

## Prevent Arsenic Poisoning

Alarming revelations have been made by UNICEF about dangerous level of arsenic presence in 22 per cent shallow tubewell waters in the country. This confirms the earlier studies indicating the enormity of our arsenic problem. The study has been conducted on fifty thousand tubewells and three million samples obtained from the tubewell waters. The study has reconfirmed the widespread belief about the presence of this scourge in drinking water across a vast tract of land in the country. In such a situation desperate efforts have to be taken by the government, UNICEF, the NGOs to draw up short and long term plans to combat the effects of arsenic poisoning.

These problems were detected in neighbouring West Bengal quite some time back and when it was detected in Bangladesh the print media had immediately started a campaign to eradicate this nuisance and at the same time make the people aware of the dangers of arsenic poisoning.

If we believe in the old adage which says 'prevention is better than cure' then we must look for producing long term solutions to this problem. A number of measures has been suggested by experts to avoid drinking of arsenic contaminated water. Use of surface water is one of them. For this we need a huge number of tanks and ponds across the country. The waters of these tanks should be used only for drinking and cooking as is done in many districts of the country till today. Many derelict ponds have been reexcavated to encourage pisciculture and poultry simultaneously which is praiseworthy but for purely drinking purpose some of these may be reserved and if necessary new tanks should be excavated. Preservation of rain water is another alternative to ground water use and this can also be done with expert help. Filtration is perhaps the safest method to avoid arsenic hence it should be practised wherever possible.

UNICEF is spending a huge amount of money and is trying to raise funds further for this purpose. We welcome their efforts in combating the menace and their concern for making people aware of the dangers, but at the same time request them to be vigilant against any mispending of funds so laboriously procured for a life-saving mission. Arsenic poisoning has to be prevented effectively.

## EU in Turmoil

These are certainly not the proud moments in the 42-year history of the European Union. On Monday, came a 140-page report on top-level cronyism and financial irregularities in some of the EU executive. The next day, all 20 European Commissioners resigned, taking collective responsibility for failings of some of them. En masse resignation of the commissioners looks set to have a negative impact on the EU affairs and, more importantly, cast a shadow on its planned eastward expansion. The 15 EU leaders are scheduled to meet in Berlin soon to finalise talks about overhauling the budget that might pave the path for entry into the union of 12 newcomers, mostly ex-communist East European nations. Even worse, the report and the en masse resignation triggered off confirmed the popular image of the EC as an organisation of some 15,000 underworked and overpaid Eurocrats. It is indeed a disaster.

The blow comes, in a way, as a blessing in disguise for the Union as a whole. The bitter experience would surely leave the members of the European Parliament wiser, aware of the functional loopholes at the EC. When the next batch of commissioners take over, lessons will be there for them and they will know what path not to tread. Under the constant vigil of the parliament members, they will certainly be up and about while discharging their responsibilities. They cannot simply have the luxury, like their predecessors, to let sloppiness sneak in. When the catharsis, if one may call it, ends, the EC will come out more efficient and wiser than ever before. Disgraced commissioners, despite the fact that inefficiency on their part led to this debacle, deserve some credit for showing the moral strength in owning responsibility. Their individual frailty has certainly been offset by their collective integrity to the ideal of a union — together we rise, together we fall.

## Exemplary, Indeed

Janab Ali is certainly a teacher to remember and emulate. A man endowed with a keen sense of responsibility, he has set a rare example by expelling his son Jakir Hossain from the ongoing Secondary School Certificate examinations at Durgapur High School Centre in Rajshahi. He found the boy adopting unfair means in the examination centre. But in a round-about way, the fact that the son wasn't growing up with the same values his father is imbued with has escaped the teacher's parental vigilance at home. The invigilator-father, however, cannot be censured for it, because what the examinee-sun has committed is perhaps a rancorous problem of modern-day youth. Because raising children with right parental control is getting overly strenuous these days.

Incidents of copying are commonplace these days. But this prevailing proclivity towards unfair means rings alarm bells. Allegedly again, many guardians encourage it only for their juveniles to pass tests; student leaders promote the malpractice to earn cheap popularity; and many an institutions never care to eliminate this disquieting scourge for they want to attract as many students as they can.

But things are really going out of control. A nation cannot let this happen putting its education at stake. "Fairness" in the examinations is a "decree", and all candidates must buckle under this edict since there can be no compromise with felonies in exam-rooms. There's hardly any time to brood over the issue. The administration must take serious note of it and chew over a uniform solution before things get absolutely out of hand. Since it's a social malady, raising awareness can begin by striking at the family level, if not at the national level. And Janab Ali, the teacher, has set an example.

JOSEPH E Stiglitz — the Chief Economist and Senior Vice-president of the World Bank (WB) — recently appeared at a public lecture organized by the Bangladesh Economic Association (BEA) in Dhaka. This distinguished economist of the world spoke on 'Have Recent Crisis Affected the State-Market Debate?' and held his audience spell bound. Personally, I am fond of his illustrious writings especially on information economics and a fan of his illusive and impressive presentations. The last quality in him I observed — for the first time — when I attended the ABCOE conference in Washington last year. However, both at Washington and at Dhaka the theme of his address seems to thump the conventional wisdom of 'only government' or 'only market' based development. On both occasions, again, Mr Stiglitz appeared to harp on the nation that Government and Market are complements, not substitutes. The East Asian crisis brought into sharp focus the failures of both in the absence of a text-book type complementary roles of government and markets and thus signalled the necessity of a shift from a monopoly to a combined policy. It is now not a question of 'right' or 'left' but, possibly, a question of 'right' and 'left'.

Stiglitz started his deliberations with some lessons about the crisis that followed some fifty years after the last World War and the 'crumbling of colonialism' swirled the world. According to him, three perceptive lessons fell from the pages of history. First, that development is possible and is evidenced by the enviable success stories of some of the East Asian countries: life spans spanning from 50 to 70 years, eight to ten-fold increase in incomes per capita and, among others, poverty rates dwindled from 60 per cent in 1975 to 20 per cent in 1995. Second, history tells us that development is possible but not inevitable. The absence of inevitability inducts a host of countries in the world who have witnessed not just stagnation but a cut in incomes. And finally, the crisis in East Asia drives home the lesson that success can be fragile (to appear sour).

As we all know, the discourse on development saw several swings in opinions over the last few decades. The immediate aftermath of World War II witnessed the predominance of a strong State role and an imposed state planning. 'This view was perhaps partly due to the seeming success of the Soviet Union in soaring from a backward, feudal state to superpower status in three decades and partly due to the failure of much of the rest of the Third World to progress. Markets had seemingly failed and there was a natural search for an alternative.

Reading the news stories reported in various dailies, one might get different pictures about government's position on the rule, because these stories differ in terms of both the information highlighted and the importance of their coverage. I have read the news stories of two newspapers in their internet editions and got two different impressions.

In its report (09 March) titled — *Hearing on suo moto rule: Hartal under coercion is criminal act*, says AG — one newspaper underlines the government's position that the current pro-hartal activities are "cognizable criminal acts". Hartal is not a compulsion. But, enforcement of hartal using force or threat is a criminal act punishable under the law, because it infringes fundamental rights of the citizens guaranteed under the Constitution. The use of force or threat to use force to dissuade people from carrying on their normal pursuits is a criminal act under the penal laws of the land. The pro-hartal activities carried on by the callers of hartal are cognizable criminal acts to say the least and clearly infringe the fundamental rights of the citizens and destroy the economy of the country.

Another newspaper, on the other hand, gives a different picture in its report (09 March) titled — *HC suo moto rule challenged: Hartal fundamental right*. AG: The government yesterday challenged the HC suo moto rule saying hartal is a fundamental right. Every citizen of Bangladesh has the fundamental right to freedom of expression which is guaranteed under Article 39 of the Constitution. The High Court Division has no jurisdiction to issue and dispose of the suo moto rule regarding the pro-hartal and anti-hartal activities. "There having been no proceeding pending before the Division Bench of the High Court Division, there is no scope of applying the provisions of Section 561A of the Code of Criminal Procedure and that this Bench has no jurisdiction to issue and dispose of the present Rule".

Understandably, a better picture of the government's position on the rule is the combined pieces of information highlighted in the two reports: First, the government agrees with the Court that the current pro-hartal activities are cognizable criminal acts and then defends the anti-hartal activities arguing that 'hartal is a fundamental right'.

This suo moto rule by the High Court is, indeed, an important judicial event in the country's history. Moreover, it carries an enormous political import and implication, because a

## 'Right or Left' vs 'Right and Left'

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The success stories staged by the Soviet Union, opines Stiglitz, was 'chimerical' as could be evidenced by the fact that those who tried the central paradigm met even with less success than had the USSR. The reasons are not far to seek: ill-suited hierarchical structure of the planning framework severely constrained the move towards new technologies, elites of socialism replaced elites of capitalism, nation-

tion, privatization and macro-stability. Heavy doses of structural adjustment programmes accompanied the inflows of aid from donors. But soon the market-driven strategy of development began to see a rough sea that allegedly tended to rock the boat on which developing countries banked on to cross the sea. "The free market strategy not only fundamentally ignored market failures, which are often rife in less developed countries but, even more impor-

of the East Asian Miracle hypothesis. "One of the key lessons from the 'miracle' is how the State and market partnered each other in the process of transforming their nations. What the crisis does show, however, is that there are certain areas where East Asian governments went too far and others where they did not go far enough". Further he goes to say that, "small countries are like small boats on a rough sea. Even with well-steered, sturdy boat, they are eventually likely to be hit broad side by a big wave. Knowing this, they should have a good set of safety vests and they should take great care when venturing into dangerous shoals. The less developed countries had not yet fully mastered the technique of steering nor were all the holes in the boat fully plugged..."

Arguably, Stiglitz calls for different types of prescriptions for different types of countries, e.g. small and big. The small countries need to be given more time to learn how to swim. In other words, the pace at which reform measures should proceed in LDCs should be different from the pace at which DCS reforms should not lead us to land with wrong lessons. That is, one should not shy away from pursuing necessary trade liberal-

ization and regulatory measures. Nor should the governments be energised to venture into business activities on the plea that small countries need more time. In fact, the only roles that governments could visualize are in the fields of rule of law to see that the legal system is fair, effective and independent. The government has to step into infrastructure building, crisis mitigation strategies and improved regulations, financial regulations etc.

The 'third way' advocated by Stiglitz is being said to eschew the palliatives of oversimplified ideologies and is rather based on pragmatic economic principles — that holds out the greatest promise and hence warrants serious persuasion. "The state should have more than a minimal role but less than an all-encompassing role — a role in which government focuses on areas of relative strength... there is no single formula, no single recipe but the analysis of this paper should have made clear that what is required is 'balance'."

In fact, the 'third way' view is not new either. Many economists of the LDCs have long been in favour of 'left and right' rather than 'left or right' positions. But when the thrilling thesis comes from an economist like Stiglitz and a position like that of WB vice-president, it matters and means much more. We can only hope that the WB holds on to this view for a pretty long time.

'Right' and 'Left' should be preferable to 'Right', or 'Left'.

## Beneath the Surface

by Abdul Bayes

alised enterprises posited as pockets of earning rents for the workers and managers who thrived behind protective walls.

The predictably strong reaction led people's perceptions hover around free markets, viewing government as villain of peace. The magic of the market (with WB as the Magician I suppose) reigned supreme in the thoughts and actions of the governments and the donors. In consequence, the planks of pursued policies were: liberaliza-

tantly, under-emphasized the institutional infrastructure that market economy requires — an infrastructure that only government can provide. We now see, for instance, that privatization without the appropriate institutional infrastructure led to incentives for asset stripping rather than wealth creation in several transition economies."

Stiglitz appears to argue that the crisis in East Asia should not be referred to as a rejection

## Hartal, High Court's Suo Moto Rule and Government's Deposition

by Dr Khandakar Qudrat-I Elahi

Unfortunately though expected, both AL and BNP have challenged HC's rule by arguing that "hartal is a democratic right". This unequivocally unanimous position taken by both the ruling and the opposition parties on the country's most difficult political problem — that she is grappling with since 1991 — seems to send a message, which is perhaps well known to the nation: Our politicians believe in "the right of the strongest" principle and they are united to uphold this principle in their vested interests.

strong public sentiment, leading to protests against hartal. has developed in the last few months in the country. This hearing, therefore, deserves public's utmost curiosity and careful attention.

### Background of the Rule

On 15 February 1999, the High Court Division of the Supreme Court issued a suo moto rule on country's two principal political parties and the government to show cause as to 'why activities in favour and against hartal should not be declared a cognizable offence and the criminal courts and police should not be directed to take action accordingly and to pass such other or further order or orders as this court deems fit proper'. In issuing the rule, the Court invoked its jurisdiction under Section 561-A of the Criminal Procedure Code 1898, which empowers and authorizes the High Court Division 'to make such orders as may be necessary to give effect to any order under this Code, or to prevent abuse of the process of any Court or otherwise to secure ends of justice'. Known too as inherent power of the High Court Division, according to the jurists, this law invests the High Court Division 'with widest jurisdiction to pass orders to secure ends of justice and for that purpose to entertain application not contemplated by the Code'.

In serving the notice, the Court referred to the anti- and pro-hartal activities reported in the 10th to 12th February issues of a Bangla newspaper. But, to understand the background of the rule, the recent political situation in the country needs to be dug down a bit deeper. On 15 November 1998, the Prime Minister made a 'no-hartal' proposal, saying that AL would not call hartal even if it returns to the opposition, and asked BNP for not calling hartal. PM's call was rejected with a threat of non-stop hartal. This perhaps encouraged PM to mobilize public to protest hartal. PM's such call as "Make your area hartal free" often made headline in the dailies. The opposition parties, on their part, joined together and announced a 4-point demands in early January with the purpose of destabilizing the government. The political situation in the country eventually evolved into a combination of confrontation and the opposition political parties. The honourable judges of the High Court might have taken note of this confrontational political development in the country and issued the rule

by invoking its jurisdiction under the appropriate law.

Thus, the High Court's ruling is not at all about the political philosophy of hartal (civil disobedience) or the legal framework in which this fundamental democratic right operates. Quite on the contrary, HC's ruling is very specific: it relates to the current anti- and pro-hartal activities which are leading to criminal offences in the country.

This is the first crucial point that should be underlined to evaluate AG's deposition. The second crucial point to be noted is that the debate in the hearing, revolves around the exercise of individual and group rights in a democratic society and the appropriate authority to ensure proper exercise of these rights. In other words, this debate involves the principles of democracy as they apply to this particular case of current anti- and pro-hartal activities.

### Government's Deposition

First AG challenges the Court's authority to issue the suo moto rule. This raises an interesting political question: Who is the appropriate authority to interpret state's laws? A democratic state is governed by three sets of institutions, which have very specific responsibilities with respect to formulation, execution and interpretation of the state's laws. The Legislative branch of the government is responsible for formulating laws of the state; the executive branch is responsible for executing those laws; and the judiciary is responsible for interpreting those laws in case disputes arise in their applications.

The Court has issued the rule by invoking its jurisdiction under Section 561-A of the Criminal Procedure Code 1898. But the government thinks otherwise. So the question is: Who is the appropriate authority to interpret our country's laws? In answering this question, the point that should be underlined is that both the legislative and the executive branches of government are defendants in the dispute. If they were not, then the Court probably did not have to issue the rule.

Second, AG argues: 'Every citizen of Bangladesh has the fundamental right to freedom of expression guaranteed by the Constitution and hartal is a fundamental right.' This democratic virtue should be known to even most ordinary citizens of the country. And our honourable judges, who act as guardians for proper applica-

tion of laws, certainly do need a lecture on this point from our AG. The Court has not questioned this fundamental citizens' right to organize hartal as an ultimate means to achieve their legitimate demands. What the Court is concerned about is the current political hartals and the criminal activities being committed in protesting and enforcing them. The question then arises: Why AG is making this point?

If AG does not mean to apply this point to the current hartal situation in the country, then his argument is totally irrelevant to the hearing. But, if he does mean to apply his argument to the current hartal situation, then this point contradicts his other point that pro-hartal demonstrations are "cognizable criminal acts".

Third, defending government's involvement in this case, AG submits two points: First, "The government has a legal and constitutional obligation to maintain law and order in the country and to fulfill the guarantee of fundamental rights given in the Constitution and the government cannot sit idle and be an onlooker". Second, "The government's measure to prevent the people from being coerced is being met with illegal force by the organizers of hartals and the government's effort in this regard cannot be termed as illegal by calling it as anti-hartal activities."

The court has identified three defending parties under the rule: government, AL and BNP. But, AG seems to have mixed up this distinction as he argues both for the government and AL.

The Court does not question the government's authority to maintain law and order and to use police to protect citizens' right for not being coerced to join hartal. Contrarily, it is asking why the government should not order to do so, so that criminal offences may not take place. Thus, AG's deposition on this point is irrelevant to the hearing.

Fourth, AG argues that processions brought out in opposition of hartal "cannot be termed as criminal acts so long these activities were directed against the criminal activities of pro-hartal activists and do not exceed the right of private defence of person and property".

The first point to be noted is: The "people" bringing out anti-hartal demonstrations — who are they and what their individual and group identities are? If they are members of general public whose rights are being violated in different ways, then their actions, instead of being

termed illegal, should be protected by the police as democratic resistance to anti-democratic activities. But, this is not the case here. The "people" organizing anti-hartal demonstrations are, mostly if not all, either members of the ruling political party or hired by it. The "people" involved in anti- and pro-hartal activities are some way connected to AL and BNP, both of which stand to lose or gain respectively from the success or the failure of hartal programmes. Thus, the situation on which HC has issued the rule refers to a tug of war, waged for capturing power, between two major political parties in the country. It has very little to do with the interests of the members of general public and their democratic right to protest.

Second, AG's statement that these anti-hartal activities "were directed against the criminal activities of pro-hartal activists and do not exceed the right of private defence of person and property", is both judgmental and prejudiced. It is very difficult to establish that current pro-hartal activities are criminal activities while the current anti-hartal activities are the exercise of democratic right, because both parties have vested political interests in these activities.

It is perhaps obvious to most people that HC's suo moto rule is not concerned with the exercise of a group's democratic right to call hartal or another group's democratic right to protest against hartal to defend their "person and property". It is entirely concerned with one very specific incident — criminal

activities being committed, in the name of anti-hartal and pro-hartal activities, under the direct and/or indirect supervision of the country's two major political parties forming the legislative and executive branches of the government.

But, unfortunately though expected, both AL and BNP have challenged HC's rule by arguing that "hartal is a democratic right". This unequivocally unanimous position taken by both the ruling and the opposition parties on the country's most difficult political problem — that she is grappling with since 1991 — seems to send a message, which is perhaps well known to the nation: Our politicians believe in "the right of the strongest" principle and they are united to uphold this principle in their vested interests. They pursue this RS principle, because we, members of the general public, obediently obey this principle in our society. This, in turn, suggests that our politicians will stop pursuing this principle when they will see that they are, in fact, losing public support, instead of gaining it, by resorting to this hartal strategy.

The judicial systems in North America may be considered as one of the best in the world. Yet many North Americans do not hold high opinions about their courts. They say, courts are the most sophisticated institutions in their society where "twisting the truth" is legal and where, apt performance of this practice is considered a sign of professional brilliance!

This is perhaps because of the human nature and, therefore, there may not be any escape from it. But, it will be truly the most unfortunate event if the country's judicial history if the lawyers representing the two major political parties defending in the suo moto rule, twist the truth to protect the vested interests of their clients!

What kingdoms are but great gangs of criminals! St. Augustine.

The author, a former teacher of the Bangladesh Agricultural University, now lives in Ontario, Canada

## Art Buchwald's COLUMN

### If I Had a Trillion

WHEN I was a young man, and you have to take my word that I was, we talked about money with a lot more respect than kids do today. For example, no child was permitted to say "a billion dollars" in front of adults. It was unthinkable, and your parents would threaten to wash out your mouth with soap.

The only accepted sum of money you could discuss was "a million". We used to say to each other, "I'll bet you a million dollars you can't crawl through that sewer pipe," or "I'll bet you a million dollars your folks won't let you stay out until 10 o'clock at night."

While no one paid off, it was a serious number and one that showed you were willing to put your money where your mouth was.

Songsmiths used to write lyrics about a million dollars: "I found a million-dollar baby in a five-and-ten-cent store." Everyone in the country knew that Rockefeller was a millionaire, as were Henry Ford and Doris Duke, the tobacco heiress. What made John D. Rockefeller our role model was that, as a millionaire, he gave away dimes when he appeared in public. But at least everyone in the country was playing in the same ballpark — during the Depression the haves and have-nots all discussed the value of their lives in terms of millions.

This all came to mind when I read in the newspaper that Citibank and Travelers Group insurance were going to merge for \$82 billion — a very high price for two companies to sleep together.

It was a number that no one of our generation ever thought we would read in a family newspaper.

I was certain that there was not a person in Citibank who had ever seen a billion dollars — much less 82 big ones. And yet that was what they were willing to pay to be joined at the hip.

I knew the sound barrier on money had been broken forever when I walked by a school yard and I heard one boy yell to another, "I'll bet you a trillion dollars you can't hit the ball over the fence."

The other boy shouted, "I'll bet two trillion I can." I yelled, "How dare you use that language in public!" One youngster retorted, "My dad uses it all the time."

The other said, "It's a free country." "Up to a point. It's one thing to yell 'fire' in a crowded theater. It's another to bet a trillion dollars on a home run."

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## To the Editor...

### Decentralise Rajuk

Sir, It is good to see architects and town planners writing in the press to point out anomalies in outdated rules and regulations, and the lack of professional processing of applications, and approvals hurriedly issued violating environmental hazards.

Nepotism and political patronage and pressure result in unsound decisions, causing chaotic physical development of congested Dhaka and other cities and specialised development zones all over the country.

In Dhaka metropolitan area, the role of RAJUK may be reviewed at the highest level, for BMRE. When Rajuk was created decades ago, its structure might have matched its role, but now it is impossible for outdated and hopelessly inadequate Rajuk to cope with the volume and

pressure of development work.

Decentralisation would reduce nepotism and unethical practices. There is too much power and authority in this small office, with inadequate professional staff, and skeleton departments and sections. The human systems loss is high.

The ill effects of faulty approvals, monitoring and lack of implementation would be detected much later in the future, when it would be too late to take corrective actions for lapse made intentionally or otherwise.

The administrative network must be able to keep pace with the fast development activities taking place all over the DMA. This applies not only to Rajuk but in other areas as well, such as the traffic control, educational facilities, transport and communication.

It is not enough to dump ap-

proved plans and projects to operative agencies totally inadequate to handle the projects and the resulting increase in the daily work load after the end of the project phase. The media do not carry adequate news about modular expansion of modern administrative practices in an integrated manner. How to handle the post-project monitoring during the O&M (operation and maintenance) phase? There is lack of follow-through mechanisms.

A Zabr  
Dhaka

### Unfortunate

Sir, Copying in ongoing SSC examination is going on unrestrained according to news published in every national

dailies. Copy mania, this year in particular, is most unbridled than the past years. It is reported that more than 1600 candidates have been expelled and more appallingly 25 teachers have been suspended for abetting in undue practice of copying.

It is most unfortunate that a good number of on-duty teachers are held responsible for supplying copies to students. The situation is so bad that the examinees of some centres allegedly dared to demand extra time to complete the answers. Many vigilance teams and magistrates came under attack in some centres.

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