

PM's stress on timely polls

Election shouldn't be relegated to a ritual

PRIME Minister Sheikh Hasina has again told senior leaders of some political parties at the Gono Bhaban that under any circumstances the next general election will be held on schedule. Such a concern is understandable. We endorse her spirit of holding election in due time. However, we would like to emphasise that constitutional compulsion should not get the better of the need for holding the election in an inclusive and participatory manner.

More importantly, what cannot be lost sight of in this case is that the election is an occasion for people to cast their votes in a festive mood. So it must be ensured that all major political stakeholders do take part in the election.

We know from our previous experience how insistence on constitutionality led the 1991 BNP government into holding the farce of an election in 1996 that could not gain acceptance either at home or abroad.

We hope the prime minister is well aware of the imperative necessity of not merely going through motions of an election but of holding a substantive and meaningful election. What is more, she is also the one who knows better than anyone else where the root of the prevailing political standoff over the conduct of the next general election lies. Much water has flowed under the bridge about holding a long-talked-about political dialogue between the ruling AL and opposition BNP to get over the present stalemate, but that is still to materialise. Being in the government, the onus is on the PM to initiate a discussion with the opposition while there is still time for it.

Tackling graft not prioritised

Scams to blame for poor rating

BANGLADESH has not fared particularly well in the latest edition of 'Corruption Perception Index' published by Transparency International. With a score of 27, it now stands as the second worst performer in South Asia trailing all other countries in the region including Bhutan, India, Nepal, Sri Lanka and Pakistan. The rating, as assessed by country experts, business people, analysts, investors and investment analysts points to perception of corruption in the public sector and the likelihood of encountering corruption in terms of unauthorised payments in the delivery of government functions, justice, executive, law enforcement and tax collection.

CPI 2013 on the Bangladesh chapter is based on seven international sources including the Economist Intelligence Unit Country Risk Assessment and World Bank Country Performance and Institutional Assessment. Although Bangladesh has gone up three points from 13th to 16th, what has probably kept Bangladesh back is its inability to tackle allegations of graft in high-profile cases like Padma Bridge project, railway scandal, stock market, the Hall-Mark and Destiny group scandals. The Rana Plaza collapse instance merely reinforced the presence of graft at various levels, large-scale amnesty of criminals on political grounds, the wholesale loan-default culture gripping the banking sector have all colluded not to make the rating any better. Lastly, the clipping of Anti-Corruption Commission has sent entirely the wrong signal as far as the stand of the government on corruption is concerned. For Bangladesh to crawl its way out of the bottom of next year's rating, the government in power must find the polit-

The hysterical

AL-BNP war

ALAMGIR KHAN

A ruler is like a parent to a nation. In the past many feudal kings ruled this way in India, which once Bangladesh belonged to. Nelson Mandela has performed like a father to his nation; so Rick Lyman used the title 'Father to a Nation, and to a Family' for his review of a cinema on that legendary figure in The New York Times (November 27, 2013). What about our prime ministers? Do they perform like a real mother in the light of the above notion? At stake are the lives of our common, poor people, in their war for a chair to sit on for the next five years.

In recent days, Mantu Chandra Paul, a goldsmith, three-wheeler driver Asad Gazi, 14-year old Monir, garment worker Nasima Begum, 18-year old Nahid Mondol, 19-year old human hauler driver Mozammel have been burnt to death. Besides, many other people have been burnt to such an extent as would make them suffer throughout their lives. Habibur Rahman was crushed to death under a bus and a 45-year old man under a pickup. Anwara begum had her skull blown apart by a bomb.

These are the few of the many bad examples set by our leaders who stepped into the role of a mother to our nation since 1990. Now 'genocide', 'mass killing', etc. are the terms with which one blames another. A country can be compared to a train that requires many things including a skilled person at the wheel for its safe journey. We must be hopeful that among the common people there are persons like Tajul Islam and Anwar Hossain who stopped a train in Chandpur with a piece of red cloth and thus saved many lives after the political activists uprooted the rail lines.

But the people still cannot assert their rights and are the pawns in the hands of the two major political parties in the country. In the past, the activists of the feuding parties laid their lives to realize their demands. In the latest development of our politics, common, poor, working people who care little about either of whom is sitting in the chair to rule them are being pushed to death without their knowledge. This is the collateral damage in the hysterical war between the AL and the BNP without participation of people.

The writer writes on theatre, education and socio-political issues.

We are all Geeta Sen



BRIG GEN SHAHEDUL ANAM KHAN

ndc, psc (Retd)



RASHED SHUMON

"What difference does it make to the dead, the orphans and the homeless, whether the mad destruction is wrought under the name of totalitarianism or in the holy name of liberty or democracy?"

bare the motive behind the violence that is being perpetrated. Whoever is doing this or having these done by 'outsourcing' violence is doing it to precipitate a situation that is as unpredictable as the consequence of it, and which may not be within our capacity to tackle by ourselves if we continue to remain as fractured as we are today.

Gandhi had once said: "What difference does it make to the dead, the orphans and the homeless, whether the mad destruction is wrought under the name of totalitarianism or in the holy name of liberty or democracy?" And that is what Geeta Sarkar, the unfortunate lady who was one of the many victims of the senseless orgy of violence that is being wreaked in the country, conveyed to the PM and the leader of the opposition when Sheikh Hasina went to visit the victims of the recent arson attacks in the capital.

And she conveyed more than what Gandhi's famous comments did nearly 80 years ago. Geeta Sarkar has spoken for the people of Bangladesh, and her words came from a person in deep agony of not only the cor-

poral wound she has sustained, but also the psychological trauma inflicted not so much by the petrol bomb that burned her and 18 other of her fellow bus passengers including her daughter, but by the base character that politics has assumed.

I feel one with her, and I have neither any qualms nor hesitation in acknowledging my inability to be as forthright and blunt as she. It is perhaps because I remain happily ensconced in the four walls of my home not worried about how the next meal is going to come or how to get my daughter to school in time that she does not miss her exams. But because of the situation created by politics and politicians, thousands of Geetas have to risk their lives to go about their daily chores.

And, facetious that it may sound, I seem to be in very good company of our civil society and HR groups members who seem to have lost their voice when they should have been more vociferous and come together to register their protest at the senseless violence and the

cause of the violence, cutting across party lines. What has been heard as remonstrance has at best been muted. Whatever may be the rationale for the respective positions that the two parties have taken on the issue of the CTG, nothing can justify the violence that we are witnessing.

What the government fails to realise is that it cannot use the opposition's flawed strategy to make political capital, because that is what appears to be the case. The inability of the law enforcing agencies to apprehend the actual perpetrators in spite of their heavy presence on the streets, particularly in the capital, has given rise to ludicrous speculations about the government's role in the violence.

Our leaders must understand too that they are not our masters, we are theirs, and as Geeta said, we put them there. And by putting us through endless agony and uncertainty they have failed in their bounden duty and the trust we put on them to ensure our safety. None of the parties can claim the high moral ground because their politics is devoid of ethics. And here the cautionary tone of the UN commissioner for Human Rights that those who have caused the loss of lives may face prosecution under the provisions of ICC Act for perpetrating political or election related violence must be recognised.

It is a pity that politics has become the cause of people's insecurity. If there is a sick government it is because there is sick politics. And it requires the active involvement of the suffering silent majority to stop the violence and the destructive path that politics is taking the country towards. It is the people only who can cure sick politics.

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

SEEKING OF NOMINATION BY ICTBD PROSECUTORS

Is there any bar at all?

SIFAT MAHMUD

THE seeking of nomination by four Prosecutors of the International Crimes Tribunal Bangladesh (ICTBD) from Awami League for the upcoming general election has raised questions from different corners as to the legality of their seeking nomination from the ruling party and their integrity. However, none of them got nomination. One expert opined that Awami League has rightly refused to give them nomination. This article will clarify whether there is any bar, be it legal or moral, in their seeking nomination from the ruling party.

At present, there are 22 ICTBD Prosecutors. The Chief Prosecutor and two other Prosecutors have been appointed in the status of Attorney General; twelve Prosecutors have been appointed in the status of Additional Attorney General; one prosecutor has been appointed in the status of Deputy Attorney General and six prosecutors have been appointed in the status of Assistant Attorney General. Their appointment and duties are regulated under Section 7 of the International Crimes (Tribunals) Act 1973 (ICTA 1973) and rules thereto on such terms and conditions as determined by the government. The role of the Prosecutors of ICTBD is similar to that of Attorney General, Additional Attorney General, Deputy Attorney General and Assistant Attorney General and their appointment is made on ad hoc basis and therefore, the Prosecutors of the ICTBD are not permanent incumbent of the government.

The Prosecutors of the ICTBD are intrinsically deemed to be law officers of the government. According to Section 2 of the Bangladesh Law Officers Order 1972 the term 'law officer' denotes the Attorney General, Additional Attorney General, Deputy Attorney General and Assistant Attorney General in the Supreme Court. However, in practice customarily and intrinsically the term 'law officer' has been extended to Public Prosecutors and Government Pleader and their assistants in the lower judiciary. In an authoritative law book named 'Ain Shobdokoshi', the term 'law officers of the government' has been defined and, according to that, the Prosecutors of the ICTBD fall within the term. Being law officer the Prosecutors of the ICTBD do not hold any 'office of profit', nor be they regarded as government servants. As per Section 5 of the Bangladesh Law Officers Order 1972 (P.O. 6 of 1972) the office of a law officer is not an 'office of profit' nor is it a 'service of the Republic'. Section 5(2) the said Order provides as follows: "The Office of a Law Officer shall be deemed not to be an office of profit nor shall 'service of Bangladesh' mean or include the office of a Law Officer".

No other Service Rules of the Republic is applicable for the Prosecutors of the ICTBD. For example, the Prosecutors of the ICTBD do not get any pay scale like

government servants and they do not get any festival bonus and increment of salary. They get retainer for their service as determined by the government.

It is the duty of the Prosecutors to conduct the prosecution cases and as such, like defence lawyers, they are merely a party to the cases brought before the Tribunals. It is the duty of the Hon'ble Judges to try cases and deliver verdicts. (This was also reiterated by former Law Minister and at present Adviser to the Prime Minister Barrister Shafique Ahmed: *The Daily Star*, November 11 2013 and *The Daily Prothom Alo*, November 12, 2013). Hence, the presumption of impartiality is not applicable for the Prosecutors as they are a party to the cases only.

Since the office of the Prosecutor is neither an 'office of profit', nor can it be regarded as 'service of the Republic.' Article 66(2)(f) of the Constitution of Bangladesh ('the Constitution') and Section 12(1)(f) of RPO 1972 are not applicable for the Prosecutors of the ICTBD. There is no legal or any other bar for a Prosecutor to seek nomination of any political party to participate in general election. There is also no bar for a Prosecutor if s/he gets nomination from any political party and participates in a general election provided that s/he resigns from his office before filing the nomination paper.

For example, Ms. Fazilatunnessa Bappy MP had been elected as Member of the Parliament (MP) to the reserved seat of Parliament in 2011 while she was serving as a Prosecutor in the ICTBD. When she got nomination she resigned from the office of the Prosecutor and thereafter took oath as MP on

December 13, 2011. No question of immorality or illegality was raised about her being elected as MP from Awami League while she was serving as a prosecutor of the ICTBD. Similarly, no question is raised when the Chief Law Officer of Anti-Corruption Commission (in the status of Attorney General) Advocate Anisul Hoque has got nomination from Awami League to contest in the upcoming general election from Brahmanbaria - 4 (Kosba)!

It must be mentioned here that like other law officers the Prosecutors of the ICTBD are not barred from participating in political activities and no question has been raised till today as to the legality of their participating in politics, nor has their integrity been questioned by anybody.

Despite no ambiguity and no legal bar to seek nomination from any political party, some quarters have intentionally instigated debate and raised eye-brows, just to confuse the general people of the country about their integrity. Such remark of those people is totally unjustifiable and cannot be considered as merely a fair criticism. It might be treated as simply ignorance of law, or it was quite intentional and with malafide and ulterior motive.

LETTERS

TO THE EDITOR

letters@thedailystar.net

President can save nation

The country is on the verge of collapse. People are at their wit's end not knowing what is going to happen the next moment. The situation came to this stage for the 15th amendment in the constitution which abolished the CTG. This was done because PM wanted it, though many of her cabinet members were against it.

BNP Chairperson Khaleda Zia with a 20 member delegation went to meet president on November 19 and urged him to take steps so that the ruling party and the opposition can reach a consensus for holding a fair and participatory election under a non-party government. Then on November 26, six eminent citizens went to meet the president. They requested him to restrict PM's powers to overrule ministers' decisions so that BNP may join the polls-time government.

As the president of Bangladesh, he has got the sacred duty to look after the welfare of its 16 crore people. We hope and trust that he will not let them down and will come to a solution acceptable to all.

Nur Jahan
Chittagong

Beware of lead poisoning hazards

I appreciate Md. Asadullah Khan's effort to inform the readers about the poisonous effects of lead on human health through his write-up published in TDS on November 23. This write-up was an eye-opener for many who were not aware of the terrible consequences of lead-poisoning.

It was horrifying to know that lead-poisoning, along with other detrimental effects, retards mental and physical development of children causing reading and learning disabilities, hearing loss, respiratory problems, hyperactivity and lack of concentration, even at low levels of exposure. Hence, I would like to urge the environment activists of the country, NGOs and other organisations to include this fatal problem of lead-poisoning in their social movements and campaign for preventing it. Moreover, health and environment ministry should take appropriate measures to help the nation get rid of this life-threatening contaminant.

Mohammad Rukanuddin
Assistant Professor of English
Ahsanullah University of Science and Technology
Dhaka

Party loyalty shouldn't affect professionalism

One may strongly support a political party but one should also be serious in one's professional commitment and obligations. Supporting a party should not stop one from discharging one's professional responsibilities. Let us perform our professional duties properly keeping aside our political opinions. That way we can contribute to our nation's development.

Professor M Zahidul Haque
Dean, Faculty of Agriculture
SAU, Dhaka

Comments on news report, "AL's criminals responsible," published on December 3, 2013

Poy

Wouldn't it be great if AL wear black jersey and BNP wear white, so that common people could recognise which team is playing the game?

Zman7

Looks as if the great opposition leader has just woke up from her long sleep and heard for the first time that her country is under attack. Alas! The great leader is now "shocked."

Mohammed Z Chowdhury

All responsibility should be taken by BNP-Jamaat. They are using petrol bomb to burn the innocent people!

Mohammad Saiful Hosyn

Madam, we appreciate your concern. Some miscreants are on the loose and they are against the country. There is no proof as to which party they belong to. They can wear any disguise. So please make sure they are not hiding in your party before blaming others.

"Blockaders torch AL leader's house" (December 3, 2013)

Aasfisarwar

The present situation is no longer in BNP's hand as all of their aged leadership are either in jail or sitting in the house. Under provocation, their top leadership did not get out of the house.

Zman7

In a situation like this, the best measure should be and must be to defeat the terror and uphold the rule of law with full force to quash any anarchy.

Jakaria Bulbul

The clash or gunfight is between the blockaders and the AL men on the road. What is the fault of the innocent people that their houses are being burnt to ashes?

Truthprevails53

BNP and Jamaat sympathisers will start writing that this is apparently a drama staged by the AL.

Ben10

Newton's third law. Every action has equal and opposite reaction. AL should understand this.