

## Press & Defamation Law

One of the distinguished speakers at the Commonwealth Press Union arranged seminar yesterday struck an interesting chord when he observed that we do have a democratic government but whether that means having a democratic rule is a proposition well worth a debate. It however does not call for any deliberation to say that the freedom of both press and the judiciary is absolutely vital for effective democratic rule.

There is no doubt that democracy has made life a lot easier for the Fourth Estate, owing to an initiative of Justice Shahabuddin Ahmed, the Chief Adviser of the first caretaker government who saw to it that some of the press-unfriendly clauses of the infamous Special Powers Act deleted but the reality at the end of 1997 is that a lot is yet left to be desired.

The chief devil-on-the-neck as far as a member of the press is concerned is the defamation law of the land which at the moment is unfairly tilted in favour of the plaintiff. This is an archaic law that not only fails to distinguish between a professional and a petty criminal but also leaves the former badly handicapped in his bid to pursue his professional objective. This we say being fully alive to the scope of abuse of press freedom. It makes no sense that in a civil society a journalist will be treated like an ordinary criminal for writing and publishing an item that may not be deemed favourable to the 'reputation' of any party or individual.

We think accountability is an aspect that is applicable to all institutions of the society in order to ensure social justice. If the executive and the fourth estate can be chastised for any deviation from professional ethics there is no reason why judiciary will be immune to informed criticism.

Demanding that the government get on with the job of separating the judiciary from the executive soon, we urge it to take some immediate steps so that the defamation law is amended and the press is freed from the shadows of an unjust threat.

## Auspicious Draft

It seems that a realistic spirit of give-and-take has prevailed over stiff bargaining that so long cast a long shadow over the prospects for peace in our hill districts. At long last, an accord has been drafted jointly by the government of Bangladesh and Shantibahini leadership embodying preservation and furtherance of their respective interests within the framework of the Constitution of Bangladesh. By the emphatic words of the PCJSS chairman Jyotirindriyo Bodhipriya Lama himself the draft agreement is expected to be signed, sealed and delivered at the next meeting. We would take it that he is for a temporary pause solely to give his other colleagues a feeling of being consulted. This should be a mere formality because what he has agreed to can be deemed as a consensus on their side given all the references and cross-references going into the long-winded negotiations.

Even the broad outlines of the draft accord have not been made public, let alone its details, so that at this stage we are only in a position to express our guarded optimism and greetings over the outcome. What looks especially significant to us though is the glimpse we have of a triumph of peaceable intentions over a two-decade-long insurgency which is evidently sought to be ended now by a political rather than confrontationist solution.

Just as there is a decision for a duly elected and empowered regional council under a separate Ministry for the Hill Tracts, a conciliatory position has been taken by the tribal leadership on the Bengalee settlers' stay in the area and the presence of an army garrison. There is neither any need to be presumptive nor any scope for a false debate on the so-called loss of territorial integrity or withdrawal of the Army from the area. The opposition's duty it must have been to express concerns or anxieties on the subject but a knee-jerk reaction to imagined dubiousness of a likely accord is hardly expected of them. Till the accord is signed let's all exercise caution and calm. We urge the Shantibahini, at the same time, not to reopen any issue that stands settled.

## Terrorism is the Devil

Terrorism has definitely soiled all the reverence and admiration the student community used to command in the pre-independence days for its leadership at the critical junctures of the history. It all changed so dramatically after the Liberation. The lightbearers of the nation became linked with the forces of darkness.

More than the failure of the student community itself we deem the dishonesty and lack of idealism of our political leaders responsible for the present predicament. If they were not so myopic in pursuing the petty, partisan interests terrorism would have not been a way of life in the campus.

The whole nation is paying through its nose for the shortsightedness of the politicians. Terrorism on the campus has taken its toll in so many ways. Higher education has been reduced to mere collection of degrees. Law and order has gone down as students roam around to extort money like common highwaymen. In fact things have come to such a pass that common people are wondering whether politics should be completely banned for students.

We do not think such a blanket imposition is realistic. Besides violating the democratic rights of an individual it also threatens to delink us from a very invigorating and glorious tradition, the effect of which we witnessed, in spurts though, in the movement against autocracy and communalism as late as in the nineties. But we nevertheless demand that political parties delink themselves from their front organisations in the educational institutions. If seriously adopted this measure will work wonders in extricating terrorism from the campus. We have already made it an exercise in repetition. So has the President of the Republic Justice Shahabuddin Ahmed whose loud and clear stance on this issue has so far gone a-begging to both the ruling and opposition parties.

# Bangladesh-Nepal Transit: A Momentous Beginning

by Dr Abul Kalam

*Bangladesh-Nepal Transit agreement serves not only as "the beginning of a new chapter of economic cooperation" fulfilling a long felt "desire and dream" of peoples of the two countries, but should also provide the much-needed momentum towards cooperative endeavours further along.*

BANGLADESH-Nepal transit route was formally opened on 1 September 1997 at Bangladeshi, allowing the land-locked Himalayan kingdom the use of Bangladesh's Mongla port. Bangladesh's Commerce Minister Tofael Ahmed and his Nepalese counterpart Sarbendra Nath Sukla jointly inaugurated the transit. This was, indeed, an extraordinary occasion, one of momentous significance towards furtherance of tripartite relations in the Eastern Himalayan sub-region or, as Tofael Ahmed called it, "a historic event" and "a milestone in harnessing well-defined complementarities among SAARC member-states and sharing resources for mutual benefit."

Since 1976 when Dhaka and Kathmandu signed a transit agreement, Nepal had been insisting on getting the use of the transit route through Indian territory and Bangladesh up to Mongla port for the transportation of its goods, because the use of Mongla port was expected to be more cost-effective and Nepalese trucks can carry cargo for a longer stretch over their home territory than if it is transmitted through Calcutta port, as had been the practice.

## Overcoming Lingering Misperceptions

The 1976 bilateral agreement signed during the period of the late President Ziaur Rahman between Dhaka and Kathmandu provided for transit for Nepal, but the accord remained inoperative so long due to India's lingering misperception and consequent denial of a transit route through India up to Bangladesh. Therefore the bilateral transit agreement literally remained ineffectual in the last two decades without India agreeing to the use of a 61-kilometre route for transit between Bangladesh and Kathmandu in Nepal.

Any amount of cooperation, or lack of it, is always conditioned by the existing pattern of perceptions and relations between and among the nation-state actors concerned. An element of perceptual viciousness existed for a long time in the triad of relations in the Eastern Himalayan subregion. The very geo-physical largeness of India, the size of its population and economy, its military strength and potential in South Asia subsystem almost automatically conferred upon New Delhi a "unit veto" attribute. Such an attitude found concrete expres-

sion in India's vetoing of the bilateral transit agreement, denying the landlocked Nepal transit through its territory and in its failing to respond to lower riparian Bangladesh's demands for a continued natural flow of waters of the international rivers.

All this seemed part of an asymmetric reality, generating natural apprehension about India's "big brotherly" postures, and motivated the two smaller neighbours to seek support from extra-regional actors in order to counteract perceived Indian domination and hegemony. Consequently, there was a cleavage of dominance and subordination providing asymmetric inputs, adding body to the continued perceptual divergence and confrontational politics.

From India's point of view, there was perhaps a genuine security concern. New Delhi might have perceived that in the event of a recrudescence of violence along the Sino-Indian borders, a determined Chinese thrust from the Tibetan Chumbi Valley and/or from the Bay of Bengal through Bangladesh could sever off the narrow Siliguri corridor, which separates Nepal and Bangladesh only by a few miles. The fall of this vital 20 km wide Indian tract of land — the so-called "chicken neck," the military strategic point in the northeast of India — would cut off India's north-eastern states and union territories, resentful but with rich potential, from the rest of India. Hence India was most unwilling even to consider any such political/trade menu in the Indo-Nepal negotiation table.

Nepal also expressed its displeasure over the 1950 bilateral treaty of peace and friendship with India and suggested a revision of the underlying "security umbrella concept" so that Kathmandu would be free to serve as a "bridge between India and China." Until recently India clung to a position that there was no scope for a revision of the treaty and that Kathmandu might contemplate scrapping the treaty altogether.

As for Bangladesh, the country no doubt lives under the shadow of India. The prevailing perception is that the

country suffers from the "tyranny of geography," being almost "India locked," surrounded in the east, north and west by India, while in the south powerful Indian navy remains watchful cruising the waters of the Bay of Bengal. On the other hand, with its strategic location as a "landbridge" between Southeast and South Asia and placed at an elbow-point towards the lowest edge of the Bay of Bengal, Bangladesh also conceivably features as a strategic courtyard of India, serving as a strategic elbow to an expansive power external to the subcontinent out to divide the subcontinent further and determined to use the territory as a forward base or shield in a wider regional rivalry for position and influence.

These mixes of strategic asymmetries did not contribute to any reconciliation and/or understanding either at the subregional or regional level. India at times was even unwilling to discuss, not to speak of conceding to demands and needs of the neighbouring countries, whether it was for transit or for augmentation of water and/or development of water resources.

Consequently, Bangladesh-India relations steadily degenerated into a posture of mutual rigidity. There are many elements in this perceptual divergence, including the diversion and denial of the much-needed water from the Ganges and the consequent perceived "economic strangulation" of Bangladesh, the perpetuation of insurgency in the Chittagong Hill Tracts (CHT) from the India-based sanctuaries etc.

From the conceptual point of view, functionalism, advocated for promoting cooperative endeavours at the regional and subregional levels often proved to be dysfunctional. The building of communication blocs or linkages for regional cooperative purpose also proved to be inoperative, as the South Asian societies seem so verbal, rumour and propaganda-based, disinformation-oriented and symbol-conscious that these very often intruded into social and cultural life as well as into economics and politics, and as a result even the existing blocs seemed to fall apart.

Then came a change of heart, with change of governments in 1996 both in Dhaka and New Delhi. The new Awami League government of Bangladesh came to power with specific commitments to seek bilateral understanding with neighbouring India on issues affecting mutual relations. Similarly, I.R. Gujral at first becoming foreign minister, and then Prime Minister, of the United Front Coalition Government in New Delhi, articulated a "unilateral and a more pro-active" vision and committed not to carry the baggage of the past.

With a steadily improving atmosphere across the Himalayas and a diminution of Sino-Indian threat perceptions, Gujral candidly acknowledged the overall asymmetrical nature of relations between India and its smaller neighbours such as Bangladesh and Nepal. He took the argument further along and stated that India's relations with its neighbours should be asymmetrical, meaning that "India was a larger country with a larger economy and larger resources, and hence 'has more responsibilities towards its neighbours. It has more to give to its neighbours than expect from them.' The result was the Ganges Water Treaty of December 1996, which despite its shortcomings both in its agreed terms and the process of implementation, was generally welcomed as a shift from the past pattern of India's policy vis-a-vis Bangladesh.

Similarly, in pursuing relations with Nepal, last July Gujral also communicated India's "unilateral" decision to permit the use of its territory for third-country transit, allowing the Nepalese to use the Mongla port in Bangladesh for their external trade. Even on issues such as Nepal's longstanding grievances on the bilateral treaty, of late New Delhi asked Nepal to come up with specific proposals for revision of the treaty so that both sides could discuss a review of the treaty. Such an approach contributed to "necessary trust and confidence" for carrying forward the idea of cooperation at both bilateral and subregional levels.

## "Win-win Approach"

It is the foregoing context

that the new trilateral understanding on transit has to be viewed through. Apart from 1976 bilateral Bangladesh-Nepal transit accord, the South Asian Preferential Trading Arrangement (SAPTA) spoke of mutual understanding on issues such as transit facilities of the member countries of the SAARC for promotion of trade and commerce. Transit through Bangladesh for Nepal will obviously benefit both the countries, reducing transportation cost of exports and imports for Kathmandu and increasing revenue earnings for Bangladesh. Under the new arrangements, the Nepalese importers will use the Mongla-Bangladesh-Fulbari-Kakarbhita route for the transportation of their imports and exports, now about a million tons a year. And the quantity is most certainly to grow every year, which would have created heavy pressure on the Calcutta port where cargo handling remains a major problem and, for that, cost would have been much higher.

Bangladesh will also benefit from higher utilization of its port facilities and new jobs will be created in the service sector, as Tofael Ahmed said. This will create a win-win business atmosphere in both the countries. The Nepalese Minister agreed and said that the two countries would be able to offer various agricultural and industrial products following the easy access to each other. The Nepalese government officially expressed its gratitude to Bangladesh for extending transit facilities, but Kathmandu also knows about Dhaka's priorities and needs. The expectation is, therefore, high that Nepal would reciprocate accordingly.

It is indeed time to contemplate furtherance of cooperative endeavours between and among the three countries.

Bangladeshi people of all political shades are indeed happy to see the implementation of an agreement, precisely because the original agreement was signed by the administration of the late Ziaur Rahman and now it has found implementation under the Awami League administration of Sheikh Hasina.

## Towards a New Subregionalism

Given the wide margin between the conceptual framework for regional cooperation and the reality in South Asia, together with the prevailing perceptual divergence, dogged mutual relations in the past and prevented fruitful cooperation. However, with recent positive movement in the relationship pattern of the three countries and a commitment to overcome the past barrier of disharmony, as reflected in the organizational expression of South Asian Growth Quadrangle (SAGQ), it would be most appropriate to identify new areas of understanding which would cement the bond of cooperative relationship.

Now that India has finally agreed to extend permission and the bilateral transit agreement has been implemented, the way is paved to 'open a new horizon in trade and economic cooperation between the two SAARC countries in the light of SAPTA.' Strong Indian backing for Dhaka's current peace effort in the CHT, together with a joint development plan involving water augmentation and energy in the Eastern Himalayan subregion would build the necessary momentum toward creating a dynamic area of growth, so much desired and projected by many a South Asian specialist within and backed up by international funding agencies, such as the Asian Development Bank and the World Bank, seemed eager and willing to offer patronage.

The implementation of the Bangladesh-Nepal Transit agreement thus serves not only as "the beginning of a new chapter of economic cooperation" fulfilling a long felt "desire and dream" of peoples of the two countries, but should also provide the much-needed momentum towards cooperative endeavours further along, especially in the area of augmentation of water and development of water resources, to the mutual advantage and immense benefit of the teeming millions of the three countries. To attain such cherished objectives, both Dhaka and New Delhi have to go beyond their current emphasis on bilateralism and rephrase their conceptual framework towards a people-oriented multilateral community in the Eastern Himalayan subregion.

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# A Balm to Healing Wounds

*The wound of the Sikh community is still raw. One has only to talk to them to realise how aggrieved they still feel. The Rajiv Gandhi-Longowal accord is still on paper and some way should be found to make amends for desecration of the Golden Temple during Operation Blue Star.*

## BETWEEN THE LINES

Kuldip Nayar writes from New Delhi

Sus. The Sikhs were hurt and felt that it showed bias against them. But all that is history. Punjab is now the official language of the state and taught compulsorily in schools in Punjab.

There is some truth in Dhillon's statement that Qaid-e-Azam Mohammed Ali Jinnah offered the Sikhs "an autonomous status" within Pakistan. What broke the negotiations was not the fear that "the arrangements would not have worked long," as Dhillon puts it, but the Sikhs' realisation that they were the target in the communal riots which began at that time. They had no alternative except to leave Pakistan.

On the other hand, the Sikhs have come to get a state in India where they constitute more than 60 per cent. And certain elements in Delhi their way after partition, they would have dispersed the Sikhs all over the country, not allowing them to concentrate anywhere. But Jawaharlal Nehru saw to it they would stay in Punjab because he wanted them to enjoy "a glow of freedom" in the state. The cooperative federalism that India is acquiring since the assumption of power by the United Front gives Punjab authority in its

own affairs, like any other state in the country. It will have more and more say in the process of decentralisation advances in the future. This is the real autonomy.

The Sikhs on their part have served India well. The SGPC (Shiromani Gurudwara Prabandhak Committee) president, Gurcharan Singh Tohra, has listed the number of sacrifices that the Sikhs have made in the freedom struggle. He has said that 93 out of 121 Indians sent to the gallows by the British were Sikhs and 2,147 out of 2,694 imprisoned for life were Sikhs. The bravery of Sikh troops in defence of the country is exemplary.

Not long ago, chief minister Prakash Singh Badal made a fervent appeal to the Sikhs at a college in Amritsar to rise above parochialism and serve Bharat Mata. It was the same Badal who had under political compulsions burnt the Indian Constitution once. This was his way of bringing back the estranged Sikh community to the mainstream. It goes to his credit that he is making relentless efforts towards it. The Centre has responded by writing off the loan of Rs 8,000 crore which Punjab had accumulated as an

expense on the security forces to fight militancy.

It is, however, inexcusable that the community became the target after two Sikh security guards killed Indira Gandhi. The fact that 3,000 Sikhs were butchered in Delhi in day light is a blot which cannot be rubbed off. That none has been punished even after 13 years of the crime is something that the nation cannot explain without feeling ashamed. And one should not dismiss Dhillon as a maverick when he talks of sufferings of the Sikhs "at the hands of Hindu rulers since 1984." This means that the Sikhs' exasperation began after 1984 when Operation Blue Star took place and the Sikhs were killed in Delhi and Jamshepur, not before. Then how does Dhillon talk about centuries old Sikh complaints against Hindus?

Operation Blue Star was at the behest of a particular government belonging to a particular party. It considered the step essential. It was not India's doing but that of the government. The rioting in Delhi and Jamshepur was the result of police failure. It was also politically instigated and that may be the reason why the culprits have not been brought to book so far. It is futile to blame the Hindu community for it.

Reprehensible as they may seem, one should not gloss over what led to the 1984 incidents. It cannot be denied that the temple had begun to be used as a

hideout by militants and by those who stopped buses, picking Hindu passengers for cold-blooded murders. Why were arms allowed to be accumulated at the Akal Takht in the first instance? Harchand Singh Longowal, who was in charge of the Akal agitation at the time, told me that he was helpless. Now that Central Human Rights Commission has ordered probe into militancy in Punjab, the country may come to know why militancy took birth and who were responsible for it.

Former Director General of Police K.P.S. Gill is unnecessarily arousing hackles by stating that terrorism will reappear in Punjab in two years' time. It was the Sikh community which ultimately defeated militancy and it will see to it that the nightmare through which the people of Punjab have gone does not haunt them once again. It is unfortunate that some prominent Sikh leaders take pride in attending 'Bhog' ceremonies of slain militants. They are the ones who are sending wrong signals, not Dhillon, who has ceased to count, whatever his diatribe.

Nonetheless, the wound of the Sikh community is still raw. One has only to talk to them to realise how aggrieved they still feel. The Rajiv Gandhi-Longowal accord is still on paper and some way should be found to make amends for desecration of the Golden Temple during Operation Blue Star. There should be some other way to flush out militants from the places of worship. The Sikhs concede that militants did wrong to the community as well as the country. But they want a balm to heal their wounds.

## To the Editor...

### Care of the elderly

Sir, The 'empowerment' of the women, their emancipation exercises, plans, and projects, and enhancing the application of women's rights in the developing countries have created new social problems (letter, DS, Sept. 10), as we eagerly imitate the western models based on capitalism and materialism.

The Singaporeans got wiser in time and reintroduced a decade ago some of the concepts of the sage Confucius, to reinforce the stability of the nuclear family, the core base of any society.

Now that the women are coming out of their homes and working outside, taking advantage of entrepreneurship opportunities, the bonds of the joint and nuclear families are breaking up. The children returning from the school are not greeted by the mother, and there is no adult to take care of the elderly at these homes which are empty during office hours (discounting the presence of servants).

That is how the homes for the elderly grew up in the industrialised countries, initially in the public sector. With greater longevity, the older gen-

eration live longer; increasing the state budget on welfare of the elders and the disabled. Longevity has its price which the state has to bear initially.

Now, it appears Bangladesh has to introduce some projects in this area. The foreign NGOs can set up some model schemes, in collaboration with the local NGOs, for transfer of the know-how.

What is there in the 5-year plan? Some publicity will allay the insecurity of the needy. The foundation has to be laid, so that the structure can come up fast. In these changing times, projects reviews deserve a higher priority.

A Zabr  
Dhaka

### Jamuna Bridge

Sir, It is now reported that some cracks have been found on Jamuna Bridge pier cap and deck surface even before running a single vehicle. Think about a situation when a broadgauge train will run over the cantilever end of the bridge where there is no support. The entire bridge will vibrate days after days. How long can the bridge last then! Take a moment and ponder. Huge invest-

ment may be sunk (Allah forbid)!

Time is still there, if we act now. Use present space of the bridge for 4-lane highway (which is also needed to keep pace with time) and make a separate railway bridge by the upstream side of it. It will incur an additional cost of around 200 million US dollars i.e. about 15 per cent of total investment cost of Jamuna bridge plus its railway approach.

Like railway approaches it will be possible to arrange fund for Rail Bridge also. We should get one bridge but good one, instead of two risky provisions in one bridge. Let us try to place our national interest above our prestige issue.

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### Tragedy or shame?

Sir, What an abnormal sight! The lion is being afraid of a cunning fox! Such an episode has been formed in the disintegrated, degenerated Arab world. Arabs are continually being bullied, harassed, embarrassed, brutally tortured, murdered,

persecuted, their houses demolished, deported and defeated. At whose hands? At the hands of a cunning fox... And whosever opposes the fox are termed as 'terrorists'! One-sided western press, to qualify their blind support and evil design, depict and narrate Arab reaction as an act of 'terrorism' — children are also never spared... What an arrogance of might!

After the World War I when Palestine came under British rule, the Jews made a deal with British government known as Balfour Declaration and a Jewish national home was promised. Arabs were encouraged to move out, as the Jews move in... they were given arms. So shrewdly Jewish people began to take roots in other people's soil. Jewish Terrorism forced poor Arabs to leave their hearts and home! After World War II under the patronage of some superpowers, the Jews were allowed to form an Army of their own.

The year 1948 was an ominous year for the Arab people. An illegal state appeared in the Arab soil... vivisection the state of Palestine. Superpowers began pouring their blessings more and more, the Jewish people, became bolder and bolder... till

they swallowed the entire Palestine. And great irony in it is that victims and oppressed are made to appear as 'terrorist'.

And Arab reaction? Alas! It seems Arabs are afraid to raise their arms against this terrorist regime — shame... heaps of shame on Arab leaders! Another ugliest sight is coming into view; western powerful diplomacy imposing so-called peace process on the weak Arabs. Arabs are begging concession... what a sight! Oh dear Arafat... what a gain you've bargained!!!!

Starting from the fatal illusion that Jewish Army could never be overwhelmed or defeated, Arab world's policy based on some such notion has made them mere weakling. Spirit of Perdition hangs around them.

To Benjamin Netanyahu, the great leader of this terrorist state, I've something to say and it is this: sir, your days are numbered. I accept, might is your only right. You seem invincible. But simple logic says otherwise. How long you'll be able to retain and monopolise your present strength? Weak Arabs afford to have thousands of defeats. But on your part a single defeat will be your last.

Look at other nations. Sometimes they enjoy victory sometimes defeat. But you cannot afford to have a single defeat. And it is your major setback.

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### Procrastination

Sir, What's preventing the government from issuing an order that no garment factory would be situated above the second floor of any building? A time limit may be allowed (say, shift 50 per cent within six months). The time may be extended for short periods subject to rigid inspection of facilities and amenities.

The shifting has to start immediately. The policy on location of the factories has not yet been formally announced. Nepotism may be fatal. Unpleasant situations have to be faced — now. The political will appears to be lukewarm while facing weaknesses in a system. The EU garment/shrimp issue was allowed to linger and blow up to critical level. 'Nip it in the bud'.

A Husnain  
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