

Equal Opportunities

In her inaugural speech at the fifth SAARC conference, Prime Minister Sheikh Hasina made a significant comment to the effect that a society loses its moral right to punish those violators of law who were deprived of opportunities in the first place.

Chances are that some anti-social elements will feel tempted to break laws with renewed zeal because they have every reason to complain that opportunities simply bypassed them.

We would like to believe that a premier who shows so much sensitivity to this pressing issue through her speech will carry it forward with appropriate follow-up measures.

The issue is not to interpret law differently for different people. Better it would be to create a universal standard for all citizens to abide by.

A Looming Crisis

A definitive picture of the arsenic contamination of Bangladesh's groundwater is now available, thanks to the School of Environmental Studies of Jadavpur University and its Director, Dr Dipankar Chakraborty.

The arsenic situation has all the makings of turning into a national crisis not amenable to quick management. The government and at its best, the society must act quickly to stop the situation take that dangerous plunge.

It may now be a century that our people have been motivated to use tubewell water. As a first necessary measure, people in the affected districts must now be dissuaded from that hard-earned practice — and very soon.

Now is the time for government to act — wisely and determinedly. There is no scope here of having a second thought about the urgency of the problem.

Awkward

The small southern town of Bhola has recently been witness to a spree of ghastly incidents. First the exhumation of a body from the grave in a bid to collect the skeleton by some sweepers and the resultant backlash which led to the gutting of the entire sweeper village.

Both the incidents are equally deplorable because both trammel the vital element of restraint which separates a man from an animal.

Whether they really were carrying out orders of morgue authorities as they claim or acting furtively for a commercial purpose, a proper probe can only tell. But they certainly would have been better advised to respect the sensibilities of the local people, particularly on a day of religious significance.

But if the two members of the sweeper community proved insensate, what the local people did as reaction, amounted to a gross violation of human rights. Apparently, there was no calming influence from any quarter and every voice that was heard in the angry mob must have sounded hysterically prone to a disaster that eventually occurred.

Fifth SAARC Law Conference and Our Duties

Lawyers, by profession and training, are used to take a detached view of the dispute litigated between the parties in a court of law. So, the lawyers are in the best position to analyse disputes and factors which stand in the way of cooperation amongst SAARC countries, and suggest ways and means to settle them, writes Md. Moksudur Rahman

THE Fifth SAARC Law Conference is being held at Dhaka (27th-29th December), inaugurated by the Prime Minister of Bangladesh, happily in the month of Silver Jubilee celebration of the Independence. It is gratifying to mention that SAARC as a regional organisation was formally launched at Dhaka on 8th December 1985 upon signing of the Dhaka Declaration by Heads of the Seven Countries comprising it.

SAARC Law is brotred to create a sense of brotherhood amongst the lawyers of these seven countries, which in turn will help achieve the objective of the cooperation in the region. What the lawyers can conceive and believe to be conducive to the welfare of the peoples of the region, they can achieve through persuasion of their respective governments to adopt necessary measures and steps.

Regional economic cooperation depends on the existence of peace and harmony not only in the interstate relation but also internal peace of each country. Unless a member-state is free from internal disturbance free from internal disturbance free

ated by organised groups it can hardly extend its cooperation to other states. By persuasion the lawyers can turn the foes into friends and suggest peaceful means for resolving disputes, if there is any, amongst the member-states. We must re-assert the principle that "end does not justify the means". The means and ends both must be legally and morally justified.

In the field of bilateral relations, Bangladesh and India have opened a new chapter of friendship by signing Ganges Water-sharing agreement on December 12 and it will have its impact on the relations of other states of this region. SAARC Foreign Ministers' conference in New Delhi on 20th December, 1996 ended with a pledge to make the region a free-trade zone as soon as possible. The South Asian Preferential Trade Agreement (SAFTA) is going to yield place to South Asian Free Trade Area (SAFTA). The free-trade zone arrangement was also mooted in the FMs' conference to facilitate tourism and hold annual trade fairs in SAARC capitals. Abolition of visa system in SAARC countries will also facilitate the mutual visits and tourism.

In order to foster the spirit of unity amongst the SAARC countries the following measures may be considered by the conference. First: It is necessary to have a forum for discussion of regional problems. This forum may be called SAARC Parliament to be composed of certain number (say ten) of elected members of parliament of each country.

Second: Sometimes the litigants feel dissatisfied with the decision of the highest court of the country. So, it may be considered whether a SAARC Court can be set up for hearing appeals from judgments and orders of the highest courts of member-states, of course under certain conditions to be laid down.

Third: It may be considered whether a body can be set up to resolve regional disputes like Kashmir problem and Tamil problem after giving hearing to the groups resorting to terrorism for reaching their objectives.

Fourth: A commission comprising of lawyers and jurists from the seven countries may be set up to examine the legal systems of these countries and to recommend measures for bringing about uniformity in the legal systems of these countries.

Fifth: The currency value of these countries should be brought at par so that currency conversion becomes easy, with the ultimate aim of having one currency for this region.

Sixth: Arrangement should be made for exchanging high-ranking officers and High Court judges amongst these countries.

Seventh: If inter-state disputes can be resolved by peaceful means, there will be no bar for having a common defence arrangement for this area. And this would reduce the defence budget of these countries.

Eighth: Common language plays an important role in communication of minds and helps to understand each other. So, a common language should be adopted by SAARC countries for use in the government offices and courts. From utility point of view, English language, in my opinion, serves the purpose best.

Ninth: Lawyers, by profession and training, are used to take a detached view of the dispute litigated between the parties in a court of law. So, the lawyers are in the best position to analyse disputes and factors which stand in the way of cooperation amongst SAARC countries, and suggest ways and means to settle them.

The writer is former Judge of High Court Division, Dhaka.

Where Reason is the Casualty

by Kazi Alauddin Ahmed

DURING the past couple of weeks (before December 24 violent protests) BNP leadership appeared to have been keeping a relatively low profile. Partially the lull could be attributed to the temporary absence of the BNP Chairperson. She was currently convalescing in a Riyadh hospital at the behest of King Fahd of Saudi Arabia (she returned on December 25). Let us, however, hope that it had not been the traditional "diplomatic illness".

In spite of the notable underplaying some of the BNP leaders have been observed to express their "wounded" feelings against the Awami League governments, both past and present. Though some of their remarks have been erratic akin to a veritable mastication over and over again of the oft-heard jingles and rhetorics, some are yet resplendent of their complicated mental up-keeping which may demand an introspective examination.

In such a series of vituperative attacks, we may look at the revelation of Matur Rahman, which he made recently in a meeting organised by BNP. He said: "I saw with my own eyes hungry people at Rangpur licking their own vomited mass to quench hunger during the famine in 1974". He did not, however, tell his audience if he made any effort to feed such hungry people with a morsel of food. Nor did he admit that such a pitiable sight had induced a nauseatic spell in him driving him eventually away from the scene.

Even though Mr Rahman's political antecedents were carefully kept unknown, his Rangpur-connection could yet serve as a pointer to help a surmise. Accordingly, it could just be guessed that the gentleman was an ex-Awami League during the period under review. Then a contractor by profession turning into a politician overnight, he came to limelight and ultimately became a cabinet minister holding charge of the Ministry of Works at one time. If my assumption on the identity of the person is correct then the former Awami League minister would have to explain to the people his own role in the artificial famine engineered by international conspirators and also to vouch if he did not fail to fulfil his own responsibility. If he does not admit it plainly then would it not be an instance of spitting upon his own face?

And if my guess about the actual identity turns out to be erroneous I must apologize to the gentleman wrongly alluded to.

The former BNP Information Minister, Barrister Nazmul Huda accepted the present government of "patronising cultural invasion". Taking umbrage at the alleged insolent

remark of Shaoli Mitra — an offspring of the noted Indian duo Shaolhu Mitra and Tripti Mitra, during her recent visit to Bangladesh for cultural presentation, he held AL government squarely responsible.

In so far as Shaoli's reported abusive remarks on our people and the country is concerned, I shall be one with Mr Huda or anybody else to condemn her in strongest terms. If for any particular person's behaviour she was provoked, it would have been desirable that she brought the incidence to the notice of the principal coordinator of the function at the first instance. Alternatively, she could seek the assistance of the Indian High Commission to register protest against the provocation. In any case, she should not have forgotten for a moment that here, she was not merely an artiste but also an ambassador representing her own country. So, by her words and action she did disservice to both the countries. Indeed it was very unfortunate. We demand unconditional apologies from her.

But Mr. Huda's holding the present government responsible for "cultural invasion" by India cannot stand the test of truth. Has he forgotten that BNP government, more precisely, he himself, had been the principal architect in this regard? Was it not for his personal over-enthusiasm that dish antennas and satellite channels entered into our country? How would he account for the ever mounting moral degradation of our younger generation, fueled by the almost pornographic films exhibited by Star TV and some of the Indian channels? Obliviousness of the past misdeeds has been an absolute monopoly of BNP and Barrister Huda faithfully adheres to it. In the same meeting where Huda vented his distorted feelings, Shahiduddin Anne, a student leader and DUCSU office bearer expressed his sense of tolerance and concurred, his trust in democracy for which he claimed, his party did not so far embark upon a programme to oust the present government.

But his own partyman Sadek Hossain Khoka gave us an altogether different version. In his address in another gathering after the last general election on June 12, 1996 and also after the by-election. They had vehemently rejected the results, accused the Caretaker Government of Justice Habibur Rahman, Chief Election Commissioner Abu Hena of partisan activities. Awami League of massive rigging in the election, terrorism etc and on the top of everything, totally turned down the universal and absolutely unanimous opinion of thousands of foreign and local observers monitoring the fairness of the election.

Even after bagging 127 seats BNP raised a hue and cry on the results of 116 more seats and declared to challenge it in the election tribunals. Their initial loud murmuring soon became inaudible because they could not furnish any acceptable documentary evidence to substantiate. Now, the Chief Whip says that he does not or shall never believe AL was voted to power by the people. In other words, he claims that the largest and oldest political party (worthy of mention) has no eligible voter, all its supporters are children. In the logical sequence, therefore, the voters were all BNP supporters though mysteriously not reflected in the election results!

While, in one breath BNP Secretary General Abdul Mannan Bhuiyan admitted that he was willing to get the details of the document (which was made public through newspapers instantly), on the other, he did not hesitate to make hypothetical remarks that the agreement would not safeguard our interest. He and some other leaders of his party alluded to the imaginary conditions of Transit, Power, etc although the published document does not say so. Some other ignorant and yet to be knowledgeable persons including the youth and student leaders have rejected 35000 cusecs. Their demand: nothing less than 40000. They did not have to rake their memories to locate BNP government's achievement in this regard in the last five years.

It may suit their own convenience to be forgetful but the people of the country have sharper memories — the memories of deprivation, killing for fertilizer, politicalisation of the entire administration, incidences of large-scale corruption, nepotism and favouritism etc. So, no more fooling rather it's better to be reasonable and help the people. Without being fussy over trifles it's better to be free to be constructive, and do their honest part for the national development. One cannot disown one's own country, and people and stake patriotism at the altar of mere rhetorical preferences. None has any monopoly here, every one is at par.

Their enthusiasm at slighting the universally acknowledged image of the great leader coincides viciously with the repeal of the hated Indemnity Or-

der. BNP kept itself deliberately and significantly away from the JS when the Repeal Bill was being discussed and enacted. Obviously, it seems they had an opportunity to renew their gratitude to the perpetrators of the predatory crime on August 15, 1975. So Begum Zia suddenly erupted that she did not accept Sheikh Mujib as Father of the Nation. Well, gratitude cannot be induced, it has to be spontaneous as had been eloquently displayed in the case of the killers of Bangabandhu.

As I was saying, Col (ret) Akbar Hossain, allegedly an expert in making controversial statements in the JS and outside, has again been in the news for his question in a meeting. He asked his listeners: "What could have been the alternative to killing to remove a one-party government? He has sought to justify and validate the assassination of Sheikh Mujib and his wife and children. He told so to vindicate the mysterious role played by his leader Late Ziaur Rahman. The hauling up of a number of the alleged criminals who killed Mujib, Taheruddin Thakur an alleged principal abettor of the hideous crime at Mushtaque's command and the historic repeal of the Indemnity Act implanted in the 4th schedule of our Constitution by Zia's own initiative — all taken together, would give us a clue to Col Akbar's audacious observations. It appears from his "expressed conviction" that he also could be one of the masterminds on the remote control and would be able to throw some more light on the gruesome murder which would help the investigators. Though not directly making his point, his version and that of the wife of Col (ret) Rashid after police raided Rashid's house may sound identical. She also, one may recall, loudly sought to justify Mujib's killing in unequivocal term.

At this point, the nation had a great news. Sheikh Hasina, the Prime Minister, returned home on 12th December after successfully executing the long-awaited agreement on sharing of Ganges water with her counterpart Deve Gowda in New Delhi. Her apparently glorious return to Dhaka was profusely celebrated by all and sundry. Almost all the political parties sent in congratulatory messages to the Premier. BNP was, as usual, a significant exception.

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Attention "Apa": The PM is Getting Inaccessible

THE latest talk of the town is "Apa", our honourable Prime Minister Sheikh Hasina, who has already been surrounded by a net that keeps the world rosy for all leaders we had in the past 25 years.

The net, made by so-called well-wishers and sycophants, contribute to making the leader unpopular and eventually a big fall from the seat of power. If one goes by regular television bulletins, it becomes clear how the Prime Minister or "Apa", as she is asked journalists to call her, is being kept busy by work that is of little use for her or the country.

I am so busy that I sometimes even forget the pain of losing my family," she was quoted as saying at the first state reception exclusively hosted for freedom fighters and martyrs' families.

If she is so busy that forces her to forget her greatest pain, can she keep track of what is wrong around her as she is also reading more of clippings than an entire newspaper? I guess her programmes are being set more to suit the interest of individuals than the Prime Minister or the country.

As the head of government, what affects her, affects the country. Here are few examples: At the December 22 reception on the laws of the Na-

without success. One family was even told by one of her aides that Sheikh Hasina is too busy to meet them and he will try to see how he can "manage" an appointment.

The press, if not everyone, at least some are not lucky enough to get her views on important matters. Whoops, maybe not important enough for her aides. The Prime Minister should start her regular weekly/monthly briefings to find out what is happening.

I remember Sheikh Hasina telling the press soon after assuming office that she would not be inaccessible. But the changing reality is quite different. It appears she is being made to forget her promises one after the other; but why? The well-wishers would not do so.

The Prime Minister is seen in so many events cutting ribbons and giving speeches. Once she had criticised her opponent for such activities because it took away time for more important issues.

The Prime Minister should remember that if she loses the faith and love of the war veterans or families of those who sacrificed their "today for our tomorrow", she would be left with nothing. Words alone cannot be enough, there should be matching action.

Will "Apa" realise that? Will "Apa" realise that the Prime Minister is becoming inaccessible for people who should not face such dictums from her aides? Let her find the boy with the roses and girl with the autograph book so that they understand 21 years of neglect has ended.

IN FOOL'S PARADISE?

by Nadeem Qadir

ational Parliament House the Prime Minister was kept at such distance from the guests by her personal security that some freedom fighters invited commented: "We fought for the country, it is not possible for us to harm her." Some commented: "We saw her father and today we came to see her, but it appears we are not lucky."

A little girl was running around for Sheikh Hasina's autograph. She almost made it, but she was shoved off so roughly by her security force that she lost her pen and left without an autograph. Another boy carried two roses and a picture of his martyred father. He too missed her.

Only Minister Matia Chowdhury was reportedly seen meeting with the invited guests. Many thanks to her for the kind gesture, because no one present there went to seek charity or sympathy, only good words about their role in the war.

What was the point of inviting them if the Prime Minister remained surrounded by the same faces she is seen with so often? Many waited anxiously at their tables as security personnel, in some cases, rudely told them, "Keep sitting, she will come to you."

However, those who could make it near the VIP area had a glimpse of the Prime Minister. Most guests could only see her sari-covered head. What a shame!

One has but no choice to ask who should have been the VIPs on this occasion? The same old faces or those invited to the ceremony? The Prime Minister took a good step in hosting the

OPINION Neighbourly Relations

A Layman

Bangladesh's interest is best served by a cordially cooperative relationship with India without becoming too much of a client state. Delhi wants a stable Dhaka without it straying too far from its sphere of influence. These parameters provide lots of scope to establish a reasonably flexible equilibrium in inter-state relationship. A useful role model is US-Canada relations where a durable but benign anti-Americanism — arguably the fountainhead of Canadian nationalism — has not prevented the emergence of a mutually advantageous relationship between Ottawa and Washington.

From this standpoint, therefore, the waters treaty is a most positive development in Indo-Bangla relations. It has removed a major irritant on reasonable terms which are probably the best we could have got under the circumstances. The widespread euphoria notwithstanding, whether the treaty is a breakthrough must await the passage of time to ascertain its implementation efficacy and whether the level and degree of benefits to Bangladesh envisaged by the signatories actually materialise.

An interesting question is why the treaty was not signed earlier. The short answer is that Dhaka's somewhat irrationally militant posturing was matched by Delhi's mane obduracy. It seems south block wanted to teach Dhaka a lesson that good neighbourly relations demanded a modicum of "pragmatic" behaviour. This the AL provided in a creditably utilitarian, even professional, manner. Though the treaty was an event waiting to happen, the League's evident and expressed desire for "good" relations with Delhi, and its association with the Indian authorities since 1971, came in handy in catalysing the negotiating process.

Paradoxically, the AL's success holds latent and hidden dangers for it. The popular apprehension — however irrational this may be — of the AL's supposedly cozy relationship with India may be temporarily allayed but is bound to resur-

face if the envisaged results from the treaty fall short of expectations, especially if progress in other aspects e.g. trade, communication and investment, of our relationship with India fail to materialise or deviate materially from reasonable expectations. Thus the AL can hardly rest on its laurels and is in the unenviable position of having to follow up its historic achievement with matching or greater progress in non-aquatic areas.

For this to happen, a constructive domestic political environment is essential. Unfortunately, the current somewhat sterile debate about the respective contributions of Mujib and Zia (and others) in the liberation movement vitiates this development. Despite some shortcomings e.g. the PAFAL fiasco, Mujib's place in our history is secure. Perhaps the CCP's assessment of the contributions — 70/30 (70% right, 30% wrong) — of Mao can apply equally (and not inappropriately) to the Sheikh. To characterise the Bangabandhu as present and infallible is unrealistic and unnecessary. Similarly, Zia's revolt and two Kalurghat broadcasts in 1971 are heroic deeds undiminished by his accommodation of politicians of questionable patriotism. We Bangladeshis are broad minded and discerning enough to have both Mujib and Zia in our pantheon of heroes. The AL, as the party in power, can set the tone of future debate by adopting a liberal and far-sighted approach to the vexed question of who did what in the liberation struggle. The BNP will have to respond constructively for fear of appearing insular and reactionary and to avoid losing long run popularity.

The treaty is a feather in AL's cap. This achievement compels it to adopt realistic domestic and foreign policies to match the momentum and expectations aroused by the treaty. Should it fail, the AL should not be surprised if this feather is consigned as a white feather by Bangladeshis and the party rejected by the voters.

Of teachers and teaching

Sir, Education is the backbone of a nation. No nation can progress without education. Behind the purpose of being a well-educated nation the contribution of the teachers is matchless and undeniable. So teachers are called the creators of ideal man and nation. But often injustice is found to mar the ethics in the employment of teachers in our country. For example, it has been alleged for some years that teachers are being appointed on the basis of donation, not merit. Especially this embarrassing situation is being frequently observed in employment of teachers in village high schools and colleges.

Very often a high school or college authority procures a large amount of money as donation from the people who are not ideal for teachership. As a result, many meritorious persons are also deprived.

Authorities take this donation to develop the academic facilities of institution. But, in most cases, it is noticed that school or college managing committee or the head of the institution does not or fails to fulfill it while persons who take teaching as profession in exchange of money remain particularly inclined to earn enough money. They are naturally not interested to impart knowledge to their students rather they become deeply engaged in private tuition to earn money.

Teaching is a noble profession. But very often dishonesty is devouring the cardinal virtue of teaching. So the nation is failing to have envisaged students since they are bereft of proper education. Let there be some measure to rid the system of such ills.

Debanshish Paul
Dantochhaya, Nasrabad
College Road, Akua North Zone,
Mymensingh 2200