

Miseries Lurking Again

Three million people of the city's eastern region are likely to be flooded this year if there is considerable rise in the water levels of the Balu and the Sitalakhya rivers. The monsoon is just round the corner and we had the most devastating floods this century in July last year.

The Prime Minister announced on 20 September last that an embankment would be constructed in this area to save the inhabitants from the onslaught of future floods. But for the 30 lakh hapless people of these areas, they have nothing to cheer about as nothing has been done about it so far.

Since the historic flooding of 1998 the government and its agencies concerned have taken a long nap for eight months and during this period they have hardly taken any step to reduce or mitigate the annual suffering of the people of eastern Dhaka city. There were three committees in place; one headed by the PM herself called the National Steering Committee, second was the Project Implementation Committee under the Water Minister and the third was the Experts Committee headed by the Secretary of the Water Resources Ministry. But these committees have hardly been of any use. Meanwhile the project of the 114 square kilometre embankment, primarily estimated to cost more than three thousand five hundred crore taka lay in the doldrum. Later, the cost was reassessed at two thousand five hundred crore. WB and ADB were approached for funding this important project but they asked for further studies on the environment and rehabilitation of the area which will cost Taka twenty-five crore till 2001. No one knows when the actual work on the implementation of the project will start.

The residents of Khilgaon, Mothertek, Basabo, Nandipara, Ahammadbagh, Kadamtala etc. had suffered tremendously during the last floods for about seventy-five days virtually floating on water in insanitary and unhygienic conditions. In spite of assurances by highups in the administration and important public figures at that time nothing tangible, not even the proper rehabilitation of the battered roads has been done till-date.

We wish to send a strong reminder to the government and the Prime Minister of her promise to protect these people from flooding again and again and set the ball rolling before the floods strike again.

Toxic Poultry Feed

A huge quantity of poultry feed component, up to one hundred tonnes, imported from Belgium, the Netherlands and France might be contaminated with potentially carcinogenic dioxine, so fear the veterinarians, scientists and officials of the Poultry Industries' Association. If it is true, then the country is certainly faced with a health disaster of a grave magnitude. Belated though, the government reaction to the world-wide food scare following detection of high level of poly-chlorinated biphenyl (PCB) and dioxin in Belgian dairy and poultry products is nonetheless praiseworthy. It has already banned import of poultry feed (protein concentrate) from these European countries and also seized consignments already off-loaded at the Chittagong Port. Besides, the firms that have already opened letters of credit in this regard would need clearance from authorities before they get the imported consignments released.

Well under control it may appear, the situation remain quite alarming nonetheless; for, the country does not have the technical support required for detection of dioxin in poultry feeds or poultry and dairy products. The Bangladesh Atomic Energy Commission have never run such tests before. At this point of time, it seems, we have no way of knowing whether the available poultry and dairy products in the market are contaminated or not. The fact that dioxine is "less degradable and bio-magnifiable"—which means if it somehow sneaks into the environment, it can magnify itself—renders the situation to be even worse.

Total withdrawal of Belgian, Dutch and French dairy and poultry products from the market appears the safest and most effective measure at this point of time. Until and unless we are equipped with efficient dioxine-detection mechanism, the ban imposed on import of dairy and poultry products from these countries should stay. "Unscrupulous traders" will definitely try to make most of our vulnerability. To make sure that their attempts are foiled, the government machinery should also be on constant vigil.

Destroy the Racket

The four about-to-be-trafficked children were simply fortunate to be "rescued" by the police on Wednesday last from the city's Kalabagan area. Subsequent capture of four alleged abductors is commendable. But the incident certainly sends a chilling signal among the parents that their children are not safe. Any time any number of infants might become victims of a group of child-lifters. Innocent children meeting horrifying fates are not new, but it appears that the enormity of the crime is yet to be understood.

A police official is quoted to have said: "the four accused are members of an organised gang, engaged in picking up newborns for trafficking." This, leads us to assume that the origin of child-lifters' racket is not at all unfamiliar to the people in khakis. It is only the lack of sincere drive that has kept them active.

When crimes go unpunished and the police remain silent and inactive, then criminals call the shots. This time, the law should not waver so far as it is taking action against those found engaged in a vile crime like child-lifting. Time has come for an all out effort to stop trafficking of children and women. For that to happen we propose a grand alliance of the civil society, government and the law enforcement bodies. Only such a concerted effort will stem this rot.

Costs of Character Assassination

Those who are using words to snub others, are in fact doing harm to the cause of the people. The nation expects that MPs would properly use their time in the pursuit of socio-economic and political uplift of the people of their country.

HERE are newspaper reports indicating the kind of utterances used by our learned Parliament Members in the on-going Jatiya Sangsad session. I do not know whether such utterances of abusive language and vulgar expressions by our law makers are unlawful but to put it mildly, they should not be acceptable to anybody even with a distant touch of civility. Not to speak of newspaper reports, I personally witnessed the exchange of such utterances while I watched JS proceedings the other day from the guests' gallery. I was there for about two hours and found that few of the sample 20 speakers on budget truly applied their axe to the tree. In the name of budget speech what went fiercely was an exchange of hot words—not relating to budget at all—and in most cases character assassination reigned high without any consideration even as to whether that applies to the dead or the living.

Admittedly, I entered the JS premise with high hopes. I wanted to learn something from the deliberations but unfortunately had to return with a broken heart. I just wondered as to how those members who embarked upon 5-10 minute character assassination spree could talk of productive spendings of the government when they themselves engaged in spoiling public money? Allow me to cite an example. There was a programme called *Ajker Sangsads* introduced by the present government which rose to the height of immense popularity. People began to enjoy parliamentary deliberations as they were position or opposition. We

watched their elected representatives on their feet to press home the grievances of their respective constituencies. Unfortunately, that programme also had to be stopped due to the alleged 'unhealthy' and 'unruly' conducts by some of the members and also due to other objectives confronting the programme. A good programme thus was laid to rest following unfortunate incidents in JS.

Why is there a Budget Session? It is simply because the revenue and expenditure of a fiscal year needs to be approved by the parliament. The Finance Minister of the country presents budget to the nation through the parliament. The parliament members in turn, are supposed to scrutinize the whole scheme of thought of the government and make a critical assessment of the whole situation pertaining to budgetary allocation, government policies and the on-going socio-economic and political scenario. But unfortunately some of our learned members tend to take the floor for a place of mudslinging. We do not mind members engaging in criticising each other even on non-economic issues but the euphoria goes so high that even dead souls are not spared from their verbal attacks. This is simply unbelievable and unfortunate. More unfortunate is the fact that some law makers in the JS let the leaders down be they of a position or opposition. We

firmly believe that had not happened and had our learned MPs tuned into the tone of the budget, the nation could reap home a much better harvest from the field of democratic parleys.

What is the cost of character assassination? While driving back home, I decided to calculate the opportunity costs of such character assassination. My estimate is based on reported expenditure of a JS session as appeared in daily news-

minute costs Tk 15,000 to keep JS session on, then a 5-hour session (300 minutes) would cost Tk 45 lakh per day.

In a situation where MPs delve deep into discussions pertaining to budget, socio-economic conditions of the people, the future of the nation—the whole amount of Tk 45 lakh could be considered to be used productively. Unfortunately, newspaper reports and our own feelings appear to say that for some MPs, this is hardly the

minute income of 1.87,500 persons come close to Tk 45 lakh. With Tk 45 lakh at our disposal, we can provide credit to 1500 destitutes or landless at the rate of Tk 3000 per person. And assuming an average family size of 5.5 for those poor folks, the total beneficiaries from our Tk 45 lakh loan scheme comes out to be 8,250 persons.

We do not, however, claim any originality or innovation in our calculations. The assumptions are very simple and straightforward and assumes other things as constant. Neither would we like to suggest that by stopping such deliberations we save Tk 45 lakh and then buy some bullocks or boats for the poor.

On the other hand, we are aware of the fact that from each session, people's expected net benefit would run much higher than Tk 45 lakh provided such discussions hover around people's cause but not to curse souls, dead or alive. Of course, there is hardly any yardstick to measure quantitatively the costs and benefits of a budget session. How to put JS sessions into productive use and make the best use of the Tk 45 lakh which could otherwise be a dead-weight loss to the society? There are many ways, but let me cite a few.

First, through a discussion on law and order situation and a follow up by the government, a sense of relief and safety could draw upon to the people who

Beneath the Surface

by Abdul Bayes



papers. We are told that for each minute of JS operation, the cost is Tk 15,000 and for argument's sake let us take it to be so. Suppose further that a fluent orator can speak 160 words per minute (our politicians could hardly speak much more than that!). Therefore, each word coming out of a member's mouth costs Tk 94. The most productive use of that money would suggest that the word should be about budget, either for or against. On the other hand, Tk 94 could be wasted if that word constitutes vulgarism, rebukes or other derogatory uses. However, if a

case. To put those members into right perspective and draw their attention to what they actually miss out, we have calculated the opportunity costs of their misuse of words. For the sake of simplicity, we assume that a total of 5 hours is spent on mudslinging, character assassination and other non-budgetary phenomena in a budget session. In other words, we assume that Tk 45 lakh is not put to productive use.

Assuming that the per capita per annum income of the people of Bangladesh is USD 220 or about Tk 9,000. The daily per

voted MPs to the parliament. Second, MPs could suggest ways and means to curb corruption, bureaucracy and other hindrances to the society. Third, MPs could chalk out a list of unproductive pockets in government machinery and suggest a redirection of resources into relatively more productive channels. Fourth, MPs could spend more time on other issues, which are of capital importance to the society. If the deliberation in the JS just hangs around the issues affecting common people, there is no reason why the benefits shouldn't much outweigh the costs of running the session.

So, to remind our learned MPs: Please note that the price of a word from your mouth in the session is Tk 94. It's very expensive given that the daily agricultural wage rate in your constituency is hardly Tk 80. So, please make the best use of your words by pointing at policies and prescriptions affecting common people's cause. Those who are doing it, are doing good to their constituency as well as to their country. Those who are using words to snub others, are in fact doing harm to the cause of the people of their country.

I think that the Hon'ble Speaker of the Sangsads cannot just preside over the demise of a productive session caused by the abusive use of language and vulgar expressions. He should immediately come to the rescue and switch off the microphones of those MPs who tend to do so.

sent out money in between the time the embargo was declared on May 28 and the returns submitted to the State Bank the next morning. The Governor of the State Bank has a list of these people, but the court did not ask for it.

Another worrying aspect is the appointment of judges. Three eminent additional judges of the Lahore High Court, Justices Saqib Nisar, Asif Saeed Khosa and Mian Zafar Yasin, recently completed their statutory probationary period of one year, and were recommended by the CJ of the LHC and the CJ of the CJP as being suitable for confirmation as permanent judges.

The law ministry processed their cases and the prime minister advised the president to confirm them. They had to be confirmed "in the absence of very strong reasons to be recorded by the President/Executive which may be justifiable". President Tarar refused to confirm them, stating that the first two are young (both are over 40 and constitutionally eligible) and that the third's rate of disposal of cases was poor. Would the CJ of the LHC and the CJP have recommended confirmation? "Strong reasons"?

Arbiters of Justice

Ardeshir Cowasjee writes from Karachi

The Attorney-General of Pakistan and his deputies are men appointed and employed by the government. They cannot be expected to wholeheartedly and honestly conduct a prosecution against their appointers and employers. The "aggrieved," therefore, urge that in conformity with current international judicial norms and practices, the Supreme Court appoint an independent special prosecutor able to prosecute the case in an unbiased manner

conduct a prosecution against their appointers and employers. The "aggrieved," therefore, urge that in conformity with current international judicial norms and practices, the Supreme Court appoint an independent special prosecutor able to prosecute the case in an unbiased manner (covered in my statement placed on the court record on May 6, 1999).

After the Supreme Court had, in December 1997, reluctantly taken notice of the storming incident, inquired into it, issued a few contempt of court notices, pardoned many and charged a handful of nonentities with contempt of court, it delivered its judgment on May 14, 1999, exonerating those charged. The nation was aggrieved by this judgment and now one of the aggrieved, Shahid Orakzai, has filed a petition in the Supreme Court praying that the matter be examined and tried de novo. The petition was heard by a bench of five comprising Chief Justice Ajmal Mian, Justices Saiduzzaman Siddiqui, Irshad Hasan Khan, Raja Afrasiab Khan, and Bashir Jehangir and converted into an appeal. The bench ordered that notices be issued to the respondents, "the Attorney-General of Pakistan and the persons against whom the charges were framed," and that the appeal would be heard on June 28.

The bench will surely do "complete justice" according to Article 187(1) of the Constitution: "Supreme Court shall have power to issue such directions, orders or decrees as may be necessary for doing complete justice in any case or matter pending before it, including an order for the purpose of securing the attendance of any person or the discovery or production of any document."

The framers of our contempt laws never contemplated the possibility that the government of the day would organize a mob to storm the Supreme Court whilst in session, i.e. commit contempt in the face of the law as reflected in Order 27 Rule 7(2) of the Supreme Court Rules 1980). The Attorney-General of Pakistan and his deputies are men appointed and employed by the government. They cannot be expected to wholeheartedly and honestly

conduct a prosecution against their appointers and employers. The "aggrieved," therefore, urge that in conformity with current international judicial norms and practices, the Supreme Court appoint an independent special prosecutor able to prosecute the case in an unbiased manner (covered in my statement placed on the court record on May 6, 1999).

The Attorney-General is hardly likely to consider the involvement of the new CJP in the removal of CJP Sajjad Ali Shah in November/December 1997, or the contents of Sajjad Ali Shah's letter dated November 28, 1997, addressed to the President of Pakistan, which has been placed on the Supreme Court record as an attachment to my affidavit dated May 9, 1998:

"I am very sorry to state that Mr Justice Saiduzzaman Siddiqui, a judge of this court, who is presiding over a bench of three judges at Peshawar registry, has issued an administrative order constituting a full court consisting of 15 judges to commence sitting on 1/12/97 for hearing of the cases at Islamabad. He has heard and decided a petition under Article 184(3) of the Constitution, which cannot be registered and heard at the Peshawar registry and can be registered and heard only at the principal seat of the Supreme Court unless so authorized by the Chief Justice. This petition was taken up for hearing without any authorization from me and such action was also taken by two judges, namely, Mr Justice Irshad Hasan Khan and Mr Justice Khalil-ur-Rehman Khan at Quetta without permission of the Chief Justice, and the order was passed holding in abeyance the notification of my appointment as Chief Justice, which order has been set at naught by the bench of five judges by a majority of four to one sitting at the principal seat.

"Mr Justice Saiduzzaman Siddiqui, as stated above, has passed an administrative order taking over the control of the whole administration which is the exclusive function of the Chief Justice. This divide amongst the judges of the Supreme Court is deliberately created by interested quarters. I

Bangladesh won the excellent victory over Pakistan on 1 June. As my mind was then filled with joy and jubilation, I felt like watching the news in a refreshed mood. But the very first sentence spoken by the news-caster was much shocking to me. The news-caster amazingly termed our historical victory as 'yesterday's shocking win over Pakistan'. The word that pinched me is the 'shocking win'. Wouldn't it have been more appropriate to say 'Pakistan's shocking defeat to Bangladesh'?

The Star News is referred for all its neutral and positive presentation. But while all the cricket stars of the world admitted the great performance of Bangladeshi cricketers, the Star News found it shocking. Even the Pakistani skipper Wasim Akram himself lauded our excellent win. As a patriotic cricket fan, I'm really very shocked at such negative attitude of Star News towards our country. Ours is a new one in the cricket arena and we have to go a long way. So it needs inspiration and also appreciation. I request to Star News to learn to praise one's success which is the indication of generosity.

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do not want to make any comments on the conduct and attitude motivating such actions, which smack of defiance and rebellion and amount to misconduct calling for action by the Supreme Judicial Council for which necessary steps are to be taken."

The AG will also not consider what Senator Iqbal Haider has recorded in his statement handed in to the Supreme Court on May 21, 1998: "The attacks on the Supreme Court started on August 21, 1997, when the strength of the Supreme Court judges was arbitrarily reduced. The spate of attacks by the ruling party on the Supreme Court continued thereafter with the intent to disrupt the course of justice and to prevent the court from hearing most crucial cases incriminating the prime minister, his parliamentarians and

friends." In order to survive, the people desperately need the for an independent judiciary, particularly with the government we now have. Those who try to help the judges regain their dignity and status are generally regarded as fools and asked the simple question: "Well, you may want to do something for the judges, but do the judges want to be independent enough to rule against the government?" Take the FCA case. For some reason or other, stress was laid on the production of a list of those who withdrew or remitted foreign exchange between May 11 and 28, 1998. That does not matter one iota, for by law people were free to remit whatever they liked during this period. What was to be revealed to the court and to the people of Pakistan were the names of the powerful people in government, the culprits, who

opened fire at them at different times during the period. Member of the law enforcing and related agencies during the period raped 17 girls and women.

Effects of Torture
We need to establish a society that would continuously fight against torture. Because torture can destroy a person both physically and psychologically. Anxiety, hopelessness, depression, sleeplessness, suicidal tendency, low self-esteem, guilty feeling, loss of self-respect, mental weakness, distrust etc make a victim a burden to his own self. A survey report on the victims of torture treated by BRCT from 1994 to 1997 reveals that about 72 per cent of farmers, 61 per cent of daily laborers and 52 per cent of businessmen cannot carry out their job due to physical and psychological inability as the effects of torture meted out to them.

Torture and Conventions
Torture is internationally recognized as violation of human rights. A series of human rights declaration and conventions strictly prohibited torture under any circumstances. Universal Declaration of Human Rights (Art. 5), International Convention on Civil and Political Rights (Art. 4-6,7), European Convention (Art. 3), Inter-American Convention (Art. 2), African Charter of Human and People's Rights (Art. 5) and Four Geneva Conventions all forbid torture. Even if torture is carried out during the war-time, the torturer would be committing a war-crime and he would be punished in the court of his country or in the International Tribunal.

The Constitution of Bangladesh has specifically prohibited torture under any circumstance. Art. 35 (5) says: No person shall be subjected to torture or to cruel, inhuman, or degrading punishment or treatment. Yet the incidences of torture goes on unabated. A survey report, from January 1 to June 20, 1999, prepared by the BRCT revealed that 152 persons were tortured among which 15 died due to torture meted out to them by the police, 4 died under police custody during the same period. The statistics show that 28 people were shot dead and 55 others were injured when police

forces to flee their home countries. For Refugees to US there are more than 14.5 million refugees and an additional 19 million have been internally displaced in their home countries. A large number of these people do not wish to disclose their torture history to either avoid embarrassment or fear of being tortured in future. Of the refugee population world wide 1.62 to 5 million have been tortured. The statistics show that 28 people were shot dead and 55 others were injured when police

To the Editor...

BCB, expedite requirements!

Sir, First and foremost my heartfelt congratulations to our cricketers for their outstanding performances in the World Cup '99 against both, the giant Pakistan and the minnows Scotland.

We do hope and pray that in this finest hour of the country's grand success, the top brass in the BCB will not remain complacent and expedite chartering out the priorities for putting the country's cricket regime in its proper perspective.

The Bangabandhu Cricket Stadium has been deprived of future cricket and the pitches so painstakingly made for months together involving crores of Taka was mercilessly dug out and destroyed beyond repair. But how long does a politician in our country remain active in politics?

Government service and politics

Sir