

More Questions Raised than Answered

Within days of what appears to be the beginning of a major police crackdown on armed and criminal activities of political elements, the government has approved a special ordinance, soon to be promulgated by the president of the republic. Termed the Anarchic Offences Suppression Ordinance, the law will make a whole range of crimes, from extortion to mugging to eve teasing to vandalism "anarchistic acts", deny the right of habeas corpus to those charged under the ordinance, and automatically make those convicted by special tribunals liable to sentences ranging from five years imprisonment to death.

The real point, however, lies elsewhere. We have said repeatedly that the law as it stands today, and the powers that are vested in the police, are quite adequate to deal with the type of crimes that have made public life intolerable in recent months. The problem has been that the laws have not been enforced, and that the criminals have enjoyed protection from one political group or another. For their part, policemen on duty at trouble-spots have always found it convenient to point to political pressure to explain away their inertia in the face of blatant breaches of the law.

We are not sure what gaps there are in existing laws that required the promulgation of an ordinance. We are even less sure about why this piece of legislation suddenly became necessary, particularly at a time when the arrest of Ilyas Ali, former general secretary of the Jatiyatabadi Chhatra Dal (JCD) and successful raid on the central office of a right-wing extremist political party have made people aware of the powers the police do possess in taking actions against terrorist suspects. After all, these actions did not require new laws, but simply political will. It is the lack of this will that has caused this fast deterioration in the law and order situation of the country, and certainly not the absence of any special tribunal or powers. Unfortunately, the government seems either not to recognise this weakness which is essentially its own, or it is viewing the new ordinance as an added piece of weapon in its armoury, to complement the much-abused Special Powers Act of 1974.

Crucially, the ordinance breaks new and questionable grounds by providing for the use of mobile magistrates to collect confessions or testimonies of people anywhere in the tribunal's area. If the testifier is not able to stand at the tribunal later as witness for whatever reason, then the statement given to the magistrate would be admissible as evidence. That is sure to raise a big question mark about the fairness of the trial itself, since nobody could be sure if that statement was extracted forcibly or not.

At the higher political plane, a major mistake appears to have been committed. All the tribunals will be headed by judges appointed by the government, as will the chairman and judges of the appeals tribunals. This would run diametrically contrary to current political thinking which calls for a total separation of the judiciary from the executive in order to ensure the independence of the courts. In fact, if the statements of the Minister of Law and Justice and the Deputy Leader of the Opposition in parliament in the recent past are anything to go by, then we can assume that there is a broad consensus on this question. Now, the tribunals, with such unprecedented powers, would deal a serious blow to this consensus on the independence of the judiciary.

Finally, we ought to recall that a bill similar to this ordinance is currently being discussed at an all-party parliamentary special committee. The bill was sent to the committee after the opposition raised serious objections about its sweeping powers. If the new ordinance is promulgated by the president even while the original bill is under consideration, then we shall have little choice but to regard it as a clear case of bypassing or pre-empting the elected and sovereign legislature of the state. That cannot bode well at a time when the major challenge before us is how to strengthen parliamentary democracy, not weaken it.

For a Cleaner Environment

The anti-smoking lobby in Great Britain has just won a victory. According to a recent report in *The Times* of London, the country's Home Office has recognised that doctors can write "smoking" on a death certificate as a contributory cause of death. The decision of the ministry comes almost forty years after British Health Minister Ian Macleod told the House of Commons that there was so far no firm evidence of the way in which smoking might cause lung cancer.

On the face of it, the Home Office's move adds another minus point to smoking. It would not, therefore, be surprising if the anti-tobacco campaign gets a new boost in Britain. We may now hear the demand, just to make a guess, that even inside their own homes, people may not smoke in their living rooms or before their children. Or there may be other demands, including some absurd one, to set limits to smoking.

Paradoxically enough, instead of offering a clear-cut victory to the anti-smoking lobby, the Home Office decision may add a new dimension to the controversy linking tobacco to lung cancer. Some would say if smoking is a "contributory" cause of death of a person who has suffered from lung cancer, where would one place pollution? Again, what about other ailments? As *The Times* puts it, "alcohol besides its known association with liver sclerosis, has been linked with cancers of the breast and bladder, and cooking in aluminium saucepans has been associated with senile dementia." So, the list goes on. Critics of the anti-smoking lobby, including tobacco manufacturers, may well make a case that doctors should mention other contributory causes on death certificates, depending on the ailment the patient suffered from, ranging from eating too much sugar (in the case of diabetes) to consuming excessive fat in meat (in the case of heart attack).

Maybe there is no point in taking the anti-smoking campaign to the stage where it creates new controversies and becomes counter-productive. The warning that is written on every cigarette box that smoking is "harmful" to health should be enough, leaving every person free to make his or her own choice. The ban on smoking in public places, in transport or even in aircraft, hopefully, only during short or medium journeys, should also be rigorously enforced. What is important, we must create healthy pollution-free environments, perhaps through better garbage collection and drainage system, and availability of clean drinking water. For millions of people, all this may well be more decisive than new victories won by anti-smoking lobby.

Pakistan Misses Chance on Kashmir

Islamabad should know that it cannot obliterate the Simla Agreement unilaterally. There is a long history of conflict and confrontation behind it. The Agreement was meant to usher in an era of amity between the two countries, and it delineated certain contours of behaviour.

problem through bilateral discussions. How could it be construed a violation of the Simla Agreement? he is said to have quipped. Apparently, this did not work. After the meeting, Nawaz Sharif had to echo Narasimha Rao's observation that they had to overcome the setbacks that had taken place in the recent past. Obviously, the reference at the Summit was in their minds.

Why did Nawaz Sharif make the reference when he knew that it would jeopardize the talks on Kashmir? New Delhi had conveyed to him beforehand its determination to resist the Pakistani pressure to raise any bilateral matter at Jakarta. What happened within a fortnight, between his invoking Article VI of the Simla Agreement, which proposes a durable and final settlement on Kashmir through discussions, and the Jakarta meet to effect a change in Islamabad's policy? Which were the circumstances that impelled him to bring in the UN resolutions on Kashmir?

The plausible inference is that he was under domestic pressure. An influential section of the Pakistani opinion reacted adversely to the switch-over to the Simla Agreement from the UN resolutions. And Benazir Bhutto, the Pakistani opposition leader, stoked the fire by calling upon Nawaz Sharif, on the eve of his departure of Jakarta, to raise Kashmir at the Summit and to

thwart what she described as India's attempts to renege from the UN resolutions. It is ironical that she should have said so. As the Pakistan prime minister, she had sent to New Delhi an unofficial emissary to assure the V P Singh government on the 'undertaking' that her father, Zulfikar Ali Bhutto, had given at Simla to convert the line of control in Jammu and Kashmir into an international border. Her statement was the grist to political domestic mill. But it deterred Nawaz Sharif

from pursuing the Simla Agreement. Islamabad should know that it cannot obliterate the Simla Agreement unilaterally. There is a long history of conflict and confrontation behind it. The Agreement was meant to usher in an era of amity between the two countries, and it delineated certain contours of behaviour.

more mention of Kashmir at international meets, Islamabad seems to draw a fiendish pleasure in doing so. The important thing for Pakistan is to have a dialogue on Kashmir, not to score point. Since India is willing to hold the discussion bilaterally, let it be so.

The talks do not foreclose the options on any side. In fact, when the line of control resulting from the cease-fire in December 1971, after the Bangladesh war, was consecrated through the Simla Agreement, it was 'without

prejudice to the recognised position of either side'. Shahryar clarified in Delhi that the Simla Agreement did not mean that 'Pakistan will not invoke the UN resolutions'. Then why does Islamabad feel diffident in holding talks under the Agreement?

By this time the Pakistani rulers should have realised the futility of raising the matter here and there. It may have given them a few headlines, which may be pleasing, but they have contributed little. Had Islamabad progressed even an inch on Kashmir by mentioning it at international gatherings, its insistence on continuing to do so would have been understandable. But it has only amused the world.

In fact, it is becoming counter-productive. Several countries have changed their earlier stand. America and Great Britain, which were at one time at the back of Pakistan, now say that the Simla Agreement has superseded the UN resolutions on Kashmir. China, still close to Pakistan, has also veered round to the same point of view.

As far back as 1972, Zulfikar Ali Bhutto, then heading Pakistan, told me that he was sick of going around world chanceries for seeking support on Kashmir. He had come to believe that India and Pakistan had to sit across the table to resolve the problem. That is the reason why he preferred a 'durable peace' between the two countries to Kashmir as the first item on the agenda for the Simla conference.

One hopes that the stalling of talks on Kashmir will not undo the good work the two foreign secretaries have done in other fields. For example, it has been agreed that the defence secretaries of India and Pakistan would meet soon to resurrect the 1989 agreement on the Siachen Glacier in the north. At that time Humayun Khan, then foreign secretary, spoiled things by claiming before the press that India and Pakistan would withdraw their forces from the Siachen Glacier. This time in Delhi, an

overzealous Pakistani delegate endangered a similar understanding by leaking it to some Indian newspapers.

New Delhi had to deny the story as it did in 1989. The nation has to be prepared first. The Siachen Glacier is of no military significance to either India or Pakistan. The redeployment of forces by converting the area into a 'no-man's territory', as it was at the time of the Simla Agreement, will help them save crores of rupees and scores of men dying at the hands of nature. The Islamabad bureaucrats may kill the proposal by jumping the gun because the impression gaining ground in India is that Pakistan is trying to grab the glacier forcibly through the smokescreen of 'some proposal'.

It is really the lack of faith between the two countries. This has also cast a shadow over the 16-year-old settlement on the Rann of Kutch. Then a tribunal had upheld Pakistan's claim to the northern half of Rann. However, the consequential change in the maritime boundaries in Kutch is still hanging fire. There is as much cussedness on the part of India on this point as is on the Pakistan part on the Tulbul Reservoir project at the Wullar Lake, near Srinagar.

At present, these are the only paddle to hand, difficult but not intractable. If tackled, they may engender the much needed goodwill to attack the Kashmir problem. If not, political sloppiness will continue to plague relations between the two countries.

BETWEEN THE LINES

Kuldip Nayar writes from New Delhi

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Islamabad should know that it cannot obliterate the Simla Agreement unilaterally. There is a long history of conflict and confrontation behind it. The Agreement was meant to usher in an era of amity between the two countries, and it delineated certain contours of behaviour. There is nothing sacrosanct about it. But both sides have gone over all exercises, including war, and should have found from their experience that there is no go from the face-to-face talk.

While New Delhi is unnecessarily sensitive over the

prejudice to the recognised position of either side', Shahryar clarified in Delhi that the Simla Agreement did not mean that 'Pakistan will not invoke the UN resolutions'. Then why does Islamabad feel diffident in holding talks under the Agreement?

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When a Rose is Not a Rose: Black Day for an Old Brand

Alan Chalkley writes from Hong Kong

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but are not acceptable in foreign mouths.

Of all the communities in the world, the ones which have had the most linguistic trouble are the people from Africa, and especially those from the north-west, the source of the massive sale of slaves for the early Caribbean and American plantations. Ironically, those who still live there bear a name proudly which is anathema elsewhere.

The word is 'niger', Latin for black. The Romans named the River Niger, and British and French colonial powers named the states of Nigeria and Niger, which remain to this day. The actual Latin pronunciation is 'niger', shortened to 'nig' or varied with 'nigra', the Latin feminine adjective, or 'negro', the Spanish version. The Anglo-Saxon Americans also used 'darkie', from the old English for 'blackness'.

Last century, and right up to the 1960s, there was a form of staged entertainment called the 'nigger minstrel show' in America and Britain. It was an odd creation. It was supposed to show a choir of black slaves, singing to their masters, although nearly all the singers

were actually whites liberally coloured with black greasepaint, and the choir-master, called 'Mr Interlocutor' had a

white face.

In addition to singing a wide-range of real and faked 'negro spirituals', the performers had cross-talk joke routines. They were delivered in the sonorous high and low tones which the Africans have introduced to Western music and speech.

Even as recently as 1965, it was still possible to mount one of these strange 'nigger min-

strel shows' on British stage and television. Songs like 'All through the night, you can hear them darkies sing' were performable.

Today, all the old Latinic and Teutonic words for 'black' are unacceptable — except 'black'.

Words change their meanings over time (look at 'democratic'). They change their acceptability, too.

So we are not to be surprised that the Chinese authorities have just dropped the word 'planned' from their description of their economy. It had become a nasty word.

They have substituted the word 'market'. But 'capitalist' is still forbidden, of course.

— Dephneus Asia

OPINION

Ethnic Nepalis Leaving Bhutan are Not Refugees

The ethnic Nepalis leaving Bhutan over the past months are not refugees as claimed by the so-called Bhutan People's Party (BPP) and other groups like the Bhutan National Democratic Party (BNDP) agitating against the royal government. Nor are all the ethnic Nepalis in the camps Bhutanese nationals.

There have been two phases in the departure of ethnic Nepalis from Bhutan. The first phase was in 1990-91 following the violent demonstrations organised by the BPP in September 1990. The people who left the country in this phase were the hardcore anti-nationals and their supporters. They fled because they had been involved in terrorist activities and had otherwise violated the laws of the country.

The second phase is the migration that has been taking place over the recent months. The majority of these migrants are not hardcore supporters of the anti-national groups. They have, however, been persuaded and instigated by the anti-national groups to leave Bhutan and register themselves as refugees in the refugee camps in Nepal.

The anti-national organisations are doing everything possible to congregate as many ethnic Nepalis as possible in the refugee camps in Nepal so that a serious refugee problem can be created to mobilise support from the Nepalese government and the international community.

As the number of people who left in the first phase was not large enough to mobilise adequate international sympathy and support for the anti-nationals, a strategy for increasing the number of refugees in camps in Nepal was worked out by the BNDP and the BPP. One part of this strategy is to encourage as many ethnic Nepalis as possible from the north-eastern states of India and other nearby areas to come to the refugee camps and register themselves as Bhutanese refugees. The other part of the strategy is to engineer a mass migration of ethnic Nepalis from Bhutan. They have set themselves target of registering at least 1,00,000 people as Bhutanese refugees.

It is, therefore, no coincidence that the anti-national groups are already claiming

that over 1,00,000 ethnic Nepalis have been evicted from Bhutan. The BPP, for instance, has been recently giving press conferences on this line. It may be of interest to note that this same BPP has already exposed itself as a terrorist organisation and that many of its senior members are either themselves non-nationals or married to foreigners. The first General Secretary of the BPP, D K Rai, was captured by village volunteer forces in Sibsog sub-district on 17 November 1991 while personally leading one of the many terrorist raids carried out by him. He was handed over to the police by the village volunteers who were all ethnic Nepalis and is currently under trial in the High Court. Mr Rakesh Chettri, the General Secretary of the BPP giving the recent press conferences absconded last year after audit of accounts were started in the State Trading Corporation where he worked. Incidentally, his wife is the daughter of a politician in eastern Nepal.

That the so-called evictions of ethnic Nepalis from Bhutan are actually planned migrations masterminded by the BNDP and the BPP was exposed when almost 400 families applied to migrate en masse from Gaylephug sub-district on 9 July 1992. The migrants gave an ultimatum that they would leave within two days regardless of whether their applications were processed within that time or not. On hearing the report from the local administrative authorities, the King postponed his Seventh Plan meeting for the district of Paro and went down immediately to meet the people and appeal to them not to migrate. Asked by the King why they wanted to leave their country, the migrants who spoke in the meeting all said that they had decided to migrate because the sub-district administrator had told them to leave the country as they were of Nepalese origin. They also said that Indian nationals from across the border had been looting their properties.

An investigation team comprising of the Chairman of the Royal Advisory Council, two High Court Judges, one of whom is an ethnic Nepali, and a senior official from the Home Ministry who is also an ethnic Nepali, was sent down to

Gaylephug to investigate the complaints made by the migrants. After a thorough investigation, the team found that the allegations against the sub-district administrator were fabricated to blame the government for the migration. The charges of looting by Indian nationals was also proved baseless as the team obtained 121 receipts showing that the migrants had sold their house building materials, cattle and other property to the Indians they had accused of robbing them.

On the other hand, the team found that the migrants had destroyed all the service and development facilities in the three blocks of Lalai, Takalai and Danabari in collaboration with the anti-national terrorists based across the border. A total of 29 buildings belonging to the primary schools, The Basic Health Unit, the Agriculture and Animal Husbandry extension centres and the block office had been stripped and destroyed. Eleven rural water supply schemes had been destroyed and all the pipes stolen. Materials for two new rural water schemes under construction were also stolen. A suspension bridge had been destroyed and stripped of its structures. All the house and bridge construction materials and water pipes were sold across the border. It is no wonder that even after the personal appeal made by the King, only 73 families out of the 388 he had met have stayed back.

For the record, the crux of the southern Bhutan problem is the opposition of the anti-national groups to the measures taken by the government to curb illegal immigration by ethnic Nepalis from neighbouring areas through the strengthening of the citizenship rules and regulations. The anti-nationals want to change these rules and regulations so that all the illegal immigrants who had entered the country till now can be registered as citizens, a demand that the royal government obviously cannot accept. As Bhutan's population is only about six hundred thousand, if these rules are relaxed, the continued influx of economic migrants would soon reduce the Bhutanese to a minority in their own land.

Royal Bhutanese Embassy
Dhaka

To the Editor...

Poor children

Sir, Recently a meeting of the former Pathakali Trust with Education Minister Jamiruddin Sircar decided to resume the function of the Trust under a new name — 'Shishu Kalyan Trust'.

A rose is a rose, what's in a name! However, we warmly welcome the step and hope that the new Shishu Trust will be successful in rehabilitating the street urchins and other poor children.

M Zahidul Haque
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Forest farming

Sir, Recently two important developments have taken place in the forest sector. First, the Forest Department has been bifurcated, but it remains to be seen if there will be a radical change in the attitude and thinking of the powers to be. Second, a Master Plan has been launched with a great deal of fanfare to promote forestry for the next 20 years in Bangladesh. No details of the plan were published or are available. However, many such plans had been launched in the last 45 years with little results, because they lacked the one component which is vital for success. The induction and participation of dedicated, literate and conscientious sections of the private sector with the minimum of sane, practical

and enforceable laws and free from the smothering embrace of the Forest Department. Forestry must run as a commercial organisation.

This will, perhaps, remain a forlorn hope because the Forest Dept recently decided to bring every tree in every village (in Chittagong at least) under the cover of their archaic and ridiculous regulations. The expected repercussions, seen from a widely circulated leaflet, may soon result in thousands of unemployed mini-timber traders, workers and labourers taking to the streets. Surely any useless and unenforceable action, likely to provoke unrest or even violence in these troublesome times, could well have been avoided.

As far as the welfare of my farm is concerned, either I submit to the ludicrous laws and grease my way through the mire of red tape or refuse to do so, as I have done till now, and watch the farm being gradually whittled and stripped by the touts, mastans, middlemen and poachers who are blessed by an amnesty which is all-enveloping.

Surely it must be obvious to the experts by now that any imposing edifice such as the master plan is bound to collapse if built on the foundation of self-interest, impracticality and a merry-go-round where the buck never stops.

In BTV's Matt-o-Manush, on 22.8.92, the DFO, Cox's Bazar,

confessed he could only muster one guard for every 1,500 acres of govt forests. Even if they wanted to they couldn't protect or preserve what they have, much less expand our forests!

S Sikander Ahmed
Fairteen Farms, Chittagong

Worst form of inhumanity

Sir, A couple of weeks back, there were newsreports that Bangladeshi children were being smuggled to the Middle East countries, for being tied to the camels as forced 'jockeys'. The fearful cries of the children made the camels engaged in the races run faster. The spectators of these camel races greatly enjoyed the cries of the little children, and the fast moving camels!

In 'The Daily Star' issue of the 4th September, there was a picture of seven small Pakistani children, who were on the point of being smuggled to the Middle East, for being used as 'jockeys' in the camel races.

The world consciousness must be aroused against the use of small children as camel 'jockeys', a degrading and inhuman sight.

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