

The APEC Factor

The rest of the world can have the hat fall off its head when trying to look at the cluster of trees towering on the global economic horizon, by the name of APEC.

The APEC has made a good start, far better than the one critics had predicted prior to the summit at Bogor in Indonesia.

In terms of the accord reached at the Bogor summit, the developed countries bind themselves to achieving free and open trade and investment among their economies by 2010 and the developing countries by 2020 AD.

The APEC has pledged to remain 'open' to commerce with the rest of the world. At any rate, we hope, they realise that after the formation of the group their responsibility to forge an equitable global economic order has only increased.

Missing the Maulana

He was more of a political apostle than a politician in the conventional sense. Yes, Maulana Abdul Hamid Khan Bhasani led almost a saintly life and time and again gave expression to our national conscience.

A natural leader of the people, Bhasani could feel the pulse of the masses and never let them down for his personal gains. Uncompromising and dedicated to a cause, he faced up to the mightiest of autocrats with unflinching courage.

Some might have viewed him as a rabble-rouser — which of course he was not. Even a leader of his conviction had to prove his might. But not in the way today's leaders hire bus and truck-loads of uninitiated and unconnected mass of people to their public meetings.

Well, the Maulana had his fallibility too. The people on whom he relied most have not only failed him but also at times misled him. Apart from such minor faults, the popular leader made a mission of his life for the sake of the toiling masses.

Tribute to Martina

Martina Navratilova has been hailed as the greatest woman tennis player the world has seen. She may not be the most elegant player of her time, but still she enjoyed the support of a growing number of fans with every passing year.

The girl who in her early career lost 21 of her 25 encounters with Chris Evert — her great rival — had the final reading 43 to 37 matches in her favour. Martina's waning into sunset therefore is not before she has comprehensively conquered the world.

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At one time, the Supreme Court, the highest tribunal of law and justice, was staggering. Individual liberty lay buried under the debris of the emergency.

In the past few years, despite the ignominy that Justice V Ramaswamy brought to the judiciary, the Supreme Court has regained stability. This is a court of law once again.

The new judgment enabled the outgoing chief justice M N Venkatachaliah to make admirable appointments to the bench of various high courts. But his transfer of judges for six to eight months is not understandable.

New chief justice A M Ahmadi should pick up the

Appointment of India's Chief Justice

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thread from where Venkatachaliah has let it off. The judiciary will acquire still more firmness if the practice of transferring judges is stopped altogether.

In fact, the policy of transferring judges is a sad reflection on the integrity of judges. If they are made of such substance as can be influenced by local pressures, then why to appoint them in the first instance?

But what is most disconcerting is that the rules about the appointment of the Chief Justice of India have not yet been set in a solid mould. The elevation of Justice Ahmadi nearly created a problem. He and Justice Kuldip Singh were appointed to the Supreme Court at the same time.

Singh was from the bar, a direct recruit, and Ahmadi from the High Court. In the past, the practice had been to place a lawyer above the judge who came from the ranks.

Shiv Shankar was then the law minister. For reasons best known to him, he changed the order without informing Pathak and placed Ahmadi above. When Kuldip Singh, after taking the oath, came to know that Pathak had placed Ahmadi below, he voiced his

Ahmadi had taken the oath before Kuldip Singh. The chief justice recommended the name of Ahmadi as his successor. Kuldip Singh could have petitioned to the President or even submitted his resignation.

Both Ahmadi and Kuldip Singh have decided to put the

another anomaly. The seniority of a high court judge, elevated to the Supreme Court, is counted from the day when he joins the Court, not from the day he was appointed the high court judge.

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No doubt, the appointment of right type of judges will retrieve the judiciary, which is already up to its ankles in mud of arrears of case that has become a quagmire. The Supreme Court itself is behind by five years. It may be a cliché but it is true that justice delayed is justice denied. The

BETWEEN THE LINES

Kuldip Nayar writes from New Delhi

protest. The matter lost urgency because Kuldip Singh went to Karnataka to head the one-man commission, appointed to look into the allegations against R K Hegde, the state's former chief minister.

After the completion of the report, Kuldip Singh could not raise the matter because he was put on the nine-judge-bench to reconsider the Bhagwati judgement on judges and to decide on the primacy of the chief justice. Once he was through the case, he reportedly took up the matter with chief justice Venkatachaliah and even met prime minister Narasimha Rao. But Venkatachaliah could not probably overcome the implication that

incident behind them, as it should be. But to avoid such situations arising in the future, the practice of giving preference to a person brought from the bar should be strictly followed. Indeed, the precedent was set during the days of Jawaharlal Nehru. Justice Bedi and Mehr Chand Mahajan, a lawyer, were appointed judges to the Supreme Court at the same time. But Mahajan was made the chief justice of India. S M Sikri, appointed straight from the bar, was placed above others, who took the oath of office with him, and subsequently appointed the chief justice of India.

While on the subject of seniority, there is need to look at

Children of Sanctions

Children have borne the brunt of the UN embargo against Iraq. Kalinga Seneviratne of Inter Press Service reports.

foreign journalist to buy her emaciated three-month-old daughter, who weighed only three kg, a tin of special-infant formula. At 1,000 Iraqi dinars each, it is worth a third of a doctor's pay. The girl needs 10 cans a month.

Dhia Al-Obaidi, consultant paediatrician and hospital director, says the hospital used to get only three protein-calorie deficiency cases every year before the war. Now, it gets that number in a week.

The US-led multinational coalition bombed Iraq back into the Middle Ages in January 1991 in retaliation for Saddam Hussain's occupation of Kuwait the previous year. The crippling UN embargo that followed has hit young Iraqi mothers and children the most.

Iraq has been lobbying hard in recent months to get the embargo gradually lifted. UN diplomat expect the embargo to go soon, but the crisis this month over Baghdad troop movements on the Kuwaiti border which triggered another panicky deployment of US troops may delay it.

Oil-rich Iraq invested heavily in health, water and sewerage services in the 1970s. Despite the long and costly war with Iran in the 1980s it had one of the best health services in the developing

world. Water supply was good, and its children well-fed. Most of the bridges and roads in Iraq have been repaired in the past two years, but health services and water supply are suffering from a shortage of vital drugs and lack of spare parts. And with inflation running at 24,000 per cent a year, Iraqis are unable to make ends meet. Families cannot buy enough food, and more children are going hungry.

A 1993 study by the United Nations Children's Fund (UNICEF) in Kerabala governorate, south of Baghdad, found that nearly half the children were undernourished. "Malnutrition before the Gulf War was something that was nearly unknown in Iraq, because the nutrition status of children was always maintained," recalls Rafah Aziz, a paediatrician.

Ironically, what the United Nations takes away in the form of an embargo it gives back through organisations like UNICEF.

UNICEF spent US \$70 million in 1993 to help Iraq ease the toll the embargo was taking on Iraqi children. It is ask-

imported, and the country does not have foreign currency to pay for the medicines because it cannot export oil and its overseas funds remain frozen.

Iraqis got 1,771 kcal or 70 per cent of a person's daily energy requirements in July under the government's food rationing system introduced after the Gulf War. In October, the government was forced to cut rations to about half of daily requirement.

"The most vulnerable groups are children up to five years and pregnant mothers," Aziz says. Even if the UN embargo is lifted, he says it will take time for Iraq to regain its pre-war health status.

Contaminated drinking water has become a major hazard. Health officials who took 400 water samples in Basra in

case initiated in one generation is judged in the subsequent generation. The Supreme Court should ensure that at least the cases of public importance are allowed to jump the queue. For instance, it should give its verdict quickly on those affected by the Sardar Sarovar project in Gujarat, which may take some irreversible step.

The Supreme Court may also itself be blamed for the piling up of cases. The court tends to pass judgment upon the wisdom of parliament and state legislatures in their enactments, instead of confining itself to deciding whether they have the power to enact certain laws. The court is beginning to usurp the territory, which belongs to elected institutions, although what it says is relevant. For example, putting a limit of 50 per cent on reservations is a decision that upholds the spirit of democracy, the equality of opportunity. The Supreme Court also looks like abandoning time-proven precedents without sufficient cause and in doing so has changed its mind too lightly and too often.

Linked with the clearance of arrears is the prolonged litigation. The heavy fee which some Supreme Court lawyers charge may be a temptation for them to stretch a case unnecessarily. The top ones charge Rs 1 lakh per appearance in the Supreme Court and around 4 lakhs in a high court. Nowhere in the world have the fees gone so haywire as in India. The bar could have done something but it is difficult for it to have unanimity on this point. The Supreme Court should lay down some norms to make the leading lawyers available to the middle class, if not the poor.

southern Iraq found 90 per cent of them to be infested with germs. Says Thomas Ekvall, UNICEF's chief in Baghdad: "This situation could have catastrophic effects on the well-being of the population."

The water system was damaged by US bombing, but Ekvall says there is a shortage of spare parts and chemicals needed to run the water plants because of the embargo. UNICEF has been importing spare parts and chemicals for the water treatment facilities, but Ekvall says every import has to be approved by the UN sanctions committee which is cumbersome and slow.

Says Gautam Banerji of UNICEF in Baghdad: "It is an irony that we spent 70 million dollars in Iraq last year when in normal circumstances and with its financial and human resources, Iraq would have been more than capable of taking adequate care of the needs of its children."

OPINION

No More Hartal, Please

Munira Khan

Winter, the most enjoyable season of Bangladesh is approaching along with its migratory birds, flowers and gaieties. Also coming with it is the season of political agitation, hartals, strikes and gheraos. Whatever good may emerge out of these activities for the politicians and activists, we the common citizens are diversely affected by these. Our children's examinations are knocking at the door.

We have so many things to do in this period of year-ending, specially when Ramadan is beginning in the first week of February and, most important of all, as a free citizens of a democratic country the people have all the rights to move freely without having the fear of losing life and property. Here comes the world democratic right. Though democracy has so many definitions, the most popular one to us is "a government of the people, for the people and by the people".

Somebody was jokingly telling me that we should read 'off' (instead of 'of', 'far' not 'for' and 'bye' not 'by'). I think in Bangladesh it should be "a government for the politicians, and by the politicians". In my opinion we are all captives in the hands of politicians.

As is apparent, here the politicians think themselves as the only patriots never caring to think that the people of this country have something to say about the modes of operating political movement they are practising for prevalence of democracy. As if free and fair election and the change of government are the only proof of democracy. It seems to me that the politicians have no time to consider that faith in each other and accountability to the people are the instruments for establishing effective democracy.

loss of lives and property by bomb blasts and firings. But what do we see now? The politicians have no faith in each other, and they don't care about people. As if people are there only to vote to send their representatives to the Parliament. The MPs are only to draw emoluments having the advantage of being MPs and give speeches which is mainly to blame each other. In big public meetings, seldom we hear the politicians speak about the problems of our country. They never tell us definitively the plans and programmes they would be taking for combating the problems people are facing in the field of education, health, population and employment etc. Do they ever remember that as representatives of people all the MPs whether they sit in the treasury bench or in the opposition, have common responsibilities to the citizen? That they are being paid from the hardearned tax money of the poor citizens of a poor country and they are accountable to them? Do they ever care to think before imposing two-day, three-day hartals what miseries it brings to the common people and what losses it incurs to the economy of the country? Who bothers when my uncle dies without getting any treatment because of transport? Who bothers if someone cannot go to the bedside of his dying parents living in another town because of this hartal? Who bothers if any small businessman loses contract or business for not being able to send bank guarantee as the bank is virtually closed for hartal? And who cares if the buyers of our garments prefer to buy from any other country where shipments are not delayed for strikes and hartals?

I can never understand why the political parties are quarrelling with each other and creating crisis for the nation? If it is about election i.e. selecting representatives of people of different constituencies, then certainly the people themselves are capable enough to vote properly to express their choice. It should be their (people's) own responsibility for their own benefit that they should see that a deserving representative

is chosen by the majority. If they do not like the present ones they mustn't vote for them. Do the politicians think the people of our country are not fit and capable enough to choose their own representatives and are unable to stop unfair means in elections in their respective areas? If the majority voters of any area want to vote somebody to represent them can the remaining minority prevent it? I don't think so, as it never happened in Bangladesh nor in the then East Pakistan. Otherwise United Front could not have won in 1954; Awami League could not do it in 1970 and BNP-Awami League could not get so many seats in 1990. Even when Mr H M Ershad was jailed people in his constituency elected him and after-wards his JP candidates in bye-elections. It proves that people of Bangladesh are capable enough to choose their own representatives.

So why not repose confidence on our people and wait for the time again to choose? Why not abide by the normal practice of parliamentary democracy which is being practised by other countries who have parliamentary form of government. Certainly we can settle our own problems without any help from outside world. We are not infants anymore. We are 24 by years, and adult enough to understand our own good and, I believe, all of us love our country very much.

So why not our politicians set an example of harmony and discipline for our future politicians? Moreover opposition today may be the government tomorrow, and that is why, also the opposition has all the more responsibility of setting up good example for the next opposition so that they don't have to face the same problem and thereby establishing positive politics, avoiding destruction and chaos of sorts. I don't suggest that there must not be any political agitation or movement but it should be positive. As someone said in a BTV drama, in Bengali, "Ebar anya kichhu dhabo — ebar anya kichhu koro", meaning "think something new, do something new", so let us say — no more hartal and destruction, please. Let this winter be constructively gay.

To the Editor...

French ban on headscarf

Sir, This is to respond to Mr O H Kabir's letter which was published in your esteemed daily on 7.11.94.

It is a known fact that in some schools in Dhaka wearing headscarves and full-sleeve garments is mandatory for girl students regardless of their religious identities.

So, if the French authorities have violated articles 2 and 22 of the Universal Declaration of Human Rights by banning the headscarf then where we stand? Hence is it fair to question the decision of the French authorities when we ourselves do not discriminate?

R Adhikari, Senpara Parbatta, Mirpur, Dhaka.

UN and moral development

Sir, Alarmed by the present world-wide severe and intolerable moral degradation, our attention has been attracted to "A Proposal to the United Nations on Moral Development Approach: A New World Order for Peace" initiated by a well-known educationist Dr Abu Obaidul Haque, Professor and Director of Bangladesh Institute for Advancement of Science and Technology Teaching (IASTT). In this proposal submitted to the United Nations it is rightly advocated that the morality is the key to curb today's much talked about problems of AIDS, human rights violation, environment pollution, oppression on women, terrorism, drug abuses, etc.

Execution of this moral development proposal by the UN with a global approach will certainly help in developing moral awareness, humanity and social responsibility among the world population which will ultimately accelerate the

process of attaining durable peace and justice at all levels of population.

We, therefore, appeal to the UN and its all member states to implement this timely proposal for the greater interest and welfare of mankind. We, further, appeal to our Foreign Ministry to play the vital and pioneering role in favour of this proposal at the UN.

Nikhil Ranjan Das MA Examinee (Pol Sc) Jagannath University College, Dhaka.

Power politics

Sir, Boycott of the Jatiya Sangsad, hartals, strikes, caretaker government, market economy, foreign investment, construction of roads and bridges and Jamuna bridge, alleviation of poverty, welfare of the people and 'daal bhat' slogan etc. etc all seem to be secondary things. The first and foremost thing really is our lust for power and wealth. Who would remain or come to power, who would become the Prime Minister — the tug of war continues unabated.

Government come and go one after another. But the people, the majority of them who live below poverty line, always stand hopelessly where they are. Most of our people from birth to death always suffer, there is nobody to look into their grievances, listen to their difficulties and problems and solve their sufferings. Is it life? Is it the Universal Declaration of Human Rights' we follow in our country?

Most of our people live in extreme penury and subhuman condition. Their throes, agonies and pains are beyond description. This is the reality and this is the tragedy.

But how and when can we get rid of these curses? In the name of opulence on the one hand and want and poverty on

the other, the ominous threat of ruination and destruction hovers like a dark cloud over our heads.

Would our public leaders and bureaucrats lead us to felicity and bliss?

OH Kabir Dhaka-1203

RAJUK's Nikunja plots

Sir, Thousands of applicants had deposited the security money in June/July, 1992 for RAJUK's Nikunja plots numbering about 400 only. (Amount of security money was as much as Taka 50,000/- for A-plots and Taka 40,000/- for B-plots respectively). When contacted recently a RAJUK official told they are yet to sort out the applications. In the prospectus it was mentioned that the security money would be included with the price of the plots whenever they are allotted, or refunded without any profit on it.

RAJUK could not or did not make the winners' list in two years and four months. It should have done the business in a much shorter period e.g. three months and have refunded the security money to those who were not to get the allotment. And the fortunate 400 could wait for the settlement of any problems RAJUK was facing with its project. But it has been holding up a great many people's fund and must be earning profits without any promise to distribute them to the applicants who are the real beneficiaries of the fund in RAJUK's hand. The wage earners could have earned about 50% with WEDB over the same period. RAJUK is showing sheer disregard to justice of any kind to its clients.

I draw the kind attention of hon'ble Minister of Works to the matter.

Ms Lutfa Monipurpara, Dhaka-1215