine stake in a peaceful, thriving Bangladesh.

We would also like to call upon the BNP and its allies to abjure violence at all costs. It not only weakens one's cause, such actions cause public confidence on politicians and politics to be eroded. That can never be a welcome situation.

ILO's welcome recipe

All concerned need to pay heed

IN a new ILO report titled *Bangladesh: Seeking better employment conditions for better socioeconomic outcomes*, the UN agency has spelled out a recipe for far-reaching measures for realising the full potential of Bangladesh garments sector. Recent accidents including Rana Plaza building collapse have brought Bangladesh garment sector to the front and centre of the global textile business concerns.

The report rightly underlines the fact that the RMG sector being central to the economy, new measures need to be far-reaching. Actually, some earlier compliance measures spread thin on a very large number of garment manufacturing units left yawning gaps in the sector to be filled in. Even the fact that some first class compliant factories are there, couldn't nudge the perfunctory nature of garments undertaking on to a serious mode.

The areas requiring to be addressed urgently are workers' safety, strong wage setting policies, job prospects including formalising jobs, better working conditions overall, international labour inspection standards and retention of trade preferences.

The government, garment manufacturers, owners, exporters, brand buyers, regulators and international oversight bodies must help steady the rocking boat of Bangladesh garment sector. It cannot be lost on all stakeholders that garment exports have been the cornerstone of Bangladesh's relatively high economic growth over the past two decades. It has contributed to women's empowerment and provided lifeline to many households, so the socioeconomic policies should be in part tailored to the needs of the garment sector workers.

Kennedy: The man, the myth

SHAHRIAR FEROZE

50 years on and it's not enough. It will never be enough. Readers will never be convinced, because too many hidden dimensions and murky links still remain amidst an attifoul of mysteries on actually who assassinated president John Fitzgerald Kennedy on the fateful day of November 22, 1963 in Dallas. The whiplash trauma of JFK's death was so transformative that it's irritating that the executor should be such a piddling figure as Lee Harvey Oswald.

Whoever designed or may be held to be responsible for JFK's death, almost no American president attracted as much public attention as he did. In this part of the world also, JFK is perceived more as a charismatic statesman thriving out of the pop culture's fixation of the sex-charged '60's (a fascination renewed with a rich coat of enamel by Mad Men's mod style and erotic gamesmanship) that has yet kept the stage lights burning the brightest.

Believe it or not, the global media along with books, memoirs and research schemes all have carried forward JFK's little over 1,000 days presidency's Camelot like fairy tales at such length that it's just impossible to ignore or disregard one's curiosity about the US's 35th president, or else he would have been just another American president.

It was during his presidency that the US had gone through the most tense moments of the 20th century (after WW2), almost bringing the world to the brink of another world war during the Cuban Missile Crisis. His foreign policy was dominated by a staunch anti-Soviet stance—manifested by proxy contests in the early stages of the Cold War. He also introduced the space race with Project Apollo. Moreover, the African-American Civil Rights Movement gearing up during his tenure would one day result in the US having its first black president: Barack Obama.

JFK was a trend-setter for sure, whose style, elegance, iconic speeches, and even tales of philandering (true or false), still cause sensation. The glow of elegance and sophistication that came with the Kennedys was an adroit contrivance.

As far as the Kennedy myth is concerned, so much of JFK conspiratorial theories have been thrown at the American public for so long that it is now nearly impossible to separate fact from fiction. Myths and conspiracies are seemingly easier to believe in than the truth. But knowing the truth is always better.

The Kennedy assassination is a 50 year old metaphor for mystery that's still beyond our comprehension.

The writer is current affairs analyst of The Daily Star.

The remand issue and beyond

STRAIGHT LINE



MUHAMMAD NURUL HUDA

to ensure judicious application of the remand provision. It wonders if the granting of remand has not been contempt of the Court.

Legally speaking, Section 167 of the 'Code of Criminal Procedure' states that "whenever any person is arrested and detained in custody, and it appears that the investigation cannot be completed within the period of twenty-four hours fixed by Section 61, and there are grounds for believing that the accusation or information is well-founded, the officer-in-charge of the police-station or the police officer making the investigation, if he is not below the rank of sub-inspector, shall forthwith transmit to the nearest magistrate a copy of the entries in the diary hereinafter prescribed relating to the case and shall at the same time forward the accused to such magistrate."

"The magistrate to whom an accused person is forwarded under this section may, whether he has or has not jurisdiction to try the case, from time to time authorise the detention of the accused in such custody as such magistrate thinks fit, for a term not exceeding fifteen days in the whole."

It needs to be clearly understood that the intention of the legislature, in meeting the requirements of justice, is to bring the accused to the competent magistrate with as little delay as possible. The law does not authorise a police office to keep an accused person in his custody for an indefinite period. The law evidently views with disfavour the continued detention in police custody beyond the initially permissible 24 hours; therefore, sending an accused to police remand can be allowed only in special cases and for reasons to be stated in writing, and not as a matter of course.

The magistrate has to decide, though prima facie, on the material contained in the diary relating to the case, whether or not the detention in prison of an accused person is necessary, and in coming to a conclusion, he has to exercise his judicial mind. Only when the magistrate could and did apply that mind that it can be said that the order made for the additional detention in police custody is a valid order.

Real-life experience shows that the power to grant remand has not been applied as discreetly as desired in the law. The police as investigator have resorted to prayer for remand on far too many occasions than would be desirable and not enough judicial application of mind has been there in the process. A complaint is often made to the effect that remand is sought to apply to third degree methods with a view to obtaining judicial confession.

In view of the doubts and uncertainties, if the investigating agency stands accused of being dictated by the

wishes of successive establishments, as has been commented upon, then we need to find out why this has happened. In the same vein, one needs to know why some very high-profile politically sensitive accused did not have the benefit of obtaining bail in any one of the multiple cases lodged against them at a particular point of time but subsequently got it in all the cases with the ushering in of another political regime.

It is not for this writer to ascertain the varying judicial wisdom but the concerned members of public have reasons to get upset when they see the same accused being sought after by the powers that be. Does not such a scenario send disconcerting and conflicting signals to the investigating agency whose operatives have learnt to live with the reality? Cynics might say that consistency is the hobgoblin of little minds and as such our investigative agencies must be able to appreciate the dynamics (!) of emerging political reality.

The pernicious culture of playing to the tune of unscrupulous political masters or pandering to their unholy wishes by the investigating agencies and other sensitive state agencies has not occurred all on a sudden. Spells of unconstitutional rule, particularly during 1982-90, have substantially damaged the ethos of our public service including the investigating agencies.

While leadership deficits account for some malfeasance, the real damage has been done by an insensitive and myopic dictatorial establishment that was hell-bent to ruin all regulatory and corrective institutions. The unwholesome effect of such institution-bashing is now being felt by a concerned citizenry.

In a perilously polarised polity where criminals enjoy political patronage, criminal activities are accorded respectability for so-called political compulsions and a loathsome all-pervasive distrust between different social and political groups prevails. The predicament of police investigators who have the double jeopardy of being less-than-credible in the eyes of the law of the land and the members of public, can only be appreciated by a reasoned observer.

In Bangladesh, we have attached disproportionate importance to the so-called maintenance of public order at the expense of overlooking crime prevention and scientific investigation. Thus, we see more personnel for political intelligence collection, security of VIPs including the foreign diplomats, riot police establishment and the so-called elite units. Capital investments for public order situation have been accorded priority over similar expenditures for improving scientific skills of the investigator. The armoured car has been more important than the forensic laboratory.

In a scenario as above, the professionals and the politicians have to share the blame, but perhaps the politicians are to blame more. This is so because enforcement leadership had to satisfy the political boss's requirement. To the political leadership the political opposition is the graver threat and as such greater resources have to be deployed to counter that scourge. The political executive is the authority and he has the last say.

We will definitely put ourselves and our future generations in peril by our inability to let a truly professional investigating agency grow in accordance with the dictates of law. The need for the investigators now is to cultivate a scientific frame of mind and to move from evidence to the accused, and not the other way round, with a view to minimising the abuse and misuse of remand

The writer is a columnist of The Daily Star..

Extraordinary situation demands extraordinary solution

SAADAT HUSSAIN

THINGS are moving very fast. The ruling party is trying to hold elections according to the provision of the constitution which was reformulated by the 15th Amendment. The prime minister promised that there would be an all-party government to run the elections, though it was not a constitutional obligation. The constitution allows the existing cabinet to continue up to January 24, 2014. The prime minister had proposed a different type of regime styled as all-party government to facilitate holding credible elections.

To form an all-party government she called upon the opposition alliance particularly BNP to submit names of their nominees. BNP did not respond to that proposal. The new government is in effect a *Mohajote* (Grand Alliance) government because there is no other party involved in it.

Jatiya Party played a trick by dissociating itself from the *Mohajote* a few hours before the formation of the government. The people of the country were not impressed by such a stunt. They criticised the party Chairman General Ershad for the volte face

From BNP's point of view, the critical area is the position of the PM. They have clearly indicated that they would not participate in any election under the present PM, though Prime Minister Sheikh Hasina never said that she would be the PM. But leaders of AL and 14-Party Alliance made it clear that they would not compromise on this issue. She is continuing as PM, and there is no indication that she will leave her position. She has stated that she would be ready to make any sacrifice for the sake of the nation, and for peace and harmony. Country was more important than premiership. Neither the ruling party nor the Alliance leaders have ever said that there would be a government without Sheikh Hasina.

BNP has been agitating on the street. Some would say that the agitation programmes are dominated by Jamaat. There have been a lot of casualties and physical injuries. So far there has been no concrete achievement. AL and the 14-Party Alliance have been condemning the violent demonstrations. When they were in the opposition they did the same. It is not clear whether there is any other better alternative for the opposition than *hartal*. The leader of the opposition asked the same question to the

FBCCI-led business delegation. They had no answer.

BNP and its allies are continuing with *hartal* and road blockade that bring economic and administrative activities to a grinding halt. To any sensible person such activities during *hartal* are nightmarish. It is an anathema. It is interesting to note that the ruling alliance had also observed *hartal* in Naryanganj, Narsigdi, Meherpur and Khagrachari. When BNP was in power their people also resorted to *hartal* in districts.

Let us come to the recent reconstitution of the cabinet. Some heavyweight ministers have been included. If this was done about five years ago then the government's performance would be different. It is not clear whether this new inclusion will make any big difference. The process is yet to be completed. Most probably, the government party and the opposition are looking for some new demands from each other. It appears from the activities of the two parties that both of them are confident, as if they have some hidden source of strength that they will not divulge. We have to wait and see what happens.

The future of democracy depends on the resolution of the election related problems. It is important to note that BNP does not want to reinstate the old caretaker government system, since the chief advisor would not be of their liking. They want a modified caretaker government. Some people say that to have an inclusive government before the elections, there should be a joint premiership system like in Cambodia: leaders of ruling party and the opposition party will head the short term election-time government. Any order or statement with their joint signature will be the highest executive order. If any difference arises between them then the Chief Election Commissioner (CEC) will give a decision. If the issue is very complex then the CEC should have it approved by the president.

We can adopt this system by introducing some minor changes in the constitution. This will be allowed for a very brief period. If Cambodia can do it for years why can't we have it for a few months? In this system both the leaders will get the same protocol. Under joint premiership ministries will be shared by the nominated members of different parties. For extraordinary problems, we have to find out some extraordinary solutions. Let us not bind ourselves to conventional measures. If some new formula promises to deliver then we should not shy away from it.

The writer is a former cabinet secretary.

LETTERS TO THE EDITOR

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Party leaders sending wrong message to students

"Everyone has the right to education. Interference with that right will not be tolerated." In my elementary school, a student who misbehaved stayed late to learn this ideal by writing these sentences out as punishment. Sadly, in Bangladesh there are groups of adults that need this lesson as well.

Classes and important tests are delayed or lost due to violent hartals. Many activists do not understand the importance of education nor respect the fact that people want to better themselves. Hefajat believes that half the population does not even need education. Political parties' student wings spend too much time clashing with rival groups and disrupting campus life, instead of taking advantage of their educational opportunities.

Violence is the lesson these supposed future leaders are learning; and by not reigning in this behaviour, the current party leaderships send the message that they are not concerned about students' future either.

Neil Taylor
On e-mail

What about indigenous candidates' quota?

According to the prevailing system, Bangladesh government should allocate certain reserved seats (quota) in public services and in the government education institutions for the disadvantaged indigenous people. Recently PSC has been overtly criticized over quota issue, because it has eliminated hundreds of indigenous candidates from the 34th BCS preliminary's revised result (The New Age, July 14, 2013). The excluded indigenous candidates claimed that the assessment of PSC was unjust, discriminatory and against fundamental human rights that have been enshrined in the national constitution. The stealing of quotas from the eligible indigenous candidates broadly demonstrates that the fundamental principles of equity and equal opportunities have been distorted.

Lawrence Besra
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Show no mercy to reckless drivers

Recently I became the victim of a road accident on my way to work. While overtaking a small van on the busy road of Dhanmondi, a reckless driver rammed his minibus into the rickshaw I was riding crumpling its wheels. I was dislodged from seat and fell to the ground with my legs badly hurt. The young bus drivers, often without legal license, don't care about the safety of commuters' lives. The motor-driven rickshaws run like racing cars on the road. Also, with no traffic regulation or no strict law to punish the breakers of traffic law, the helpless city dwellers have to fall victim to their carelessness and lose their lives. If tougher punishment is awarded to the careless drivers, the number of such accidents will decrease and it would be much easier to commute in the streets of Dhaka.

Engr. Naome Syed
Mohammadpur, Dhaka

Comments on news report, "Initiate talks for all-party election," published on November 20, 2013

SM

The president must have more power and should be elected directly by people. We can't have dictators in guise of prime ministers.

Spiderman

He did his best. Snacks, sweets and fruit juices. What else can president do?

MH Uddin

Are we going to suffer more because of the stubbornness of political leaders?

"Discussion was 'disappointing'" (November 20, 2013)

Abbasuddin

Dictators never listen to anybody.

Saleh Tanveer

PM is keen on reading "my way or the highway" manifesto to everyone. This kind of obdurate behaviour with all, domestic or foreign, may work with the faithful but shows to the people how arrogant she has become.

Truthprevails53

The US is poking its dirty, oil-dipped blood-soaked nose here.

Abul Kashem

Since necessary decisions have already been taken long before in a 'planned way', no suggestion or counselling from any corner will be acceptable to our government. So, 'disappointing' incidents will continue to happen. We are really an unfortunate nation.

Hafeejul Alam

It's understandable why the US has so much headache about our election. But Bangladesh is not the Middle East, Pakistan or Afghanistan. The chemistry of Bangladeshi people is quite different. The European Union understands it better. Its chief in Dhaka already asked the BNP to participate in the upcoming election. Now, the ball is in the court of BNP to play fair or foul!