

Pias Karim: A different perspective

MOZAMMEL H. KHAN

I never thought I would write an obituary for Pias Karim, who was much younger than me. I came to know him some 35 years ago, when he was a diehard leftist, both in conviction and in practice. He accompanied me on the maiden trip his elder sister made to my home town after I married her while I was working as a professor of an overseas university. In my first trip to his house in Illinois when he was a professor in the United States, I grumbled that he did not have an air-conditioner in his guest room because of his socialistic philosophy, and not because he could not afford one.

He had a desire to go back to Bangladesh, which he was not able to materialise due to his first love's (his deceased wife) otherwise different position. As a test case, he took a year of sabbatical leave and took a teaching assignment in a university on the outskirts of Dhaka city, whose proprietor was his ideological comrade. However, he realised in no time that so-called ideologues are not ideologues in the real sense. He shared his bitter experience with me in private and went back to the United States before his contract expired.

After the sudden demise of his wife in 2006, he got the absolute freedom to make his decision to pack his bags and

return to Bangladesh, which he had wanted to do for a long time. Initially, I was told that he would be working for the Daily Star. However, except for a lone piece, I never saw his write-ups in DS. He eventually ended in Brac University, which was his workplace until his sudden death just 11 days before his 56th birth anniversary (incidentally both of us had the same date of birth).

Over the last few years, he became a TV talk-show specialist, and his categorical views on most aspects, as I heard from others, portrayed him as an active adherent of a major political party whose politics is guided solely by their antagonism against AL, the party that led us to freedom. However, I always viewed Pias Karim as an exception. During his students days, when his mother would advise him just like any other mother not to get involved in politics, he would respond: "If Sheikh Mujib's mother would advise him the same and if he would abide by it, there would be no Bangladesh." During his recent and rare meeting with the heir apparent of BNP, he told him that he did not concur with his tampering with Bangladesh's history of birth, and especially with his childish attempt to demean Bangabandhu.

During the tumultuous days of Ganajagoron Mancha, he earned the wrath of millions when he took a stand against the movement, preaching identical views as BNP vis-à-vis war



crimes trials, such as "we want trial, but the trial has to be...". This was a radical transformation, which many of his former comrades, strangely, viewed as smooth transition. That was probably the beginning and there was no turning back -- albeit none of his family members subscribed to his radical transformation.

His sudden and untimely departure was a great shock for his family and friends. His family members and friends never ever imagined that he would be such a discussed personality after his death. In his life, he never thought that his body would be taken to any iconic place. In fact, it was the so-called ideologues who proposed the idea, obviously to meet their own vested political interest. It will be naïveté of the worst order if they want others to believe

that they did not anticipate the repercussions in the politically highly polarised society of Bangladesh. Let them draw their own deductions as to what they have gained through it, but the family had to endure a traumatic few days while mourning one of its dearest members.

In the news and social media there are all kinds of exaggerations involving his father vis-à-vis his role in 1971. As an example, it was widely reported that his father was responsible for the arrest of Shaheed Dhiredranath Datta by the Pakistani army. The fact of the matter is when Shaheed Datta was arrested on March 29, 1971 his father had already escaped to his own paternal home. One of his uncles was the second IGP of Bangladesh, who was later on chosen by no other than Bangabandhu to become the PM's secretary in 1973, the most coveted bureaucratic position of the government, while another uncle was an AL candidate in the 1979 general election.

I found him a practicing socialist, great humanist, genuine patriot and a person possessing absolutely no materialistic greed, a scarce virtue in Bangladesh society. Keeping aside his latest political stand, he will be greatly missed by anyone who met or knew him, including his friends and foes alike. May his soul rest in peace.

The writer is the Convenor of the Canadian Committee for Human Rights and Democracy in Bangladesh.

Is presidential clemency possible for war criminals?

SHAKHAWAT LITON

LAWS, Justice and Parliamentary Affairs Minister Anisul Huq on Sunday stressed the need for bringing an amendment to the constitution so that the convicted war criminals cannot get president's clemency in future. He said that former president Abdur Rahman Biswas had pardoned war crimes convict Jamaat-e-Islami leader Ali Ahsan Mohammad Mojaheed. In the minister's view it cannot be ensured that the convicted war criminals would not get presidential pardon without amending the constitution. He said he would raise the issue before the policymakers of the government and discuss with them about how a provision can be included in the constitution prohibiting presidential pardon for convicted war criminals.

The crucial question is, can an amendment to the constitution prevent a president from pardoning a convicted war criminal? This is uncertain. Any future government having two-third majority in parliament can reverse the amendment if it wants. So, the law minister cannot say in any way be certain that a mere amendment to the constitution will ensure that a convicted war criminal will not get presidential clemency.

His apprehension that a president (like former president Abdur Rahman Biswas) can pardon war crime convicts is misplaced. He seems to have put the blame on the president for the abuse and misuse of the president's prerogative and power to grant pardon. The truth is different. Article 49 of the constitution says: "The President shall have power to grant pardons, reprieves and respites and to remit, suspend or commute any sentence passed by any court, tribunal or other authority." But the president cannot exercise this authority on his own. Rather, he exercises this power on the advice of the prime minister. So the president has this prerogative power on paper only. It is the prime minister who actually exercises this authority through the president.

The philosophy behind this prerogative power, according to legal experts, is to afford relief from undue harshness or evident mistakes in the judicial proceedings. The administration of justice by the courts may not always be wiser, accurate or fully cognisant of the circumstances. The presidential power to pardon is supposed to be used to provide remedy in such a case. But mindless exercise of this power has sparked allegations of misuse and abuse of the authority. The way the authority has been exercised in the past to benefit ruling party men is also a severe blow to the rule of law.

On advice of then Prime Minister Sheikh Hasina, late President Zillur Rahman, in three years (2009-2012), granted clemency to 21 persons convicted to death in different cases. This has set a bizarre record, as presidential clemency was never exercised on so large a scale before 2009. Between 1972 and 2008, only four people were granted presidential clemency, according to the information disclosed in parliament on November 14, 2012 by then home minister Mohiuddin Khan Alamgir.

Late President Zillur, on advice of the prime minister, pardoned Shahadab Akbar, son of then deputy leader of parliament Syeda Sajeda Chowdhury, in November 2009. Shahadab was sentenced to 18 years' imprisonment and fined Tk. 1.6 crore in absentia in four cases filed by the Anti-Corruption Commission and National Board of Revenue during the tenure of the last caretaker government. The presidential pardon drew widespread criticism, but this could not prevent the government from exercising the power again. In September 2010, the late president pardoned 20 death row inmates convicted in killing of Jubo Dal leader Sabbir Ahmed Gama. Most of them were AL adherents and activists.

Again, in July 2011, the late president granted controversial mercy to A.H.M. Biplob, a son of ruling AL leader Abu Taher of Laxmipur and a death row inmate in the much-talked-about Nurul Islam murder case. The late president granted him mercy for the second time in seven months. Biplob's life sentence in each of the two murder cases had been reduced to 10-year imprisonment.

Zillur's predecessor Iajuddin Ahmed, in 2005, had pardoned Mohiuddin Jhantu, who was president of the then ruling BNP's Sweden chapter. Jhantu was sentenced to death two decades ago in a double murder case, and the other convict in the same case had been executed before Jhantu was pardoned by the then president. After Jhantu was given clemency, then main opposition AL had launched blistering attacks on the then BNP-led government in and outside the parliament. But when late President Zillur exercised the prerogative power on advice of Prime Minister Sheikh Hasina, AL leaders and lawmakers remained silent.

Given the abuse of the president's prerogative powers, the law minister's apprehension has some grounds. If BNP-Jamaat alliance forms the government in future, the president may be advised by the prime minister to exercise the prerogative power to pardon convicted war criminals. BNP-Jamaat have already created the ground by questioning the trial of war criminals. And the abuse of the president's prerogative powers of clemency by the AL-led government contributed to the apprehension that this power may benefit the convicted war criminals after a changeover of power. The above cases are glaring examples of how the abuse of power paves the ground for disastrous consequences.

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SATELLITE CHANNELS AND MOVIES

Protection of culture or protectionism?

MD. RIZWANUL ISLAM

UPON a writ petition, the High Court Division (HCD) of the Supreme Court has asked the government to explain why three Indian satellite channels would not be barred from being telecast in Bangladesh. What the HCD would ultimately do in this legal battle is purely a matter of law to be settled by the HCD and it is not in any way the intention of this column to comment on the legal merits of the petition pending before the HCD. However, those who seek to block some of the Indian satellite channels and movies of not just India but other neighbouring countries in the Indian sub-continent cry for the so-called 'protection of our culture and values.' This write up is a comment on the parochial and protectionist arguments that these groups raise.

Generally, people seek to shield themselves from competition when they are not confident of their ability to survive in a more open environment. Quality dramatists and producers such as Humayun Ahmed and Atiqul Haque Chowdhury never had to fret about, let alone cry for, shielding their works from overseas competition, rather they enjoyed very strong following in West Bengal. Humayun Ahmed even unequivocally derided the cry of the movie industry for protection from competition. It is quite interesting that while there are many Indian channels, generally the barrage of attacks is hurled at only some of them allegedly because their programmes 'threaten our culture.' Perhaps the fact is that they are more popular and have a large viewership in this country and cause some headaches for some in this country.

Interestingly, the Import Policy Order, 2012-2015, provides that: "Cinematograph film (exposed) in English language without sub-title and in other languages except sub-

continental languages with sub-title in Bangla or in English shall be permissible for import." This restriction on movies in sub-continental languages can be based on commercial or cultural considerations. If it is based on cultural considerations, it is incomprehensible that movies in the Indian sub-continental languages would threaten our culture but other foreign movies would not. If anything, because of some affinity with the culture among the neighbouring countries, it would seem that they would be more attuned to our cultural and moral values. This would imply that this restriction has more to do with commercial factors and less with cultural values. Even in commercial terms, despite enjoying protection for decades, there is little evidence to suggest that the shielded movie industry of Bangladesh has matured or even progressed in comparative terms.

The cultural warriors seeking to block Indian satellite channels from being telecast forget, or are wilfully oblivious of, the fact that if the door is shut for some channels, this would not necessarily mean bigger viewership of comparable programmes of local satellite channels. In this competitive world, if some overseas satellite channels are banned simply because some of our compatriots do not like them or that the programmes telecast in those channels allegedly influence some immature viewers to indulge in harmful or absurd activities, other overseas satellite channels may fill the void and the local channels may remain where they are.

While the merit of the efforts to block Indian satellite channels is being questioned here, the artistic merit or entertainment appeal of the programmes that these channels telecast is not being lauded. Indeed, like many of my compatriots, the kind of soap operas and many other entertainment programmes these channels typi-

cally telecast is far from what I would crave to watch. But who are we to dismiss the taste of millions? Or even more importantly what right does the government possess to harshly tell a very large segment of our adult population what to watch and what not to watch unless what they do choose for their viewing is patently immoral?

It was not too long ago when many Bengali speakers in India were striving to watch our dramas and soap operas. It would serve them if the entertainment industry insiders in this country could ask themselves some difficult questions that while the quality of our soap operas is in no way any worse than that of India's why and how have the Indian channels effectively taken away a big chunk of Bangladeshi viewership? What has made a segment of our entertainment industry feel so vulnerable? The answer probably lies in the distribution and marketing policies of many of the products of the industry.

Another argument put forward in favour of blocking Indian channels is about ensuring reciprocity, because Bangladeshi channels are effectively blocked in India, we should do the same for Indian channels. Obviously, this is intuitively appealing but in this case this response may not be very effective, and it is an open question as to what extent a much bigger market of the Indian channels would suffer from a Bangladeshi ban. Even if it does, it would weaken the moral force of the arguments of a very large segment of Bangladeshi entrepreneurs that they face undue market access barriers in India. It seems that a better step for the entertainment industry would be to collectively lobby for effective telecast rights in India for Bangladeshi satellite channels.

The writer is an Assistant Professor, School of Law, BRAC University.

CROSSWORD by Thomas Joseph

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| ACROSS | 34 Trite | 3 Like's boyhood | 21 NBC show since |
| 1 Trite | 36 Matador's need | home | 1975 |
| 6 Sunset site | 37 Raul Castro's | 4 Cherish | 24 Well-founded |
| 10 Quarter-back Tim | brother | 5 Ram's mate | 25 Desk accessory |
| 11 Brother of Groucho | 38 Dark fur | 6 Cordial | 27 Volleyball need |
| and Chico | 39 Coral island | 7 Filmdom's Flynn | 28 Swift |
| 12 Martini extra | 40 Eyeballed | 8 Puffball bit | 29 Up to now |
| 13 Slip | 41 Tear asunder | 9 Trunk | 30 Select group |
| 14 Leafy vegetable | 42 Suspicious | 11 Birthright | 31 Peripheral |
| 15 Protects, in a way | DOWN | 15 Saloon supply | 35 Grasped |
| 16 Second person | 1 Dracula author | 17 Generally | 36 Canary's home |
| 17 Will Smith biopic | 2 Israeli city | 20 Motoring need | 38 Costa del- |
| 18 Zodiac cat | | | |
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| 22 Schnitzel meat | | | |
| 23 Picnic pests | | | |
| 26 Wrestling uniforms | | | |
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Edith Wharton