

Law Ministry Needs to be Put in Order

We are finally clear as to whether or not we have a sitting Attorney General (AG), and who that person is. In a handout issued last night, the government cancelled an order issued on 22 January, that appointed Additional Attorney General Abdul Wadud Khandakar as acting AG during the period of absence of Mr Aminul Huq, who had gone abroad for medical reasons. What could have been a routine matter — of the number two taking over charge when the top man goes on leave — turned into an administrative fiasco, an example of personality clash between the law minister and the government's highest legal advisor, and an instance of bureaucratic bungling that raises serious questions in our mind as to whether the administrative inertia that caused so much embarrassment to the government was an example of 'business as usual' — or it was deliberate.

Otherwise, how can it be explained that when, at the initiative of the Prime Minister's office, the matter was clarified as early as 23 January '94 that Aminul Huq was back in his job, yet no effort was taken by the concerned ministry to withdraw the notification putting Abdul Wadud Khandakar, in charge. According to our information, it was only a few days back, about 18 days after, that the law ministry prepared the required notification cancelling Mr Wadud's non-existent tenure as acting AG. This inexplicable delay, coupled with Mr Wadud's own impolite and impolitic statements that the country had two Attorney Generals, and that he would continue to perform his duties of acting AG till he was officially told to do otherwise, created the most embarrassing situation for the government. The administration appeared inept and totally out of control. The ministry's explanation is that, it was too preoccupied with the problem arising out of the appointment of the new judges and the on-going Parliament session, and as such, failed to attend to this simple administrative matter.

The AG's position is that, having waited for two weeks for any action by the ministry he decided to act, as the only way open to him, by threatening to resign, an act he later claimed to be not true. The situation became further complicated by the issue of the new appointment of the judges, and the role that Bar Council played in it.

While a lot of questions have been raised by the way media was used in this whole affair (which we plan to deal with separately), we would like to focus, at this stage, on the role of the Law Ministry in this whole affair. In both the instances of handling of the AG's case and that of the appointment of the new judges, the ministry showed a level of incompetence and ineptitude that is totally unacceptable for any administration. It has greatly damaged the image of the whole government. In the ultimate analysis the 'buck' must stop at the minister's desk, and he must assume full responsibility for it. The minister is a highly respected man. But, he is definitely far from the prime of his life, and his best years are far behind him. It is well known that for many reasons — not the least being his failing health — the law ministry has not been functioning properly. In addition, the minister's practice of making most of the decisions himself, have all acted to make the law ministry, not only unproductive, but in fact counter-productive.

It is only our respect for the law minister's considerable contribution in our democratic struggle, which is refraining us from calling upon the Prime Minister to take the only action appropriate in view of his ministry's miserable performance. We hope the minister himself, being the wise and sagacious man that he once was, and still can be, will make things simpler for the Prime Minister.

Back to Spring, Back to Humanity

How does one know it is the first of *Phalgun* — the official day of arrival for spring? For that matter, how would one know when indeed spring is here? Dhaka and perhaps all urban centres of Bangladesh should be grateful to young women, college and university students to be precise, who punctiliously keep their date with *Pahela Phalgun* and go out unfailingly in sarees of a particular saffron hue called *Basanti* — the spring colour. How would one explain the daughter of the house eagerly waiting for the day and the son flaunting complete indifference to it. How can cultural variation of this kind shape up basing on gender-difference? Perhaps it has more to do with culturally or historically evolved role-playing between the genders.

Do our young beauties feel the first of *Phalgun* in their blood? It is more likely that spring whispers its arrival to the more poetic and mindful among both women and men and for the *Phalgun* thing one has to keep a tab on it. It so often happens that midway through *Magh* there suddenly blows the breeze from the south rather than the wintry north sending the heaps of fallen leaves reeling from one end of the fields to the other. It feels warm and our olfactory nerves get extra snoopy in anticipation of fragrances in the air. All it remains to round it up is the midnight cooing by the returning cuckoo. But no, as it also happened this time, the vernal intimations were set to nought by a nagging 50-hour winter drizzle.

Yes, all this is a preparation for the king to come. The king comes but unobtrusively and yet soon enough overwhelmingly. Red is the colour of his standard, flying atop the *Shitmul* and *Palash* and *Krishnachura*. And fragrance comes wafting from all direction. Colour and fragrance and the moloy breeze join to intoxicate even those who have neither the eye nor the nose nor even the feel of caressing warmth. The rains are overbearing, summer oppressing, winter festive and autumn sparkling — only spring takes you into its hold — body and soul — but only a consenting you.

With its notorious and yet celebrated dualism our poet has sung in a wonderful baul refrain:

Bashontey ki shudhu kebal photo phuler mela.

Dekhishney ki shukno pata jhawra phuler khetla?

Is spring only a carnival of blooming blossoms alone? And you don't see the play of withered leaves and dwindle flowers? Yes, our true spring is more varied and interesting than the trite thing it has been turned into by the abuse of rhyme-makers of thousands of years.

Spring is the best time for a true communion with nature, the absence of which is dehumanising us. Then let us back to spring, back to nature and back to humanity.

Stockmarket Flurry Calls for Expanded Base

The DSE got only about \$15 million in foreign investment initially which is a really thin slice of the massive flow of portfolio funds into the emerging markets. However, even this relatively tiny amount has strained the market's absorptive capacity. The resulting scramble for shares has put a forceful accent on the need for expanding the base of the sharemarket.

THE upsurge generated by the massive flow of foreign funds to most of the equity markets in the region sent a ripple into the Dhaka Stock Exchange (DSE) too. Prices recorded impressive gains. The DSE all-share price index reached new highs. Transactions expanded significantly, surpassing previous performance.

The flow of foreign money into the emerging stockmarkets of the developing countries is said to have reached an unprecedented level of \$40 billion last year. Investors from the advanced economies in the West were pouring their money into the bourses of the newly industrialising third world nations mainly for two reasons. Interest rates are low and so are the yields in domestic markets. Hence they were staking their money on the emerging markets where interest rates and returns are higher. Some of these investments could just be hot money seeking high yields.

Some portfolio managers also see in the maturing economies of the newly industrialising countries possibilities for diversifying investment and earn better returns in the bargain. They consider the emerging markets falling into viable asset class for mainstream investment. In the interest of having diversified portfolios, such investors might even consider it indispensable to hold emerging market equity also. All in all, this type of foreign portfolio investment adds to the strength of the emerging stockmarkets.

Differentiating between the short-term speculative fund inflow and the more desirable long or medium term capital, is not an easy task for the

stockmarket authorities or the regulators. In the Asia-Pacific region, for instance, some of the stockmarkets witnessed real frenzy in 1993. In the Philippines, the market leapt by 154 per cent. The stockmarket in Indonesia went up by 114 per cent, in Malaysia by 98 per cent. The Thai stocks gained 88 per cent. The value of shares offered to foreign investors in China and the Hong Kong stockmarket 'rose' by more than 100 per cent.

Nearer to home, the Bombay market in India was climbing at a monthly rate of 24 per cent at the year-end. All these phenomenal advances conjure up a scenario of foreign money coming in bargain hunting and the speculators hard at work bidding prices up.

High-flying stockmarkets also tend to plunge sharply on the inevitable downside. The more active speculators had been on the upswing, the steeper would be the descent. Markets in Malaysia and Singapore tumbled in January. The authorities moved in to curb speculative flows of short-term funds. Stiff warnings were issued against speculation and tough action was promised against market manipulations. India's stockmarket capitalisation nears \$90 billion. The net foreign investment that entered India's domestic stockmarkets last year, most of it in November and December, came to around \$1 billion. The inflow of foreign money was not that much compared to the size of the market. However, this was

enough to trigger a flurry. The regulators felt that the market was getting overextended and stepped in to quell speculation.

It's not that all the emerging markets in the region went into a frenzy over the influx of funds from abroad. South Korea and Taiwan, for instance, retain restrictions over foreign portfolio investments. Movement of stockmarkets in these countries are thus guided more by domestic considerations than the inflow of funds from the outside.

New floatations of shares by the private sector companies

would be a welcome move for the stockmarket. The proposed offloading of these shares is being seen as part of an agenda for privatisation of the oil and gas sector. If so, this would be the first move to involve the public directly in the process of privatisation. So long public sector enterprises were being sold off lock, stock and barrel, through tendering mechanism. As a matter of fact, the process of privatisation could have helped the growth of the equity market in a big way. Sales of shares of state-owned enterprises being privatised direct to the public, would have expanded the base of the equity market, broaden corporate ownership and give ordinary citizens a stake in the process. However, this is not the path being followed now. It could be that most of the units being disposed of have not been incorporated as companies. Even now some of these state-owned entities could be converted into companies so that the shares could be offered for public subscription. Such a move would add to the transparency of the privatisation process and also help build up the equity market. Just the other day, India has converted its two state-owned airlines into public limited companies so that shares of these entities could be sold on the stockmarket.

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are few and far between. The recent sale of Tk 275 crore T&T bonds mainly to the financial institutions directly reflects the reluctance of the public sector entities to borrow through the stock exchange. Analysts say that the money could instead be raised through issue of debentures to the public which would have enriched the stockmarket too. Some 14 private sector insurance companies are due to offer 50 per cent of their paid-up capital in the form of shares for public subscription this year. These floatations would bring some new scrips in the stockmarket.

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It is said that there are some 3,000 public limited companies listed with the Registrar of Joint Stock Companies. Only 141 of these public limited companies have enlisted themselves with the

stockmarket.

A higher tax advantage for the listed companies without raising the overall rates, might entail some loss of revenue. On the other hand, the accounting procedure followed by the listed companies are more transparent. Private companies gone public could thus be found disclosing higher incomes in their returns. This should offset loss of revenue partially, if not wholly.

are held. Israel has consistently ignored this censure and defied international conventions on prisoners' rights.

The ineffectiveness of outside pressure groups over human rights violations led to a hunger strike in 1992 by the more than 14,000 Palestinians then held in Israeli jails and camps under pressure. The Israeli authorities agreed to some of the demands, and international attention waned. But 17 months later, few of the released measures have been implemented.

One result is growing disillusionment with the "peace process." Palestinians note US Congressmen speaking out on behalf of missing Israeli soldiers in Lebanon but only delays regarding Palestinian detainees who, they charge, are effectively being held as political hostages.

If those political prisoners' right cannot be won in the early stages, Palestinians argue, there is little chance for autonomy and democracy, as the negotiations proceed.

Families of Hamas and other parties who might have thrown their weight behind the PLO leadership as well as at the Israeli authorities.

The original dismay over the failure to address the issue of political prisoners in the accord has been buttressed by anger over Arafat's concession for a limited number of releases.

The issue of political prisoners is a major concern to Palestinians because those arrested represent the struggle for statehood. Prisoners are heroes to their families, and prison experience is central to the resistance movement. Many who felt unjustly held, or who suffered extreme hardship in prison, became more committed to political resistance. Some joined radical Islamic parties. Stories of detainees' endurance circulate widely: prisoners' rights groups inside Israel and among Palestinians work tirelessly though with little success for the release of those unjustly arrested, and for improved prison conditions.

International human rights organisations criticise the Israeli military for excessive use of force in interrogation and sub-human conditions in the 21 prisons and detention centres in which Palestinians

are held.

BARBARA NIMRI AZIZ is an American freelance journalist and broadcaster who writes frequently on Middle East affairs.

— GEMINI NEWS

Palestinian Prisoners are a Family Affair

Barbara Nimri Aziz writes from Ramallah, West Bank

Four months after the PLO and Israel signed a peace accord, thousands of Palestinian prisoners continue to be held in Israeli jails. And as world attention focuses on the stuttering political talks campaigners say the prisoners' conditions are worsening.



PLO makes our detention invalid.

This feeling runs deep. Arrest is so widespread under Israeli occupation that prison experience links the entire population with a sense of common suffering and sacrifice. Now Israel's recognition of the

A huge number of men over the age of 17 have been arrested and detained. There is hardly a household without an ex-prisoner. Many families have several members with prison experience. Thousands have been imprisoned more than once.

The demand for amnesty is not simply about the men and women still held. Palestinians say it will vindicate the hundreds of thousands arrested, interrogated and tortured during the years of occupation since 1967.

One PLO source estimates that 200,000 Palestinians have direct prison experience. Israeli police put the number at 105,725 since the start of the *intifada* (uprising) in 1987.

Last October, after the accord was signed by Yasser Arafat and Prime Minister Yitzhak Rabin, only 560 out of 13,000 political prisoners were released.

The move received international media attention but did not satisfy the Palestinians who knew that most of those freed were within weeks of a scheduled release. Moreover, the 560 did not include special cases of old, sick and women prisoners.

Many Palestinians were enraged when they saw that the PLO had merely negotiated the release of members of Fatah, the largest faction in the PLO, which Arafat himself heads.

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PLO leadership as well as at the Israeli authorities.

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Again, many of these schools allow their teachers to extend private tuition against extra payment to students who read under these teachers in the school. A very unfair method to those students of the same class who cannot afford private tuition. There is every chance of favouritism and, assumingly, question leakage at the time of examination — a risk to the school's integrity. This should not be allowed at all.

And there should be no donation on demand from parents of students under any circumstances. They are already overburdened financially with payment of fees, heavy costs of books, uniform etc. Any forceful demand for donation calls for questioning under law.

Don Aspin
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Hazards of pet turtle

Sir, It has been noticed that considerably large number of turtle hatchlings belonging to the species *Trachemys scripta elegans*, commonly known as Red-eared Slider turtle is being imported into Bangladesh as pets. This information is the result of an investigation carried out recently.

It is well established that the Red-eared Slider turtle is associated with human salmonellosis, particularly in the children. Subsequent investi-

gations showed that 14% of human salmonellosis in the United States was attributable to pet turtles. In Puerto Rico the annual incidence is 10.4 isolates per 100,000 inhabitants. Among infants, the annual incidence is 275 isolates per 100,000; 68% of all reported isolates are from infants. Turtle associated salmonellosis is being reported from many countries of the world including France, Great Britain, Hong Kong, Italy, Japan, Korea, Mexico, Netherlands, Spain, Germany and Yugoslavia.

The red-eared slider turtle inhabits North America. The colour of the upper shell is olive-brown with numerous black and white lines. The lower shell is yellow with a large dark brown blotch on each scute. The head and limbs are dark green with narrow black and yellow lines. A distinct red stripe is normally present on each side of head behind the eye.

The incidence of *Salmonella* infection has been increasing worldwide. Pet traders in Bangladesh are mainly importing these hatchlings primarily from Hong Kong, Thailand, and Japan which were imported by those countries from United States. Like many other countries of the world, the United States does not restrict exports of public health hazards that are banned within the USA.

In Bangladesh, pet turtles are not yet so popular, but we should be aware of the implications of health hazard associ-

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Primary Education for All!

Sir, I feel a great urge to thank you — but I don't know how. "Primary Education for All" — the supplement you brought out in your esteemed daily, could be a starting point for all to ponder upon, and give them a handle for talking in families, in groups of young students and in teachers' communities.