

### A Job for SAARC

From time to time, the media returns to this subject: The need for closer collaboration among members of the South Asia Association for Regional Cooperation, better known as SAARC. The call gets an immediate nod from officials of member countries as well as from the SAARC Secretariat. There are absolutely no reasons why anyone should offer any disagreement. But, then, nothing much happens.

This time, the call for cooperation among members of the grouping has come from none other than K. K. Bhargava, the Secretary-General of SAARC and that too, on a timely note.

As Mr Bhargava puts it, it is the conflict in the Gulf which has adversely affected virtually all the countries in South Asia to varying degrees and in different sectors of the economy that provides a new and immediate reason for stepping up cooperation among members of the alliance.

Here, one would ask, in what way can cooperation among SAARC help in mitigating the adverse consequences of the Gulf conflict? It is a difficult question to answer.

The suggestion from Mr Bhargava is to organise an exchange of ideas among members of the grouping on the economic consequences of the crisis. Once this has been done, "we can jointly place our genuine problems before the international community for assistance."

We have no quarrel with this objective. However, in our view, we can enlarge the focus considerably and aim at achieving greater — and a more substantive — results.

Most SAARC countries are hit by rising oil bill. Four of them — India, Pakistan, Sri Lanka and Bangladesh — have also lost part of their export market in the Middle East, a loss they can hardly bear for any length of time. Yet another loss suffered by these four countries is in the drastic fall in foreign exchange remittances from their nationals working in the trouble-torn region. The size of the loss varies from one SAARC country to another, and it is likely to grow substantially in weeks to come.

To deal with the first problem, to ensure a regular supply of oil, hopefully, at a reasonable price, the SAARC countries should develop a joint approach to non-Arab oil producing countries, especially to the three Asian countries, Indonesia, Brunei and Malaysia.

A slightly longer term objective facing the SAARC is to develop its alternative export market. Here, each country has started working on its own. However, somewhere along the line, a joint approach should certainly produce better results. In this context, the SAARC Secretariat should look closely at the Soviet Union and East European countries which are desperately short of manufactured goods and consumer items, which many of the SAARC countries can supply at competitive prices. How should such a trade be developed and under what payment arrangement — the East European countries and the Soviet Union are short of hard currency — should be a matter of detailed discussion between the SAARC Secretariat and individual potential customer. Notwithstanding the fact that some of the South Asian countries do compete among themselves in developing new markets, there are scopes for the setting up of joint trading missions and even for working out voluntary quotas in the sale of products, such as ready-made garments, tea, jute goods and some consumer items, which are exported by two or more SAARC countries. On all these issues, we need some new thinking from SAARC countries — and a lot of drive from the grouping's Secretariat in Kathmandu.

### Of Books and Videos

Abdul Kader, a second-hand bookseller, laments the coming of videos in Dhaka. In Sabah Chowdhury's story of 'Dhaka Day by Day' in yesterday's issue of this paper he says, videos have taken his readers away. They prefer to see rather than read, he complains. Well if it is any consolation to Mr. Kader this is not the first assault on books.

It goes way back when we started illustrating messages. It was said people preferred the illustrations over the written words. Much later came the 'talkies.' Again the book lovers lamented that the reading public was being 'corrupted' and that thousands were flocking to see the cinema while the book stores remained empty. Then came the 'magic box.' Readers were outraged. They resented the popularity of the picture tube over that of the written word and decried it as the monster that will make us passive, unthinking and robot-like. In the trail of it all, arrived the videos. The frustrations of the book lovers knew no bounds.

Well as the saying goes, the more it changes, the more it remains the same. So also with books. Let Abdul Kaders everywhere take comfort in the fact that none of these 'intruders' have really made any dent in the popularity of books. The readers who were lost to the 'screen' were more than made up for, by new ones. Books continue to be the most authentic source of knowledge. Call it old fashioned, conservatism or what have you, books will remain as the most popular repository of all that we know. In the west, where the 'screen' is far more popular than here, the reading public has actually increased manifold. The authors, well not of course all, have never had so good as now. 'Best seller' is a big business. More books are published and more copies are sold than ever before. So also, in many developing countries.

So book lovers, take heart. Not all is lost. Not yet.

MAN is by nature a social being and he needs the fellowship and services of other men. It is not life alone that they desire but a good and worthwhile life. And it is the function of politics to assist men in achieving this good and meaningful life in society. When the body becomes diseased, medical therapy helps the organism to cure itself. Similarly it should be the role of politics and politicians to help men live a good and decent life in society. But can the same be said about politicians of today? In a famous English novel, 'Major Barbara' I read a long time back I came across a few lines in a dialogue where the father observes about his son, 'He knows nothing but he things he knows everything. That clearly points to a political career.'

The state exists to promote justice among men, to help men to become better human beings, to unleash their creative capacities for good and to restrain their propensity to do evil. The transition from democracy to tyranny has been described by Plato as a process of both individual and social disintegration. The despot and a despotic state are but the end-product of a progressive degeneration that begins when ambition usurps the rule of reason. The totalitarian dictatorship is the embodiment not of authority but of naked power, it repudiates the call of reason and justice. Compulsion replaces consent and reason in every sphere of life. The closer the judgments of the people approximate unanimity, the greater the degree of consent secured for any action of policy. Are we then to conceive of rule by the majority of the people as meaning that the will of the majority is to be regarded as sovereign and that its judgment is absolute? Is the rightness or wisdom of governmental policy to be determined solely by counting of votes? Does the principle of majority rule demand that we abandon all qualitative judgments in favour of a quantitative method? I do not think so and, in my opinion, it would be dangerous to do so. In that event, it will be indistinguishable from tyranny and the tyranny of a majority, as our own history tells us, is sometimes no less cruel or unjust, indeed may be more so, than the tyranny of a single individual. How then are we to conceive of rule by majority of the people? What is demanded by the democratic form of government is not submission to the will of the majority, but rather submission to the reasoned judgment of the majority. We are obligated to submit to the decision of the majority not because the decision represents a numerically superior will, but because it represents the best judgment of the society. It is not because that the will of many should prevail over the will of few, but rather upon the principle that the judgment of the many is likely to be superior to the judgment of the few. As Aristotle has said: "For the many when they meet together may very likely be better than the few good. Hence the many are better judges than a single man for some understand one part, some another and among them they understand the whole."

The principle of democracy and majority rule is founded upon the belief that the widest possible popular discussion and participation in the formulation of policy is likely to yield wiser decision than a discussion limited to the few. The decision recorded by the majority vote may then be fairly said to represent not a portion of the society but the whole people. Moreover, discussion and deliberations in a democracy are a continuous process and no decision is regarded as irrevocable and it always remains open for the minority to become the majority through the instruments of persuasion. The democratic process is designed to determine by popular discussion and decision the choice of the best means to achieve the common good. Democracy can never be sustained without the rule of law which is its only safeguard, otherwise democracy would degenerate into mobocracy. Despite all its shortcomings, democracy is and remains, as Sir Winston Churchill has so aptly put it, 'the least

unsatisfactory of all forms of government'. What are the alternatives to democracy? Monarchy, oligarchy, dictatorship? History has proved and more so in our country that the alternatives are so horrifying that we should count our blessings in a democracy rather than be frustrated by its dark side. A democracy does not begin and end with the voting at the elections. The United States is an excellent example of how democracy involves the continuous association & participation of the citizens and press with public life. The political, fundamental and basic human rights are natural birthrights of every free citizen and are so fundamental and basic to the very existence of a civilized society that they can never be abrogated. The basic human rights enshrined in the hearts of a free people are embodied in a constitution as fundamental rights. Liberty is not the gift of the state to the people, rather it is the inalienable right of the people of a free country. The principle that there are inalienable human rights, is now accepted by the nations of the world including Bangladesh who are signatories to the United Nations Charter and various International Declarations and Conventions on the subject. The most significant and historical documents dealing with the human rights mainly are: a) The Charter of the United Nations which was signed on 26 June, 1945 reaffirmed faith in fundamental human rights, in the dignity and worth of human person. Article 55 of the Charter provides that the United Nations shall promote 'Universal respect for and observance of human rights and fundamental freedoms for all' while under Article 56 all members pledge themselves to take joint and separate action for achievement of the purpose set forth in Article 55. b) Then came the Universal Declaration of Human Rights, which was adopted by the United Nations on 10 December 1948 and is now universally recognised as the Magna Carta of all mankind. The declaration refers to the advent of a world in which human being shall enjoy freedom of speech and belief, freedom from fear and want, and also reaffirmed faith in fundamental human rights, in the dignity and worth of human person and in the equal rights of men and women. Article 21 of the Declaration categorically and unequivocally declares as follows: "1. Every one has the right to take part in the government of his country directly or through freely chosen representatives. 2. The will of the people shall be the basis of the authority of government. This will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote by equivalent free voting procedures."

May I remind my esteemed readers that under Article 56 of the U.N. Charter and the Universal Declaration of Human Rights, each nation has pledged to achieve and uphold those noble objectives. How many of us have honoured the solemn pledge given to the world organisation? I leave it to your considered judgment. More than a quarter of a century has elapsed since the adoption of the declaration of Human Rights. One thing has become more and more conspicuous and that is the politicisation of human rights. Attention to violations of human

# Peoples and Rights: New Patterns

by Justice Abdur Rahman Chowdhury

rights is focused if it is politically expedient, otherwise we close our eyes, no matter how cruel and serious the violations are. Some get overwhelming attention while others are allowed to pass by in silence. Can there be a more glaring example of gross violation of human rights in the world today than the denial of the right of self-determination to our Palestinian brethren who have been rendered refugees in their own homeland. It is shocking to all who cherish freedom and democracy to find the overwhelming world opinion as reflected in a series of resolutions passed by the U.N. being ignored and vetoed to deny the Palestinians their inalienable right to freedom and a homeland of their own. While millions are dying of hunger all over the world, billions of dollars are being spent on armaments every year. We must remember that men not weapons make the war.

When the democratic leaders of the world champion the cause of freedom, democracy and Human Rights, we feel inspired but when we find them supporting some dictators and military rulers by extending military and economic aid, our heart sinks. Then again, we rejoice when they unequivocally condemn forcible occupation of Afghanistan by Russians and extend their helping hand to the brave Afghan freedom fighters but we are pained and shocked when aggressions elsewhere are sought to be explained and justified on the plea of legitimate self-defence. Can there be different criteria to uphold the same principle? In the world to-day, have we not sacrificed our cherished and valued principles at the altar of expediency? Have we not sacrificed millions of lives in two World Wars to make the world free from aggression, fear and want? Have we been able to uphold the famous 'four freedoms' enunciated by late President Roosevelt? Is there a safe haven anywhere in this world today with teeming hungry millions all around with no rights leading an inhuman existence? What we need today more than anything else is moral leadership — founded on courage, intellectual integrity and a sense of values. Our sense of value today is completely lost, so much so that a man's importance in the society today is not judged by the good that he does but by the mischief he is capable of doing. That is why good and honest people are shying away from public life. We have too much government; too many public servants but too little public services; too many controls and too little welfare; too many laws and too little justice.

Time has come for all freedom-loving people of the world to seriously consider outlawing Martial Law from the political vocabulary of the world. It is the very antithesis of all that is Constitutional, legal, moral and ethical. It dehumanises and kills the soul of a nation which stands condemned before the world as a nation unfit to govern itself. It is shocking to the conscience that in more than seventy countries including Bangladesh with nearly half of the world's population, people are still denied their basic human rights by the totalitarian rulers. These vast mass of unfortunate people are ruled by arbitrary decrees and regulations and it is where people are detained without trial, tortured, denied the right to be heard and punished in utter violation of all legal norms and universally accepted conventions, to which these States are signatories. Yet some of the

democratic leaders of the world go on hobnobbing with those totalitarian regimes, even to the extent of giving them good conduct certificates. This shows the scant regard and utter hollowness of these who profess so loudly as champions of liberty, freedom and human rights.

In this context, a pertinent question arises in our mind. Has the Constitution failed? There is no doubt in my mind that the foundations of the Constitution are shaken by the indifference of the people, corruption of the politicians and the negligence and callousness of the intelligentsia. All of us are responsible in some way or other for the present unfortunate state of affairs: some by our acts of commission or omission and others by our inaction. There are times in a nation's history when inaction and silence can be a culpable wrong. Our vast and overwhelming majority of people still believe in and cherish freedom, democracy and in basic human rights, but they constitute the silent majority. It is not enough that we believe in the dictum that truth shall ultimately prevail, but we must also take active steps to see that falsehood does not have a long innings before the moment of truth arrives. It is my firm conviction that it is not the Constitution which has failed the people, but it is our chosen representatives who have failed the Constitution and the people. The Constitution of the United States based on freedom and democracy has survived for more than 200 years without a dent in its basic structure, because human freedoms have never been wrested from the Kings by Charters like Magna Carta in 1215 A.D. and the Bill of Rights in 1689 apart from the judicial pronouncements made by judges of courage and independence. In this context, it is worthwhile to quote the memorable words of Joseph Story, the great American jurist:

"The structure has been erected by architects of consummate skill and fidelity; its foundations are solid; its arrangements are full of wisdom and order; its defences are impregnable from without. It has been reared for immortality. It may, nevertheless, perish in an hour by the folly or corruption or negligence of its only keepers — the people. They fall when the wise are banished from public councils because they are to be honest and the profligate are rewarded because they flatter the people in order to betray them."

How truly prophetic those words were! It has been our sad destiny to prove the truth of those words.

Fifteen hundred years ago, Islam for the first time proclaimed to the world the unity, brotherhood and equality of mankind. The American Declaration of Independence solemnly declared the inalienable right to life and liberty. The French Declaration of the Rights of Man lays down liberty, equality and fraternity as the natural rights of man. These basic human rights have a force of their own; government may promote or suppress them, but they can never be killed. Will freedom itself survive in the world or with the free way of life yield to totalitarianism? I believe that liberty will not die before man. The invincible soul will triumph over all oppressions, however, ruthless. Man's unconquerable mind will always crave for freedom, despite all the deficiencies and inefficiencies of democracy in preference to the efficient monolithic state with its inhuman sacrifice of human values. The spirit of liberty will always remain the eternal flame. All said and done, liberty like rights lives in the hearts of men and women and when it dies there, no Constitution, no law, no Court can save it.

The writer is a former Judge of the Supreme Court of Bangladesh, and President of the Institute of Human Rights and Legal Affairs, Bangladesh.

## The Have-nots Begin to Fight Back

by Tom Aston

Nowhere in India are the injustices of the caste system more apparent than in Bihar, the nation's poorest state. Here, hundreds of thousands of casteless bonded labourers known as untouchables spend a lifetime enslaved to a wealthy landlord.

In Bihar they call it "the politics of chopping off heads." Traditionally this term referred to the way in which upper caste landlords ruled over lower caste peasants and casteless labourers, known as untouchables.

But this term could as easily apply to communal relations since the eruption of Hindu-Muslim violence in India's poorest state over whether the Babri Mosque in Ayodhya should make way for a temple to Lord Rama.

Ironically, it is untouchables — who are, quite literally, outside the Hindu caste system and therefore untouchable — who are so often used as cannon fodder in the attacks on Muslims. Illiterate and, in the words of one local development worker, "psychologically bankrupt," they are easily roused by upper castes to indiscriminate attacks on Muslims which can leave scores dead.

Untouchables are forgotten by caste India, above all the highest caste, the Brahmins (priests) who dominate the economic, cultural and political life of the nation. They are not allowed to worship certain Hindu gods or touch Hindu scriptures, they are liable to be beaten if they walk within 50 paces of a Brahmin's shadow, they perform the lowest jobs for subsistence wages.

In the fields of Bihar, a largely rural state notorious for appalling caste massacres, it is untouchables who slave for wealthy landlords of the Rajput and Bhumihar castes. Many of these labourers or bhuyans

are bonded to their employees for life having fallen into debt or inherited the debts of their fathers.

Though bonded labour is illegal and there are even state compensation schemes for those freed from bondage, the reality is that bhuyans who protest against their inhuman treatment are considered fair game by their owners and the local caste community, which often includes the police and local officials.

Individuals, families, sometimes whole villages are burnt alive by armed thugs known as goondas who are in the pay of local landlords.

These gangs are given free licence to rape untouchable women, to beat their men, to loot their few belongings — and Hindu scriptures are used to justify these atrocities.

In Bihar, untouchable parents can sell a child to a landlord or moneylender for as little as 200 rupees. These children work as unpaid servants, in tea shops, as rubbish-pickers, girls are likely to be raped by the men of their owner's family and are cast out when they become pregnant. Inevitably, they are forced to turn to prostitution to survive.

There is little being done to improve the lives of the untouchables, but a handful of courageous development workers have started projects in the rural areas. Uday Chaudhary, himself an untouchable, founded a project in a village near the state capital of Patna six years ago.

"We need to understand who we are and why we work all day in the fields for little food, no education, no medicine, no proper shelter," he said. "We must fight for our rights."

He has organised bhuyan protest rallies and presented lists of hundreds of bonded labourers to the local courts in an attempt to free them under the laws abolishing bonded labour. Once officially freed they are entitled to 12,500 rupees in compensation from the state to set themselves up in business or farming.

But even when the cases manage to reach court, judges are easily bribed by the labourers' owners. Sometimes the owners will steal or forge the certificate freeing labourers and use this to obtain compensation from the state.

Similarly, in land disputes, even if a bhuyan manages to obtain a land deed certificate proving ownership of land, adjudicating judges can usually be bribed by the landlord.

Chaudhury spends much of his time defusing communal tension in the local villages. It is the untouchable community that tends to be the first to respond to calls to attack Muslim villagers even though Hinduism is the source of all their woes.

He also spends time touring the most remote villages, rescuing untouchable girls who have been sold to landlords to work as unpaid servants and concubines.

Chaudhury's militant approach contrasts with the non-violent methods of Dwarko Sundranj, a Gandhian who has been running a development project in the town of Bodh Gaya for 36 years. Despite a series of land distribution and literacy programmes, little progress has been made, but he remains convinced that violence would only make things worse.

The greatest obstacle is the untouchables themselves who show no initiative even when you educate them, give

them land and medicine. They are carrying a burden of hundreds of years of mental slavery." Though he has recently received funding from the state for a literacy programme he is cool about the possibility of change coming from the top.

According to Pradhan Prasad, director of the A.N. Sinha Institute of Social Studies in Patna, the Indian state at both a local and national level is a major obstacle to achieving reform in Bihar.

"The upper landed castes control the state locally," he said. "And the central state has tended to reinforce their economic power through inappropriate development projects."

The bhuyans also face formidable enemies in the form of the Yadav caste, middle peasants who exploit landless labourers and are themselves exploited by the Rajputs. Caste wars between Rajputs and Yadavs are common, as are attacks on untouchable villages by small armies of Yadavs.

But the lower castes are beginning to fight back, inspired by outgoing Prime

Minister V.P. Singh's decision in August to implement the Mandal Commission's proposal to reserve a further 27 per cent of government jobs for the backward castes.

Even as upper castes were protesting across the northern Hindi heartland, lower castes staged counter-demonstrations and stopped oil tankers and lorries driven by upper castes entering Patna.

Marxist revolutionaries — known as Naxalites — are also active in the state, intimidating and assassinating landlords, particularly those who treat their labourers harshly. Prasad estimates that they now control up to ten per cent of the rural areas.

But Naxalite attacks often provoke revenge attacks many times bloodier by the family of the landlord, which makes them feared by the labourers they are trying to liberate. It is also untouchables who tend to be the first victims when rival communist factions clash.

Known among foreign correspondents as "the armpit of India," even within India, Bihar, like the nation's millions of untouchables, rarely wins much media coverage. Except, that is, when untouchables suffer another massacre at the hands of the Rajputs or Yadavs or find themselves in the frontline of communal bloodshed.

GEMINI NEWS

About the Author: TOM ASTON is Associate Editor of Gemini News Service and has visited Bihar to research into bonded labour.

inspired by outgoing Prime

Minister V.P. Singh's decision

in August to implement the

Mandal Commission's proposal

to reserve a further 27 per

cent of government jobs for

the backward castes.

Even as upper castes were

protesting across the

northern Hindi heartland,

lower castes staged counter-

demonstrations and stopped

oil tankers and lorries driven

by upper castes entering

Patna.

Marxist revolutionaries —

known as Naxalites — are also

active in the state,

intimidating and assassinating

landlords, particularly those

who treat their labourers

harshly. Prasad estimates that

they now control up to ten per

cent of the rural areas.

But Naxalite attacks often

provoke revenge attacks many

times bloodier by the family of

the landlord, which makes

them feared by the labourers

they are trying to liberate. It is

also untouchables who tend to

be the first victims when rival

communist factions clash.

Known among foreign

correspondents as "the armpit

of India," even within India,

Bihar, like the nation's

millions of untouchables, rarely

wins much media coverage.

Except, that is, when

untouchables suffer another

massacre at the hands of the

Rajputs or Yadavs or find

themselves in the frontline of

communal bloodshed.

GEMINI NEWS

About the Author: TOM

ASTON is Associate Editor of

Gemini News Service and has

visited Bihar to research into

bonded labour.

### To the Editor...

Letters for publication in these columns should be addressed to the Editor and legibly written or typed with double space. For reasons of space, short letters are preferred, and all are subject to editing and cuts. Pseudonyms are accepted. However, all communications must bear the writer's real name, signature and address.

#### An appreciation

Sir, Congratulations on behalf of AMIC, Singapore. The first look of your daily says you are at it. The serif masthead tells a lot of the paper's personality. From the earpanels to the last page pix, you have lot more to attend to. At the moment graphics should

take extra care. Let us think positive and say that it is a good start, indicative of a convergence of sincere efforts of all of you.

So far so good toward the finesse sometime in the morrow. Md. Tawhidul Anwar, Ph.D. Associate Professor, and AMIC's Country Representative for Bangladesh.

#### Cancer detection facility

Sir, Cancer now is a widespread disease in our society. Every other day we hear of some one, perhaps an acquaintance or even a close relative dying of the disease.

In the developed countries it is possible to prolong the victim's life span due, mainly, to early detection of the disease.

But in countries like ours which are so poor that they just cannot afford to have a cancer research centre equipped with latest technology, it is a far cry.

The only thing our affluent patients can do is go either to Thailand or India for treatment. But it is also often seen that the therapy then does not help much as cancer of any type if not detected at an early stage.

The treatment, wherever abroad is not much of a help. Besides, it is only few who can afford such expensive treatment. Indeed it is a helpless situation!

Can't we be a bit effortful to have the modern detection facilities at least?

Abdul Matin Rangpur.

#### More garbage cans, less trash

Sir, One would assume that the dustbins which ornaments our city roads have been provided to collect the trash in one place and then be collected by the municipality trucks for quick disposal. While the first part seems to be going on, the second part that is collection remains bit of a mystery. It is not that one doesn't see the trucks overflowing with garbage and spilling a lot of it on the streets and on unlucky pedestrians but then how come the

dustbins are never empty and garbage always spilling into the streets and roads.

Obviously the number of trucks are not enough and the number of collections must be increased but nobody seems to care. Dhaka citizens have earned international fame for their enormous patience which actually is resignation but not all of us are endowed with that virtue. More garbage cans, more collection, less sodium lights, less trash.

Mohd. Ali Mridha Jhikatola, Dhaka.