

## Washington and UNFPA

In a welcome change of the US policy, the Clinton administration has just announced the resumption of funding for the United Nations population programme, better known as UNFPA. The ban on Washington's financial support to the UN agency which had come into effect in 1986, depriving it of \$230 million from its annual budget, was the then Republican government's signal of its opposition to abortion. There was little doubt that abortion and what Washington regarded as "coercive methods" were allegedly part of national family planning programmes which received financial and technical assistance from UNFPA.

The long seven-year ban had caused a serious setback to the UN agency to provide services to such populous countries as China, India, Bangladesh and Pakistan, and, indeed, to several African nations where the UNFPA's work goes far beyond mere control of population and extends to many related issues. The resumption of the US funding, which may turn out to be a great deal more than \$230 million for the annual budget if extra-budgetary support for special projects are included, should put a new lease of life in the population planning in developing countries.

As expected, the end of the US ban on funding for UNFPA is not without conditions. According to a State Department official, Washington still regards China's birth control policy, which limits couples to a single child, as coercive and would not give funds for family planning in the world's most populous country. However, in what looks like another welcome departure from the past policy, the US officials have expressed their willingness to engage in a debate on abortion at the UN population conference scheduled to be held in Cairo next year, a debate that may underscore Washington's support for "reproductive choice, including access to safe abortion." Let us hope that the debate will be as substantive as the conference itself.

While one welcomes the resumption of the US funding for UNFPA for obvious reasons, we cannot overlook several significant factors which influenced the control of population — or, to use a more acceptable expression, family planning — in many countries. There was a definite decline in the growth rate, to varying degrees, in many Asian countries, including Bangladesh. This success could be attributed to several reasons, such as the result of earlier drive put in while the agency had enough funds for wide-ranging activities, strong local initiatives, especially by non-governmental organisations (NGOs) and, last but not the least, the dynamic leadership provided to the agency by its Executive Secretary, Nafis Sadeq. We hope that these factors which brought much success to the UNFPA's activities will, in effect, get a new boost when Washington re-emerges as perhaps a major contributor to the agency, instead of creating a complacency in the New York-based organisation.

In this context, there should be a careful review of China's population policy at its present phase. The impressive decline in the country's growth rate, now just over one per cent, has made demographers conclude that by the next century, it will be India, not China, which will be the world's most populous country. Has China been still using "coercive methods"? Here, current reports available from various parts of the vast country are far from uniform. There are also indications that under internal compulsions, China is no longer insisting on couples to have only one child, be it a boy or a girl. There are qualifications being made to this rule, mainly to ensure that China does not run short of a young labour force by the first quarter of the next century. It is important for Washington which has a strong presence in Beijing to take a good look at the demographic scene in China before it joins the Cairo conference next year.

## Three Cheers for Wijetunga

In an unprecedented statement — almost unique by prevailing political standards — Shri Lanka's new President has said that he is "unhappy" with the absolute power carried by his office and that he is contemplating a constitutional debate on the subject.

A report appearing in a Colombo paper, the Sunday Observer, Dingiri Banda Wijetunga has even offered to set up a parliamentary select committee which may suggest how the "country can democratise further."

Then, he says, repeating a popular axiom, but, sadly enough, never admitted by a head of a government (until he or she is thrown out of office), "Power corrupts, I believe in moderation."

Wijetunga has identified one of the major problems facing the island state that once came so close to becoming as prosperous as Singapore. The problem centred on authoritarianism of successive administrations, starting with that of otherwise brilliant Solomon Bandaranaike whose ill thought-out policies set the process of national integration in motion. From then on, one tragedy followed another for the island nation.

On the face of it, the 71-year old President seems an unlikely saviour of a strife-torn nation. But, then, history has produced heroes and heroines from nowhere, who, often with hesitant steps, have rescued their people from despair and defeats. Wijetunga has just shown that he is capable of doing his thinking. He may also be capable of taking his own initiatives, without caring for his personal power. One hopes that such an initiative will extend to the problem of Tamil insurgency and, when this happens, the rebels will make their appropriate, and positive response. We wish the President of Sri Lanka every success.

On a cold day of January 1990 in Chandigarh a back-bencher at a seminar on the judiciary shouted that the Chief Justice of Punjab and Haryana was corrupt. The remark made me feel as if some one pierced the dignity, power and impartiality that enveloped the high courts and the Supreme Court. In support of his charge, he gave me an official audit note, which told about the corruption of V. Ramaswamy, by then a Supreme Court judge.

Little did I realise then that my news story on the charge made would one day snowball into India's first impeachment motion against a high priest in the judiciary. The story was straight and direct. It said:

"A Supreme Court Judge, Justice V. Ramaswamy, has spent more than Rs. 27 lakh on furniture, electrical appliances and telephones at his residence while serving as Chief Justice of Punjab and Haryana High Court for two years. This abnormal expenditure — Rs. 13.41 lakh on furniture and Rs. 13.61 lakh on telephone — has been brought out in an audit note sent to the Chandigarh administration..."

Indrajit Singh, an activist lawyer at the Supreme Court, followed up the disclosure and pursued it relentlessly along with some other lawyers till it caught the public eye. The first resolution of the Supreme Court demanding an inquiry against Ramaswamy came only on February 1, 1991, showing our diffidence on joining issue even on matters where the instances of corruption are listed in an auditor's note. The tortuous procedure for impeachment took another two years.

Between the first story appearing on January 28, 1990,

# Will Impeachment Reform Judiciary?

The following article by our guest columnist was received here after the Indian Supreme Court Judge V. Ramaswamy had resigned. Although the article may seem out of date, we are publishing it in view of some significant questions raised in this column by Mr. Nayar.

and the motion of impeachment coming before the Lok Sabha, three years and three months have gone by. No doubt, the process consumed too much time and it needs to be shortened. But in the case of Ramaswamy, the wheels of justice moved abnormally slow because many in the judiciary and the government helped him. There were even efforts to divide the different ranks into north and south. One Union Minister is still going about saying that 'such misdeemeanors' are common among ministers. It is a sad commentary on the integrity of central ministers.

Still more reprehensible has been the continuation of Ramaswamy on the bench, even after several instances of his corruption coming to light. Many appeals to him by his colleagues and even a Supreme Court bench not to function were of no avail. Chief Justice Sabyasachi Mukherjee, who died of heart failure in the midst of his tenure, was the only one to have stopped allotting work to Ramaswamy. But his successors did not.

Parliament should consider a legislation to suspend a judge against whom there is a prima facie case of corruption. Such a law is there for government servants. Once a judge is exonerated, he can come back and claim his seniority and arrears of salary.

That Ramaswamy should have stopped functioning on

his own goes without saying. Allegations of corruption in black and white against judges constitute a serious indictment. But there is also a moral side to the whole affair. If the ethical considerations inherent in public behaviour become dim, and in some cases beyond the mental grasp of the judges, the dividing line between moral and immoral gets erased. Not only Ramaswamy is guilty on this count, but all those who have tried to cover his guilt.

And what is the sanctity of

three-judge committee which the then Speaker, Rabi Ray, designated to go into the affairs of Ramaswamy. It is no use finding fault with one attorney general or the other; the entire system has become effete.

The three-judge committee has been forthright in its conclusion and has gone on to record how Ramaswamy 'misused' his official authority in a 'habitual and willful manner'. The committee has found him guilty of 'moral turpitude' and considered him 'unfit' for

Supreme Court judge was sought to be raised from 65 to 68. Venkataramiah had only a few months left in his retirement.

Perhaps the appointment of such judges as are beholden to the government is the bane of the judiciary. Some people in recent years have made it to the bench because they are considered 'dependable' by the ruling party. The havoc the government has played with the judiciary by making convenient appointments is a long story of naked pressure and chickeny. Denigration of the judiciary by tin-pot politician is the biggest blot on India.

It was Indira Gandhi who set the trend in April 1973 when she superseded the three Supreme Court judges to appoint her nominee, Ajit Nath Ray, as the Chief Justice of India. H R Bhardwaj, the state minister for law, has only refined the art. Ramaswamy is one case which has come out in the open. There are many other judges who have not been exposed. How long will the nation suffer at the hands of those who are still wearing masks?

The Supreme Court, which is currently hearing a review petition against Chief Justice PN Bhagwati's judgement on the transfer and appointment of judges, may undo the harm done. Bhagwati's verdict was that the requirement of the constitution was met when the

government consulted the Chief Justice of India; his concurrence was not necessary. Since then the government has made the judiciary play to its tune.

To some extent, the judiciary is itself responsible for its plight. Bhagwati was more open than others when he wrote a laudatory letter to Mrs Gandhi to welcome her return to power in 1980. But some of his predecessors sent flowers or made some other gestures to a new prime minister. A few successors have maintained 'the tradition' in some day.

In the process, the majesty of law has been lowered. Justice for personal gains and politicians for their petty games have circumvented the law. Whether it is Ramaswamy today or it will be someone else tomorrow, it is of little consequence because the judiciary has come to lose the sheen it once had. The oath the judges take on their appointments says that they "will uphold the constitution and the law." The distinction was made because the constitution makers did not want judges to forget the brick and mortar that the law provided to the polity. That is what is in peril.

"This is a court of justice," a lawyer once exclaimed while arguing a case in the Supreme Court of America. "You are in error," Justice Oliver Wendell Holmes, Jr., instantly replied. "This is a court of law." He meant that the court was primarily concerned with the meaning and constitutionality of law rather than with the fate of individuals who encountered the law. The tragedy in India is that individuals are increasingly having precedence over laws.

## BETWEEN THE LINES

Kuldip Nayar writes from New Delhi

judgments which Ramaswamy has delivered when his corruption was public. Every verdict of his will be continue to be doubted. Those who have lost will harbour the suspicion that they did not get a fair deal. Will there be a review of his judgements?

True, some conscientious lawyers refused to appear before him but many did. I am not so much concerned about the standard of rights and wrongs followed by those who attended Ramaswamy's court as about the conduct of Chief Justices who allotted him work. A former prime minister did not issue even the notification for the appointment of a

any judicial appointment. A pertinent question is how did Ramaswamy get elevated to the Supreme Court when his record at Chandigarh was so bad?

I once posed this question to Chief Justice E S Venkataramiah, who had gone alone with Ramaswamy's appointment. He was frank enough to admit that he was terribly short of hands at the bench and that he had to take sour with sweet if he wanted the government's approval to fill the vacancies. Poor man was bamboozled by the government, which sent its law secretary to him to suggest that the retirement age of a

## THE SAARC Charter took a broad view of regional cooperation. This cooperation was not seen simply as bilateral agreements between two states in the region. Regional cooperation envisaged by the founders of SAARC encompassed some programmes of actions and politics as would collectively uplift the economic conditions of the greatest number of people living in all SAARC countries and make the entire region a zone of peace, prosperity and security. It was not to be bilateral cooperation from which one state or two would benefit while another SAARC state or states would suffer or be pushed into greater hardships as a result.

The SAPTA (South Asian Preferential Trade Agreement) signed after the latest SAARC summit was erroneously described by some commentators as heralding such broad-based regional cooperation. First of all, it should be clear in our minds that SAPTA is still a proposal which has to be tested. The Heads of State who attended the summit only agreed to explore the potentialities of SAPTA. The potential of SAPTA lies in the future. It will require painstaking negotiations at each step, one commodity after another. These negotiations may progress or may not progress. Business leaders in smaller South Asian countries have purported their fears that even if SAPTA makes some headway it may ultimately bring much greater gains for the most powerful economy in the region, India, followed by Pakistan whereas they foresee smaller SAARC countries gaining little relatively from SAPTA. At any rate, we can in no way consider SAPTA the model for immediate large scale regional cooperation of the type which can bring the greatest good to the greatest number of people in the region.

What then is the area where wider cooperation on the spirit of SAARC can fetch all round benefits for the largest number of people in a maximum number of SAARC countries? Very clearly, these areas are sharing and development of the water resources of the region. Despite considerable diversification achieved by India and Pakistani economies, the majority of the people in SAARC countries are affected in one way or the other by cycles of mainly agrarian economies. Agriculture is still the predominant concern of most of the people of the region and agricultural productivity is crucially dependent on water availability and water management. Proper management of water provides immense all kinds of economic opportunities from harnessing of power, sustained economic development as a result of regulated flooding, fisheries development to improved transportation.

If we examine the Bangladesh proposal for sharing and augmentation of the waters of common international rivers in the region, we find a most sensible model for regional cooperation where the lot of the maximum number of people living in different SAARC countries can be upgraded collectively at the soonest. Bangladesh's proposal calls for trilateral water-sharing and augmentation policies involving Nepal, India and Bangladesh which can ensure enough water availability plus achieve many faceted developments to satisfy the needs of all three countries. But Indian policies and outlook in this respect appears far from being a regional one. India has been unilaterally diverting the waters of common international rivers with little concern for Bangladesh's needs. Indian policies are neither helping optimum utilization, conservation and management of the water resources of the region for the benefits of all three

# SAARC: Beyond the Summit

by Enayet Rasul

are falling drastically; the paper, pulp and other industries are confronted with very serious problems; and raised river beds caused by regulated poor flow in the dry season is more and more triggering floods easily in the rainy seasons when various barrage gates upstreams are opened wide unceremoniously.

What redress Bangladesh has got so far from SAARC or, for that matter, from India in relation to this ominous environmental and economic catastrophe which has been imposed on her? Nothing. Under the terms of the last Ganges water sharing agreement that expired and was not renewed, Bangladesh was allotted a dry season flow of 38,000 cusecs. This flow has trickled down to an appalling 9,000 cusecs only in the present dry season and in the sixth consecutive year of no agreement with India over the issue. The high level Indo-Bangladesh river water talks that preceded the SAARC summit raised a few hopes that may be India would agree to do something even on ad-hoc basis in order to mitigate the very great sufferings of Bangladesh in the present dry season from Farakka and in order to improve the climate for talks at the summit. But these hopes were cruelly dashed as the water-talks flopped in a most unhappy manner. The Indian delegation which came for water talks even declined an offer by Bangladesh to visit sites at the Padma to see for themselves the havoc caused. Appeals were made to the Indian Prime Minister who came to Dhaka two weeks ago on the occasion of the seventh SAARC summit to make a short trip to the Hardinge Bridge to ascertain for himself what devastating effects Farakka was having on Bangladesh. But that appeal to was spurned.

As a result of obstructions set up in the free flow of river water, the following dangers are showing up too menacingly in Bangladesh: the northern areas of the country are facing serious threats of desertification; agriculture, industry and forestry resources are facing extinction in the south due to onrush of salinity; the ecological balance over a very large area is crumbling due to drying up of rivers and their tributaries; inland riverine transportation is collapsing; major irrigation projects have closed or are faced with serious hazards; fisheries are dwindling fast; underground water levels

Under the circumstances, the people of Bangladesh indeed have very valid reasons to be very concerned and very agitated in asking what SAARC is doing for them. They had seen opulence and festivity during SAARC and heard lofty things said which have little relevance or applicability in the present tortured state of their existence. Clearly then, people at the helm in Bangladesh have to try and steer SAARC in a direction so that its continuation and nurturing can be reasonably justified. The opportunity is also there because the Chairmanship of SAARC has now passed into the hands of Bangladesh or for that matter to Begum Zia. For the next one year, Bangladesh shall be responsible for giving functional leadership to SAARC and this is an opportunity which needs to be utilized very well indeed if SAARC has to be alive and well in the future.

It may not be accomplished in one day but Bangladesh must courageously press with no loss of time for amendments to the SAARC Charter to include discussions of bilateral disputes in the SAARC region and decisions on these at SAARC forums. We reiterate again that the task will not be easy but a beginning has to be made. The problem must be addressed if SAARC is to have the kind of future for which it was most hopefully and expressly established. It should be in the best interest of SAARC and the region if provisions for discussions, mediation and actions on bilateral disputes in the SAARC under the SAARC ambit can be incorporated into the SAARC Charter and made a part of SAARC's functional policies and even if this attained after painstaking diplomacy.

New aspirants such as Iran and Myanmar are also knocking at the door for membership in SAARC. It should be a test of the astuteness of Bangladesh's diplomacy and of its current leadership calibre in SAARC, if it can pilot the entry of these two countries into SAARC at the earliest. Expansion of SAARC should produce the desired balance and counter weights in the organization for its more even-keeled functioning.

In its present state, SAARC has just about its optimum development. It cannot deliver more except fanfare and ceremonies perhaps. For SAARC to graduate to a new era and realized its real objectives, a bold new phase in the organization's evolution must begin in earnest and in hastening this next phase too Bangladesh should endeavour to play a brave pioneering role as it did in first conceiving and then pushing for the creation of SAARC. The greatest challenge to SAARC in the present times is to rise out of its impractical obsession for the peripheral and the superficial and to come to grips with the real substantive issues which are frustrating its development. SAARC must mature to a state when all the countries, specially India, see and accept the wisdom of using SAARC as a tool for resolving long festering intra-regional disputes in order to improve the political climate in the region. This should contribute magnificently towards lasting peace and security for all the countries of the region thus ushering in a period of fast accelerating broad-based regional economic cooperation, greatly increased volumes of regional trade and investments and hence prosperity for the SAARC region as a whole.

Every SAARC country, big or small, has to appreciate that it cannot attain long term security and economic well-being for itself by breeding insecurity and economic deprivation for other SAARC countries. The real take-off of SAARC hinges on the earliest dawning of this pragmatism and goodwill all around.

With an investment of roughly twentyfive to thirty crore Taka a modern heart hospital can be set up in the metropolis. Even if the patients are made to pay the cost of operation, it is still worth setting up such a hospital. This will cost the patients much less than what they are paying now to foreign hospitals.

Bangladesh is receiving a large amount of foreign aid every year in the health sector. By applying a little imagination and planning, and utilising only a part of the aid, the Health Ministry can set up a modern heart hospital in the country which will benefit a good number of patients immensely. It is not understood why this aspect is not getting proper attention from the competent authorities. If the government is reluctant to undertake such a venture, it may encourage private entrepreneurs to set up such a hospital by providing loan, land, import licence etc. While a huge amount of foreign aid in family planning sector is practically going down the drain, a fraction of aid for this purpose will be very worthwhile.

Saleh Ahmed Chowdhury  
Dhaka Cantonment

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## 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.

**Pakistan's political crisis**

Sir, How pitch-black clouds being condensed gradually in the political sky of Pakistan caused dissolution of its National Assembly by President Gohar Ishaque Khan! As a neighbour, we also feel concerned. How Mr Gohar Ishaque Khan seemingly a hostage of bureaucracy, is playing constitutional triviality one after another, and as a result situation there is going to be more critical day by day! Many of the analysts expressed their fear for a farther military interference. It also means that all the people of Pakistan have been hypothesized to the fancy of a person! The president as it seems, finds PPP and Muslim League against each other to meet his own end.

We think, this political instability will make Pakistan a politically decaying power very soon. If that be so, regional

power balance of this sub-continent, or for that matter, of South Asia may be collapsed. By no means, it would be helpful to the smaller and weaker states of the sub-continent.

Once Soviet Union was a necessity against America for power balance in the world. A strong Pakistan is also a necessity against India for territorial power balance. We hope, the people and the political leaders of Pakistan will be able to understand this truth.

A N M Nurunnabi Chand  
Suryasen Hall, Dhaka University

all concerned to come forward with the revolutionary concepts like 'Grameen' to make Bangladesh truly a prosperous competitive economy.

A Gajur  
Dhaka

## Tourism

Sir, Tourism industry is one of the most important fields for our national growth. This is shameful for us that, in comparison to our endeavour in the field, our neighbouring countries, e.g. India, Nepal, Maldives, Sri Lanka are much advanced in attracting foreign tourists to their countries. We should not remain idle and lag behind. It is high time we gave special emphasis on the development of tourism industry.

However, it is heartening that our government, although late, could realize the importance of tourism industry. So far we know that a committee has been formed in this regard, namely, National Tourism Advisory Committee. We appreciate it. But we shall have to continue our efforts effectively to attract foreign tourists to our country. We should improve our overall atmosphere and also rejuvenate

and reshape the policy implementation machinery. We have to be relentless with our endeavours to achieve the goal. This is an uphill task and it has to be performed meticulously and dispassionately.

We are, however, hopeful that with proper guidance and attention of the National Tourism Advisory Committee and the Ministry of Civil Aviation and Tourism, our country can also earn much of foreign currency through this industry and be able to solve the unemployment problem to an appreciable extent.

Md Iqbal Faiz (Shapon)  
Noyagram, Beanbazar, Sylhet

## Modern heart hospital

Sir, There is no modern heart hospital in the country. No provision for by-pass surgery exists in Suhrawardy hospital. As a result patients in large number are moving to foreign countries for bypass surgery and in the process, the country is losing lot of hard earned foreign exchange apart from inconvenience and higher costs incurred by the

patients.

With an investment of roughly twentyfive to thirty crore Taka a modern heart hospital can be set up in the metropolis. Even if the patients are made to pay the cost of operation, it is still worth setting up such a hospital. This will cost the patients much less than what they are paying now to foreign hospitals.

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## Manzira's Story: Rays of hope

Sir, I have read with complete attention the "Manzira's Story" in The Daily Star of May 13, brilliantly told by Mr Mahfuz Anam. The moment I