

Dhaka, Sunday, November 1, 1992

An Independent Judiciary

A number of issues and problems which hinder the growth of a healthy judiciary in countries in this region came up for a stimulating discussion on the very first day of a seminar of noted jurists of South Asia, which opened here on Friday. The two-day meeting — too short for our liking — had a specific theme, namely, "Rights in Search of Remedies: A Review of Public Interest Litigation (PIL) in South Asia." However, as expected, the deliberation, based on several thought-provoking papers, clearly revealed that the subject, under study, is linked to a number of fundamental problems which are yet to be satisfactorily resolved in countries in this region, especially in Bangladesh. They range from the application of the Rule of Law and the independence of the judiciary to public awareness of the role of court in our everyday life to a general reluctance in most countries to modernise the legal system inherited from our colonial past.

While the number of PIL has been on the increase in at least two South Asian countries, India and Pakistan — in this and other respects, Bangladesh is lagging behind — problems affecting millions of impoverished disadvantaged people remain outside the concern of the legal fraternity. The situation would definitely improve if (and when) non-governmental organisations, like Madaripur Legal Aid Association and Ain-O-Shalish Kendra which jointly organised the seminar, undertake a public awareness campaign on the issues involved. Such a campaign can make a headway if people feel that something is being done in our countries to expedite the process of justice in the case of under-trial prisoners, to improve the conditions in over-crowded prisons and to eliminate or at least reduce scopes for torture and harassment of people who, sometimes for no fault of their own, find themselves in police custody. Here, we must face the unpleasant fact that there is just too much cynicism, even among the educated people, about the administration of justice in countries in this region. In this respect, the restoration of parliamentary democracy in Bangladesh, Pakistan and Nepal has helped, but not as much as we had expected.

In the final analysis, much depends on how fast we can ensure the independence of the judiciary and the application of the Rule of Law. In Bangladesh, there are complaints of administrative interferences by the executive branch of the government in the activities of courts, complaints which deserve careful scrutiny. Again, are individual liberties, as supposedly guaranteed under the Rule of Law, seriously curtailed by Special Powers Act or by ordinances which offer sweeping powers to law-enforcing agencies in the name of fighting terrorism? To these questions, politicians have their answers. But jurists may well have a different perspective, perhaps more objective and dispassionate than that of politicians, which we may hear through the seminar that, we hope, has been a success.

We also hope that there will be a follow-up meeting as well as a published report on its deliberation. This, we believe, will be a useful step towards creating public awareness of the role of an independent judiciary in South Asia.

A fair deal for youth

Today is the International Youth Day. Whatever it was intended to mean by those that introduced it, we have enough of things to fashion it as suits our own needs. And those needs are as many sided as they are momentous. For one thing, youth constitutes more than half, if not nearing three-quarters, of our population. A mighty thing it is, but unfortunately, hardly weighty at all. They are, all tens of millions of them, beleaguered and bedeviled by joblessness, illiteracy and uneducation, incapacity and inability, and to complete, lack of opening to anywhere.

Only decades back things were quite different carrying forward the tradition set by the incomparably brilliant guru of the young Bengal, Derozio, the sisters Toru and Auro Dutt or the other Dutt, Madhusudan, the example of youth burning bright in a predominantly medieval and feudal Bengal was epitomised by Rabindranath. This creative surge had an equally important counterpart on the social reformist and political activist sides. The independence struggle against the colonial British, although led by appropriately venerable oldies, was all a mighty successful heave of the youth of the subcontinent. By the same token the message of a resurgent sense of distinction of the Muslim farmers and cultivators of Bengal was percolated down to the broad masses wholly by the youth. It was youth again who saw through the evil designs of a burgeoning Pakistan colonialism and sounded the first alarms. Up until the Bengalees broke away from the Pakistan yoke made wholly of religion-communal bluff, it was the youth who led the whole way of the millions that died in the Liberation War, all those that went down fighting were the golden youth.

And then what happened? Youth were reduced to being mere tools in the hands of political and even worse ambitions of older people. The Bangladesh youth were very largely masted by powers that be instead of grooming them into builders of a dynamic and healthful society.

The youth no more count, their bewildered state so aptly illustrated by their growing taking to narcotics and related violent crimes, which is sapping up all that is in them. And this is happening during the socio-political helmsmanship of all those well past youth. What a deal for those to whom we shall leave the shaping of our social and human destiny.

The naming of an infamous building as Jubahabhan or the setting up of the so-called numerous Jubahabhan Complexes as happened in the past — can at best serve to undermine the idealistic character of youth. The institution of a youth ministry, so very welcome it seemed at the time, had a most ironic baptism when young murderers and local terrors of various localities were offered very willing sanctuary inside the Youth Minister's official residence. The game continues to this day and in a snowballed magnitude.

On the occasion of the International Youth Day we want an end to all this vile and totally mindless affairs as sincerely as we want a truly fair deal to our Youth — the abused and maligned and misled hapless youth of Bangladesh.

ALL within 24 hours, the following views were expressed to me last week, some at a get-together and others over telephone, each person speaking on the basis of anonymity.

A cabinet minister: "You should take a position against the opposition's boycott of the parliament session. Perhaps, the ruling party should make concessions to reach an accommodation with the other side. But we cannot do so under pressure from an agitation from the street."

An Awami League leader: "There are people in the government who are prepared to talk to us and find a way out of the deepening crisis. Unfortunately, they cannot get through to their chairperson who is unwilling to make any concession, even to honour our past agreements. On the other hand, my own position within AL is anything but comfortable."

A leading figure at the Jatiya Party: "What is the point in staying through the session? When we reject the Anti-Terrorism Bill, we cannot move any amendment. That would mean our tacit acceptance of the principle behind the bill. We are left with no choice but to take to the street. We cannot help if the so-called parliament of the street overtakes the session of the Jatiya Sangsad. This has happened before. This will happen again."

A leader of the Jamaat: "We oppose the Anti-Terrorism Bill. But we shall fight it from the floor of the parliament, not from the street."

A neutral observer: "It is part of a possible deal offered by the ruling party that the Jamaat should stay in the parliament, oppose the bill and suggest a couple of amendments which the government may accept. This would give a bit of legitimacy to the passage of the bill."

If we take these views at their face value — my impression is, the leaders who offered these opinions meant what they said — we have an unfolding scenario of a new chapter in the country's divisive politics. In this situation, fragmentation within each grouping will be

BOYCOTT WEAKENS THE PARLIAMENT

AL should Seek Other Options to Fight Anti-terrorism Bill

An opposition may face a parliamentary defeat, but it is often within its power to turn it into a political victory. No matter what happens, it should use the parliament as the best forum at its disposal.

added to the broad polarisation, with each party trying its best to maintain a cohesive approach to its strategy.

In the first place, there is little doubt that even within the ruling party the Anti-Terrorism Bill is hardly the most popular move made by its leadership. It has not caused a split within BNP, but there are many among the back-benchers of the ruling party who feel uneasy about the move, unsure about its purpose and doubtful if the new proposed act can han-

except forcing a hartal on a reluctant city, is limited. It may also be quite embarrassing for AL leadership if some JP stalwarts join the agitation.

Again, what will happen if the controversial bill is passed within next 48 hours? What kind of strategy can the AL then work out to continue the agitation against the Act? While it cannot ask for a continuous movement without the risk of it being exploited by lawless elements, it cannot suddenly make a retreat

AT HOME AND ABROAD

S. M. ALI

dle the lawlessness and terrorism any better than the existing provisions in the penal code or the Special Powers Act (SPA). Whether or not the present government uses the proposed new act against its political opponents remains to be seen. But it is certainly making a gift to the next government, a possible AL administration, which can use it to suit its political purpose. As one BNP member told an opposition MP, "one day I may fall a victim to the Act that I am voting for."

The situation inside the AL-led Opposition also hardly reflects the inner cohesion that it needs to meet the challenge. According to one source, as opposed to a walk-out, without much of a deliberation over other options, and, in the same spirit, issued the threat to take to the streets, to force the government to withdraw the controversial bill.

With its student front split and rumblings within the party on a number of issues, the AL's capacity to stage a massive demonstration,

without losing face with its own rank and file. Thus, the opposition may be placed in a "no win" situation.

A number of opposition leaders have been debating over other options, the alternatives to the boycott of the JS session and the call for street agitation.

Among many AL members, perhaps the most popular view is that the opposition should have stayed on within the parliament, perhaps after a token walk-out, and used the forum for a most spirited, comprehensive all-embracing attack on the bill. It would have added a new unforgettable dimension to the parliamentary deliberation in the first popularly elected Jatiya Sangsad after nine years of autocratic rule.

With the help of eminent lawyers, AL leaders, Sheikh Hasina included, should have prepared their case, more legal and political than rhetorical and emotional, against the controversial bill. Such a presentation would have taken the proposed legislation into pieces and

shown the weakness of the government position. If the opposition had followed this strategy, the ruling party, despite its majority, would have been put on the defensive, with AL possibly emerging as a voice of the people.

There have been three other options which, as far as we know, were ignored by the AL leadership.

First, it should have launched a signature campaign against the bill, throughout Bangladesh, with the target of getting anything between fifty lac to a crore people initial the petition against the move.

Secondly, it should have taken out full-page declaration in ten leading dailies in the country, signed by ten eminent lawyers and former judges explaining why the bill was counter-productive, politically motivated and contrary to human rights.

Last but not the least, the opposition should have asked for a referendum. Of course, the proposal would have been turned down by the Sangsad. But the AL would have made its case, and produced considerable impact on the public opinion as a responsible opposition.

If these options had been exercised, the parliament would have gained a new measure of credibility. The process would also have helped to educate the public on the provisions and their implications of the controversial bill and enhanced the image of Awami League as a responsible alternative government.

In parliamentary democracy, the minority opposition may face one defeat after another in all kinds of motions, from the passage of a bill to the approval of the budget. However, it is often within its power to turn a parliamentary defeat into a political victory. The key to this lies in political planning and sophistication, together with the realisation that no matter what happens, no party can run away from the sovereign parliament, the source of all power and authority in the best of times as well as in the worst of times.

Organising Rural Youth for a Better Tomorrow

by ABM Nurul Anwar

Rural youth work has been accepted as a way to introduce new ideas into rural life and train leaders and citizens for the future. Rural youth work is educational. It aims at the total development of young people to prepare them for their role as useful citizens.

YOU are only young once. After that you have to think up some other excuse."

Youths have been playing a significant role almost in every society as they possess the zeal and vigour necessary to create opportunities for national development. They have full of psychic and physical energy and enthusiasm which need outlets. In educational psychology it is recognised that education must start at a very early age to yield best results.

Young mind is a soft material and can be shaped into any contour. The education of the young constitutes a most powerful means of promoting economic and social development in the rural community.

Without adequate preparation of rural youths, for their responsibilities, little progress may be expected. Young people in present rural society of Bangladesh are normally left behind and less attention is paid to their special interests and welfare than to that of their city cousins. In the country, rural youths constitute a numerically dominant, potentially resourceful and adventurous segment of population. But they are mostly illiterate and unemployed, burdened with the need of their families, lack opportunities for organizing them to engage in constructive work and also lack guidance for participation in development activities.

Therefore, a large majority of these youths (about 30 per cent) in our nation face hard realities, remain unable to demonstrate their role effectively and become a liability rather than an asset to society.

One major weakness of our national research and extension organizations compared to those in advanced countries is evidenced by the unwarranted exclusion of the rural youth from the scope of extension programmes. Participation of rural youths in the development plans has been sporadic and is not based on sound programme planning.

Developed countries in the world have shown that it is possible for the common mass to have a good standard of living. In the developing countries also "raising the standard of living of the people" has been the main theme underlying the various plans and programmes of the government. But rapidly increasing population in the developing countries has been a great threat to raise the standard of living of the people. The situation has specially aggravated because of the increasing population and demanding food and other basic necessities of life but they are not in a position to make

any substantial contribution to the national income. It has not been possible for most of the people to obtain necessary opportunities during their youth to gain knowledge and develop skills for making themselves responsible, conscious, and productive citizens of the country.

Population explosion, a characteristic of almost all the developing countries, is essentially a youth explosion. It is estimated that 55 to 60 per cent of the population of Bangladesh are under twenty years of age and this condition is expected to prevail for several more decades. It has been found that about 80 per cent of these youths live in rural areas of Bangladesh and are closely related to agriculture. A large number of them never attend schools, remain unskilled and unemployed, face tremendous odds and live without sufficient food, shelter and personal wealth.

Therefore, ways must be found to involve the rural youths in the process of national planning aimed to contribute to improvement of agriculture, rural life and self employment of youth themselves.

The importance of youth

work in rural development has long been recognised. A glimpse into the historical development of USA and other developed countries makes it clear that effort devoted to the farm youth through work organised and carried on by extension services using educational techniques has a very favourable and long-range effect on rural development programmes.

Rural youth work has been accepted as a way to introduce new ideas into rural life and train leaders and citizens for the future. Rural youth work is educational. It aims at the total development of young people to prepare them for their role as useful citizens. Eighty-two countries have organized rural youth programmes of this type with an enrollment of five million young people. For a number of years scattered efforts in rural work were made by business firms, church missions, schools, and individuals in different countries. The most recent expansion has been directed by government agencies, principally agricultural.

In many countries rural youth works are an effective way to close the gap between what is known about agricul-

ture and home economics and what farmers and housewives do. In this way rural youth club members serve as a measurement of the government. They spread the information farmers need to produce the food required, and thus improve health and family living for the entire country.

Very few research works have been conducted in this country in connection with rural youth. And hence there is no clear understanding of our rural youth, their aspiration in education and employment, and what their parents think about their youth. However, a few findings are given below:

Anwar (1972) found favourable opinion of both parents and youth to launch rural youth programme so that youths, can gain knowledge and skill to become productive citizens. He further found: i) adult leadership should be included in youth programme, ii) agriculture related projects needs to be emphasised for youth, iii) educated youths should be used as leader as far as possible, iv) literacy programme is very essential, v) training of various activities should be included for self-employment of the youth.

Cain (1977) found valuable information relating to village children in Bangladesh — i) village children aged 4-6 years work one fifth as long as adult, ii) when they are 13 and above work longer than adults, iii) boys less than 16 spend more time in animal husbandry but by the age of eight they spend half of their time in crop production wage work and trading, iv) boys aged 10 from landless families work fewer hours than boys from landed families, v) poor youth spend most of their total time in wage employment and fishing while boys of well-to-do households spend most of their work in animal care and crop production, vi) children of both sexes, regardless of economic class, do a great deal of work in comparisons to adults.

All these facts indicated the urgent need for effective rural youth programmes in Bangladesh. Such a programme is necessary for two important purposes. First, it will help the rural youth to develop such good qualities as leadership, cooperation, thrift, team-spirit and make them responsible citizens of tomorrow. Second, the programme will effectively help overcome the present crisis of employment and food shortage by paving the way for new employment and agricultural development.

(On the occasion of International Youth Day)

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.

Self-deceiving politics of India

Sir, The outrageous endeavor by the Indian authorities to push inside the Bangladeshi territories tens of hundreds of Indian nations whose mother tongue happens to be Bangla, is literally a sinister game being played with the lives of these hapless Bangladeshes.

For the last few weeks, a big band of them have been pushed inside Bangladesh by sheer muscle power of the BSF from across the border and later on have been pushed back to India by the BDR. Those accursed creatures are now in the no-man's zone.

Reportedly, they are languishing under the sky. If things run on indefinitely in this manner, they may virtually have been awarded death sentence. The offence: there is perhaps a great lot of redundant people in India to be made offerings at the altar of political expediency; these unfortunate homo sapiens are among them.

As has been reported, the Indian authorities should be primarily blamed for converting these Bangla-speaking people into refugees, without any refuge at all. They have unilaterally taken up all these harsh measures; they even did

not consider it necessary to consult with the officials in Bangladesh to thrash out any tangle prior to taking up this operation.

Deplorably, the 'Operation Push-back' as it has been codenamed, symbolically marks the decline of fundamentals of secular democratic India, to date the so-called valiant torch-bearer of the calling causes of the Third World countries. Has India in fact abandoned her role as a vocal exponent of Third World countries as she is now bullying her neighboring Third World countries.

Admittedly, Bangladeshes of this land were immensely helped by the Bangladeshi of India during the 1971 liberation war when the Pakistanis and their collaborators let loose killers, looters and arsonists in the to-be-born Bangladesh. Millions were saved from sure butchery as real good-hearted people from across the border came to their rescue. The secular India appeared to be the de-facto redeemer for these Bangladeshes. In all probabilities, Bangladesh should have had a non-ending friendly ties with India. But, it is sad that the relationship has gone in the reverse direction.

Despite the increased appetite of Bangladesh consumers for Indian commodities, the number of people car-

rying anti-Indian sentiments has increased in Bangladesh. India appears to be an unfriendly neighbor, if not an aggressive enemy. For all these, India has a due share of the blame as much as the increasing disappearance of pro-liberation elements from the forefront of politics in Bangladesh.

Actually, the recent 'Push Back' operation tells us of isolation of India from its small neighbours. However, it will cause more harm to India than to her small neighbours if she chooses to fractionalize her own population and start to send them to those countries. Anti-secular anti-democracy currents would be incompatible with a multi-lingual, multi-racial, multi-religious country like India. It is sad departure from high ideals preached and practiced by great leaders like Gandhiji and Pandit Nehru.

Hubert Francis Sarkar
Dhaka

Transformation of English sentences

Sir, The English simple sentence may seem simple, but sometimes it becomes difficult, with the participation of gerund, infinitive and participle, for the school students. Two or more simple sentences, make a compound or complex sentence. Our school students cannot even be clear on various parts of a simple sentence let alone about different clauses of a complex sentence. In spite of this, the school students have to transform sentences from one kind to another, according to their syllabus.

To my mind, the authority

concerned would better exclude transformation of complex sentence into simple and vice versa. It may be wise, setting some sentences in the question paper, to ask the students what kinds of sentences these are etc.

Kamrul Islam
Sirajganj

Student politicking

Sir, STUDENT AND POLITICS — I am not sure the two are supposed to go hand in hand. A student is expected to prepare himself for what would help flourish his or her potential in order to properly guide the country in the future. A politician, on the other hand, is supposed to divulge into the business of politicking, which, in its unadulterated form, requires a certain degree of knowledge from the participants in the game. This knowledge is obtained from basic instincts, institutional education, extra-curricular education, upto-date information. In the perspective of Bangladesh, these definitions may seem too simple, because we have in this country certain individuals known as "student politicians."

Political awareness among students is instinctive as it should be among all the citizens of a country. University students, on the other hand, are expected to become the most educated people of the country. They must also, during their student life, acquire a comprehension of global politics, otherwise we will end up with a moribund society in the future. However, taking political action in the internal squabbles of a country should be left to politicians. What we

see in our country, on the contrary, is the use of students in the forefront of all movements as sacrificial pawns in the chess games of the experienced politicians (?). The end result of these games is the existing chaotic atmosphere on all the campuses of the country and creating a group of financially solvent people, otherwise known as politicians. The politicians get away with their high risk game by causing internal conflict within and among student political organizations and also giving a share of their financial gains to a select group of student activists. So, it comes as no surprise that their is an infiltration of outsiders on the campuses who want a part of that financial gain. A very high rate of unemployment among youths has also deteriorated the overall situation.

Students politics in our country has a glorious past. In the Language Movement of 1952, the uprising against foreign rule in 1969 and the subsequent Liberation War of 1971, the students were always on the 'forefront. They shook the people to mass uprising against the misuse and injustice of the Pakistanis. But then we were struggling to get rid of the stranglehold of a foreign power and the students did the right thing by "taking it to the streets." The youth of a country are supposed to make the first move under such circumstances. But in an independent nation, students should no longer be involved in politics. It is a failure of all our past governments to gradually subside political activity among students. It is a matter of pity that it was once again the students whose utter defiance

and courage were needed to mobilize and then realize the downfall of the autocratic rule of the Ershad regime. From the very beginning of the rule of Ershad it has been the students who started to show their discontent with the then government. On the other hand, the politicians were busy compromising or even joining hands with Ershad. Our politicians should be ashamed that they, till this day, have to resort to the streets to bring the people to the streets to protest against social, economic or political injustice and deprivation. The people cannot be blamed for inaction either, because they know too well about our politicians, who change their hats overnight for serving their petty interests. They (the people) look upto the students to show them the way to protest against evil — but that does not seem right for an independent nation.

SM Shahrukh
Motjheel C/A, Dhaka

Push-back

Sir, We strongly condemn and protest the Indian push-back campaign under which Bangla speaking Indian nationals are being pushed into Bangladesh by the Indian Border Security Force. Such an act is a gross violation of diplomatic norms.

We would sincerely call upon the Indian government to take necessary steps so that the inhuman push-back operation may not continue any further.

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