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# Int'l Youth Day

Youth has been defined as the supreme strength of society. Youth is the token of a dream where the theme is novelty and creativity. Without youth freedom, struggle or demonstration or whatever we say against evils on earth are a thoroughly unimaginable phenomenon. Today youths are facing manifold challenges in every sphere of their lives while we chalked out various programmes to celebrate the 'International Youth Day'. The day is being observed in the country since the year 2000 following the resolution of the UN General Assembly in 1999. Whenever youths remain jobless, a nation will face severe problems such as poverty, the biggest curse for a country. Therefore, this year's theme of this day is "Tackling poverty together". At least 30 million young men are now unemployed in the country.

And there are many other problems that the youths are facing. According to World Youth report, 10 million young people are currently living with HIV/AIDS, the biggest threat to humanity. Drug addiction is another challenge today. For the scantiness of care, love and affection many youngsters become addicted. Besides, some of them get involved in many social crimes. Therefore, may we promise from this day to recognise the needs of youths and fulfil them in search of a peaceful world.

M Alauddin Ansary, University of Dhaka



## Legal status of 'living together'

The phrase 'Living together' goes with the sense of cohabitation between an adult male and a female who are not united by lawful marriage. In the Western culture such living got its position as a means of understanding each other before becoming life partner. In our country, though such living usually goes against the social and religious values, is there any legal restriction against it? And more precisely, is there any legal obstruction against sexual intercourse between unmarried adult male and female? Let us have a look into the related laws adopted in our country in this context.

We have mainly the "Penal Code (Act of XLV of 1860)" to define the

offences and to determine the penalties thereof. Some minor Acts have also been adopted in the course of time to complement and supplement this Code. Having gone through the Penal Code we found very few Sections like 375, 493 and 497 which speak about the provisions of sexual intercourse without marriage amounting to an offence.

From the conception of the section 375 of the Penal Code, sexual intercourse without marriage between a male and a female (of above 14 years) amounts to rape where the 'will' or 'free consent' of the female is absent. Therefore, living together, where both the will and consent of the female exist, remains unhindered by the provision of this Section.

The section 493 of the Penal Code deals with the offence of cohabitation

caused by a man deceitfully inducing a belief of lawful marriage. Here the man by deceit causes a woman, who is not lawfully married to him, to believe that she is lawfully married to him. But cohabitation without such deceitful inducement faces no constraint from this Section of the Code.

The Section 497 of the Code defines and penalises the offence of 'Adultery' and is seemingly very relevant to our discussion. This section imposes an indirect demarcation on living together. As to the provision of this section, sexual intercourse with a woman married to another man, without consent of that man (but with the consent of the woman), becomes the offence of adultery. (Interestingly, the wife shall not be punishable as an abettor). Therefore, voluntary sexual intercourse with a woman not married to

anybody does not amount to adultery.

From the above discussion, it can be inferred that the voluntary and mutual living together or cohabitation or sexual intercourse with an adult female not married to any person is legally unrestricted. The only legal restraint on it imposed by Section 290 of the Code is a maximum of Tk 200 fine if it creates any annoyance to the public or people in the vicinity as to the definition of 'public nuisance' under Section 268. Is that enough? Should this so called 'living together' be gone legally unchecked? If so, should we cope with the situation described below?

Being doubtful a policeman knocks at the door. To the query of the policeman if the couple replies that they are unmarried and living together, the policeman has nothing to say. On the contrary, if the couple replies that they are married only then the policeman may raise issues to be inquired into like if the marriage is the second one and so on.

The Penal Code was adopted about 146 years back by the British rulers. What is for use in one society might be for abuse in another society. What was benign to then British society may not necessarily be same to our present social values. In the western culture actions like living together are encouraged and do not amount to an offence. But these are undoubtedly malignant to our social values and should be brought under legal structure. And hence, the so called living together can be the subject of amending the definition of adultery under section 497 of the Penal Code.

**Muhammad Yousuf**  
Assistant Commissioner & Magistrate  
Naogaon Collectorate, Naogaon

## Racist umpire

The incident at the Brit Oval during the Pakistan-England match was a clear indication that racism is still a factor in world cricket. Umpire Darrel Hair is renowned or rather ill-known for his role in the Muralidharan case (the chucking controversy); and he did his reputation no injustice by accusing Pakistan of ball-tampering and awarding five runs to the England team. The funny thing was that the batsmen present at the field were seen choosing the ball to play, which is the umpire's job!

Also, when Pakistan were delaying their arrival to the field after tea, both the umpires should have talked with Inzamam before making any decision (as written in the by-laws of the ICC) to forfeit or close play.

Had it been Australia or New Zealand in place of Pakistan, Mr. Hair wouldn't have dared make such a decision without cautioning the bowlers and the captain of the accused team first.

This is the harsh reality that we are still living in a world where skin colour determines privileges!  
**Faisal Khair Chowdhury**  
Sr. Human Resources Officer  
Beximco Pharmaceuticals Ltd.  
Dhaka

## Thanks, Mr. Lifschultz

Thanks to Mr. Lawrence Lifschultz for his write-up entitled "The Taher I knew" (DS, July 23). A witness to the post-Mujib (1975-1976) nasty and smoky politics in Bangladesh, Lifschultz has rightly exposed the truth on the issue of the so called trial of Col. Taher in 1976.

The members of the new generation know very little about the visionary leader Col. Taher. Col. Taher cannot be compared with any other contemporary leaders in Bangladesh. He took part in our Liberation War and lost his leg in the war. However, this did not restrict him from working for the reconstruction of the war-crippled Bangladesh. Col. Taher was a visionary leader. It is really interesting to note that the devastating flood of 1974 disturbed Taher's mind and accordingly he gave a serious thought on the issue. To tackle this natural calamity he had come up

with some research based solutions.

After the liberation, he realised that for the betterment of the nation, the colonial structure of the army must not be followed as Lifschultz stated, "In Taher's view if the Liberation War was to result in a fundamental change for those among the most impoverished strata in Bangladesh, then an army had to emerge that would identify with the interests of the poor. In his view, it could only do so by a new daily practice shaped around interactions with villagers and ordinary people. It would be an army much more than merely a force that carried arms. At this stage Taher called it a 'productive army'. In fact, he had implemented his brain child "productive army" while he worked in Comilla brigade.

Bravery, patriotism, honesty, sincerity and above all love for the people of the country marked Col. Taher as a legendary figure. His political ideology was inclined towards Marxism. However, it does not matter, whatever ideology we follow, we must pay homage to Taher for his sacrifice for the nation.

Mr. Lifschultz has revealed the history of that dark span of time objectively. All the misdeeds done in the past by our so called "national heroes" should be unmasked before the new generation with a view to building up our future based on true history.

**Md. Anwarul Kabir**  
Assistant Professor & Research Coordinator  
Department of Computer Science  
American International University,  
Dhaka

## Bol-CPD

I do not want to say that Mr. Mahmudur Rahman did the right thing.

But I just want to add that someone having a significant status in the society does not mean that no one can go to court against her/him.  
**Md. Jamal U. Tanin**  
CMC, CTG

## Dramas and ads

I am quite shocked seeing some advertisements on Bangladeshi channels, which use offensive words. It is also noticeable that some TV drama serials use vulgar words.

I wonder where we are heading as a nation. It is disgusting to watch these types of ads and dramas in front of children.

Hope the Bangladeshi society has not reached a point where our values are totally disregarded.

**Mamun Ahmed**, Las Vegas, NV, USA

## Confused viewer

I was just watching a TV show in a private channel. It was about picking a very glamorous girl from a bunch and ultimately shooting her to stardom. These sorts of programmes are on the rise. It seems that our visual media has run out of ideas. Now they are cashing on some good-looking faces and succint clothes. They are naming this after Bangladesh, as they are in a so-called hunt for Bangladeshi talent. But how these girls who scarcely give a Bangladeshi look, leave aside their attire or alien Bangla pronunciation, represent Bangladesh or its rich culture?  
**Md. Golam Mannan Chowdhury**  
One-mail

## Transhipment of Indian goods

Bangladesh is almost totally surrounded by India from the west, north and east. The northeastern states of India are land-locked in the sense that goods need to travel large distances, circumventing Bangladesh, to reach other parts of India. According to the government of Tripura, the distance between Agartala and Kolkata (formerly Calcutta) as the crow flies is only 350 km. However, if one travels between these two cities by circumventing Bangladesh, the distance is greatly increased to almost 1700 km, according to the Department of Tourism of the Government of India.

Goods following the traditional, longer route require more time and resources to reach the economic centres of India. This bottleneck to trade may be said to be one of the causes for the under-development of that region. Bangladesh can help in the development of the north-eastern region of India, and in the process, earn some substantial revenues by allowing transshipment of Indian goods across Bangladesh.

Transshipment is not a new thing in this world. A number of countries depend on transshipment to earn substantial amount of revenues. The Internet have a list of the 15 busiest transshipment centres in this world under the heading "World's busiest transshipment port." It shows that Singapore is the busiest port, while Colombo is one of the top 15. Just by handling goods for their re-export to other countries, these ports earn a substantial amount of foreign currencies.

To maximise benefit for Bangladesh through transshipment, the government can stipulate that only Bangladeshi trucks or trains will transship Indian goods when they are travelling across Bangladesh. The goods can be custom-checked and sealed in containers at Akhaura (the Bangladeshi town situated very close to Agartala). Bangladeshi trucks or trains can then ferry these goods to Benapole, where they can pass customs again before handing them to India. The goods may even be taken from Akhaura to Chittagong so that they can be shipped to Kolkata. A special branch of the law-enforcement agency can provide security to these goods to prevent theft. The construction of the Padma Bridge will help to make this facility even smoother. For the transportation of goods on Bangladeshi soil, the government can ask for a 'transshipment and security of the goods' fee from India. Providing transshipment facilities can also create job opportunities in the transportation sector and in the clearing and forwarding industry of Bangladesh.

Bangladesh can also provide India with a list of 'acceptable' goods that can be transhipped across Bangladesh. The goods on the negative list cannot be allowed to be transported across Bangladesh. Our country can also stipulate to India that, in order to avail this transshipment opportunity, India should allow Bangladesh full access to tranship goods over Indian soil to Nepal and Bhutan. This way, trade between Bangladesh and the land-locked countries of Nepal and Bhutan can increase. India has recently opened trade with China through the Nathu La Pass in Sikkim. Bangladesh may even stipulate to allow it to trade with China through the Nathu La Pass. This way, China can be linked with Bangladesh by road, making trade smoother between these two countries.

Prime Minister Begum Khaleda Zia called for faster integration of the Saarc region economically at the "Saarc Council of Ministers" in Dhaka on August 1, 2006. The previous Awami League government tried to provide transshipment facility to India, but it met with violent opposition in Bangladesh. However, in the economic interest of the country, transshipment of Indian goods should be allowed across Bangladesh.

**T. M. Tonmoy Islam**  
Vanderbilt University  
Nashville, Tennessee, USA



# Poet Shamsur Rahman

It's a sad day for lovers of literature in general and poetry in particular, regardless of geographic or political boundary, to have to say goodbye to poet Shamsur Rahman. His passionate lyrical voice uplifted and energised people of all stripes with hope and resolution in days that were dark.

His poetry shed light on the simple beauty that is all around us even in the mist of misery.

I was fortunate to know him personally years ago. In the 1950s, a group of us used to spend a lot of time in and around the Dhaka Medical College Hostel and the tea shops in the area. The members of the group all became accomplished in their fields of endeavour and they include such luminaries as Hassan Hafizur Rahman, Shamsur Rahman, Borhanuddin Khan Jahangir, Abdul Gaffar Choudhury and occasionally we would be graced by the presence of Alauddin Al Azad and Murtaza Bashir, the man with the magical painting brush. Being in this continent for over 47 years, I am nostalgic now to recall the days of our youth and vigour when we discussed poetry, politics and other things that are now inconsequential, but certainly were not then.

Poet Shamsur Rahman will be sorely missed but his legacy will remain to inspire us all to strive for excellence with humanity and compassion.

**Dr. Jamal Uddin**  
Ontario, Canada  
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Poet Shamsur Rahman breathed his last at 6:30 pm on August 17, 2006. The nation lost a great poet, a great warrior.

At the Central Shaheed Minar in the capital several thousand mourners comprising colleagues of the poet, litterateurs, artists, cultural activities, academics, journalists, politicians and people from all walks of life and ages thronged to pay their last respect to our greatest poet-- Shamsur Rahman. In accordance with the poet's last wishes, his body rests in peace in his mother Amena Khatun's arms at Banani graveyard.

The whole country observed the great poet's funeral. While I was observing the funeral programme my expectation was that he would be given the highest state honour, but that didn't happen.

My question to the authorities concerned: is there any poet greater than Shamsur Rahman in Bangladesh at present? So why did you fail to give the honour that he deserved?

**Francis Halder**  
East Rajabajar, Dhaka  
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Shamsur Rahman, one of the greatest poets of Bangladesh, was known to me for some years. That is why since the time he was admitted to hospital, I had been up-to-the-minute about his health condition. Hence, the news of the poet's demise came to me as a great shock. With over 60 books to his credit, an active campaigner of the liberation war of Bangladesh, a social worker with loud voice for strengthening democracy, he also chaired a national committee of editors, writers and artists dedicated to resisting fundamentalist forces opposed to individualism and democracy. Besides, he also had a long career as a journalist and was the editor of a national daily, Dainik Bangla, and the weekly Bichitra. One who has read "Shadhinota Tumi", a famous poem written in 1971 during the liberation war in Bangladesh, would feel how great he was.

Now, the style of his writing which attracts me the most is that he is always deeply rooted in his own traditions. In his range of sympathy, his catholicity, his urgent and immediate relevance for us, Shamsur Rahman was second to none. Moreover, because of his strong personality, he was always different from the people of his rank.

Death of such a great man is an irreparable loss for any country. That is why, despite his death, he will remain at the hearts of Bengalees forever.

**Syed Nazmul Alam**  
Gulshan-2, Dhaka

# The roots

Jatra, an indigenous, open-stage popular play of rural Bengal, is now inhaling its last breaths due to negligence, cultural decay and fundamentalism. As far as I am concerned, Jatra is a banned item in the cultural arena because of growing threats of bigots against the vigorous, exuberant and lively rural show. Like other failures, we have failed to ensure the security of Jatra actors, actresses and related people. Though the country-wide bombing threats are quite successfully faced, we haven't felt any necessity to restore our past traditions. The day is not far away when this rural play will be lost in oblivion.

I am calling for reopening the door and let the fresh air ventilate into the perimeter of culture. Moreover, the government has to patronise Jatra along with the private initiatives by

building 'National Jatra Council', allowing frequent shows and arranging TV telecasts.

In no way we can justify our national identity without fulfilling our responsibilities in favour of the existence of Jatra--our national heritage, our real roots.

**Rizwan-ul Huq**  
Farazipara Lane, Khulna

