

SOMEONE said the other day that to understand politics, one has only to look at the road.

The prime minister is the sleek limousine that sails past, smelling, naturally, of roses. The leader of the opposition was once a sleek limo as well that sped by confidently, but is now given to much sputtering and stalling.

The members of the cabinet zip past in that careening bus, a motley bunch who couldn't care less where they're going, as long as the journey lasts forever. The party workers are the rickshaws, those seemingly insignificant creatures one notices only because of their nuisance value. The juggernauts that bear down on you, clearing a path of terror before them, are the heavy-weights, present on every by-lane of the political highway. One does not tangle with them, no matter what the provocation.

The ugly scooters, wily and agile, who shoot in and out without warning, changing lanes in mid-stream, avoiding collisions by a hair's breath and giving everyone but themselves a major headache, are the survivors. They always keep the engine running.

In the midst of the hurly burly stand the pedestrians, teeming millions who lend credibility to the vote bank, dazed by corruption, insecurity and an uncertain future. The pedestrians walk, run, canter or gallop, doggedly pursuing their elusive goals.

As this interesting analogy of life on the road to politics plays out in my mind's eye, one question bothers me: where, along this multi-lane highway, are the judiciary? Are they a part of our political domain or not? Principles say one thing, but reality poses a challenge.

The world of Law, complete with professionals, judges, Acts, writs, Rules, and the like, is no longer tucked away behind hallowed doors, but is (if you will excuse the comparison) almost as active as the scooters and juggernauts on the political road. The latest reports on the activ-

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ities of the ubiquitous PSA, lend credence to my simile. One does not profess to be in any way an expert, but memories of an old history lesson come to mind. A teacher with unforgettable panache who taught us at Vigarunnisa Noon School (in the mid-50s, if you must know) used to declaim with passion on the repressive applications of various laws on the then Indian subjects of the then British Empire.

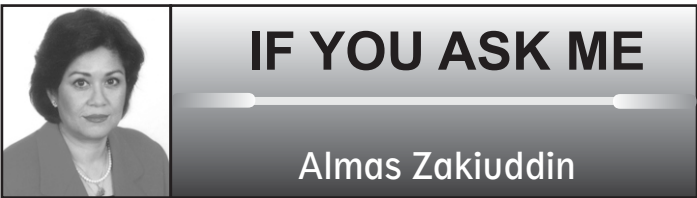
In particular, she used to hold forth on the Rowlatt Acts of March 1919. These, as some may be aware, were passed on recommendations made by Justice Rowlatt's committee appointed by the government of India to investigate "seditious conspiracy" after World War I, when Indian subjects felt let down by British promises of self-rule. Passed at high speed by the Legislative Council, these "black laws" as they had already been termed, rested on the popularly defined precepts, "No Vakil, No Dalil, No Apeal".

In spite of widespread protests, (Rabindranath Tagore resigned his Knighthood; Jinnah his council seat; Gandhi launched his *satyagraha* campaign soon after) the repressive law continued to arm the British against politicians and civilians alike, setting an unfortunate precedent that has ever since influenced our political culture.

The term politics has a widespread connotation. In a macro sense, so to speak, politics encompasses all those activities and ideas that shape human life. Politics informs the gamut of human endeavour, from the act of running for parliament, to that of voting for it, from a desire to

improve one's way of life, to a desire to save the Buriganga. Women who fight for equality, even within the household, are engaging in a political act. Children who object to corporal punishment are doing the same thing. Even your domestic servant who quietly subverts your instructions is promoting "strat-

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Does the judiciary fall under the same purview as ordinary people? Forgive this preoccupation with teachers, but another lesson from the past comes to mind. Though a little distracted by a view of the boys' college next door, I remember one teenage class in Pol Sci quite well. The lecturer, a woman of slim body but deep passion, had intoned at length the principle of separation of powers, extolling this virtue in no uncertain terms. The state, a modern instrument of governance and organisation, has three distinct branches of government: an elected House, an executive and an independent judiciary, she had emphasised.

I wonder how she would have reconciled her dictum of the principle of separation of powers, if she had been around last week to witness members of the law profession and the judiciary

sions boiled over into a physical demonstration of vehement proportions, now reportedly being pursued under the PSA.

One is not dismayed that the lawyers lay down on the floor or even raised their voices in anger. Those who practice the law have as much right to political action for a cause as any other profession. History is replete with the crusading achievements of legal minds and intellects as they have waged battle after battle against colonial rule, against oppressive regimes, against fundamental wrongs.

If lawyers in our day have resorted to Sumo tactics, that is an alarming sign of a troubled state. If the institution of the judiciary can be damaged by mere slogans being raised or bodies being prostrated, we have a problem. Incidents like the Sumo contest signal that professional and ethical standards have degenerated, and trust in the integrity of the system has

been terribly eroded.

The lawyers brought out into the open the depth and division within their ranks, along political party lines, but significantly, their action threw into stark relief the suspicion that our executive arm is selectively disqualifying meritorious candidates on grounds of political bias. (The judges who went up in the pecking order did so allegedly because their political leanings were preferable to those who were left out).

That all this is constitutionally valid would hold no water with my passionate Pol Sci teacher's beliefs. True, the president must go by the advice of the prime minister, according to an amendment to our Constitution, specifically (and notice that I've done my homework) called Clause 48 (3) made in 1991.

But the prime minister, happily sailing by in her sleek limo, might be expected to cast an eye at the climate outside, before making questionable recommendations. It is all very well to enjoy the exhilaration of the journey, but one must remember why one is on the road. Rolling down the window might provide a closer glimpse of the dynamics of the road that others are also traversing, though perhaps not at the same pace as one's own powerful vehicle.

Tampering with institutions like the judiciary is not on. The members of the institution, on their part, have weighty responsibilities to contemplate. One would rue the day they were shown to have joined the fray. One read with some trepidation the recent report that even the Chief Justice was being given a once over, in anticipation of elections to be held under his caretaker command.

When that happens, i.e. election time finally comes round,

the political landscape will become more interesting, but jolly rocky as well. The prime minister will probably be on turbo, her sleek limo souped-up with a state-of-the-art chassis, while the leader of the opposition might shock everyone and finally generate some horsepower. All the other vehicles will undoubtedly play their part, the lorries running down the snail fry, the rickshaws causing their usual confusion and the scooters changing lanes as fast as they appear on the horizon.

The judiciary, as I said at the start, technically ought not to take to the political road at all. Until the latest fracas, one regarded the judiciary as an element in the highway of life that one takes for granted. They are not traffic policemen, though they do play a critical role in law enforcement. They are not directly responsible for the smooth operation of traffic, though without them there would be no blueprint of order. Judges define and uphold the law, but do not enforce it except when it is breached. This is why the judiciary does not change lanes, or automobiles, or jump on the party bandwagon for a joy ride. If it did so, and the chariot sputtered or stalled, it would be a heck of a loss.

It is the judiciary's role as the relatively unseen, overseeing power of the state, to keep pot-holes at bay, protect those who fall into them, guard each vehicle's right to traverse, protect those who stumble or are pushed, and to interpret, review and provide through its intellectual powers, an applicable and impartial code of conduct.

Imagine the confusion if the unseen hand of order abandoned its impartial perch and became one of the many creatures competing for right of way. One shudders at the possibility. Lorries would run amuck, rickshaws would multiply like rabbits, scooters and even shiny limos would collide in exasperation. The road to politics would become untenable. It could even cease to exist.

## OPINION

# Our Wage Earners Abroad

by M Shafiullah

THE 18-point recommendation of the Standing Committee of Jatiya Sangsad on the Ministry of Labour and Employment to redress the grievances of the Bangladesh Wage Earners abroad largely remained unimplemented. The Standing Committee's remedial measures came in the wake of its field visit to Saudi Arabia, The United Arab Emirates and Bahrain. The visible step the lead ministry could take in three months was to serve show cause notice to four manpower recruiting agents for illegally sending as many as 1000 workers to the Middle Eastern countries. The recalcitrant recruiting agents did not respond to the notice of the Ministry of Labour and Employment till the latest meeting of the Standing Committee on 4<sup>th</sup> January. The Daily Star followed up the matter in its editorial of 7<sup>th</sup> January. It strongly urged the Bangladesh Government for speedy implementation of the JS body's recommendations to stop the rot in the manpower export sector in order to protect the right and livelihood of millions of the wage earners.

The majority of our workers abroad more often performed their duties under risky working conditions, in alien culture and in hostile physical climate. The undergo listless sufferings which are no longer news over time nor unknown to the authorities. Nor the dubious methods of a section of manpower exporters that amassed wealth beyond proportion at the expense of tears and toil, blood and sweat of the unsuspecting and desperate job seekers are beyond the knowledge of the concerned quarters.

Be that as it may, the recent fact finding mission of the JS body to the three very important Bangladesh manpower importing countries brought to the surface once again the simmering problems of the wage earners abroad. The workers must have vividly narrated to the law makers as to how they fell victim to the greedy recruiting agents, government officials in various

departments, passport issuing authority, airlines staff, and finally the immigration officials at the airports. At the other end the rigors of life in their dream land compelled them to travel to far off countries with full of language and cultural shocks. They might as well have added the inhuman behaviour of a section of Labour Attaches and some consular officials posted in Bangladesh Embassies in their longlist of grievances.

The corrective measure suggested by the Standing Committee brought into sharp focus an underlying problem whose cumulative effect is more profound on Bangladesh economy and wellbeing of several millions of its citizens. At stake is the employment of an estimated three million wage earners and survival about thirty million of their dependents at home. In terms of flow of hard currency the figure in approximate is two billion dollars per year. The remittance from wage earners is the second highest after the forex earning by garment sector. Therefore, it goes without saying that a large scale reversal of fortune in foreign employment will have severe repercussion on the domestic scene. Bangladesh had faced such a calamity, albeit in a limited way, during the Gulf War of 1990 when about 100,000 Bangladesh wage earners were displaced overnight and nearly 80,000 of them returned home from Kuwait and Iraq empty handed.

Bangladesh is an overwhelmingly overpopulated land with a very high ratio of unskilled and unemployed work force. Coinciding with that unhappy combination half of the population being below poverty line, the desperation of her sizeable number of nationals to travel to distant and often unknown destinations for earning a living is immense. This compulsion exposes the Bangladesh work force to a listless exploitation at home and abuses abroad.

My assignments in the West Asia desk in the Ministry of Foreign Affairs as a member of

the Wage Earners Welfare Board under the Ministry of Labour and Employment and postings in the Middle East and the North African countries spanning from 1988 to January 2000 brought me face to face with the problems and prospects of our workforce in the Arab region. I was also called upon to shoulder the responsibility to repatriate thousands of Bangladeshi wage earners displaced in the Gulf war. Such an extra-ordinary development exposes the workforce to yet another dangerous situation of being caught in war in a distant region. It was a nightmarish experience in view of the fact that Bangladesh had neither the expertise to repatriate a huge number of displaced persons from far away lands in war nor necessary logistics or resources to salvage her citizens. More surprisingly there was not even a contingency plan to evacuate our nationals before the looming war in the Gulf. What- ever might be the constraints it would continue to be the responsibility of the national government to protect the life and to safeguard the basic rights of her citizens abroad. It is more imperative in the case of her wage earners by virtue of their sheer contribution to the national exchequer.

It is commonly believed that export of manpower is the responsibility of the Ministry of Labour and Employment alone but in reality other Departments, like the Ministry of Foreign Affairs, the Home Affairs, the Civil Aviation are deeply involved in the process. Last but not least in importance is the tremendous responsibility of the private sector recruiting agencies in promoting employment generation of our workforce abroad. The present day chaotic situation in the manpower export has emanated from complete lack of effective coordination among the concerned ministries, their various departments and the recruiting agents. The mechanism evolved over the past years

to address the problems of the workers as well as to promote further expansion of employment opportunity in a highly competitive overseas market was to hold periodic conference of the Ambassadors and the Labour Attaches posted in the manpower importing countries. The conference was designed to review the whole gamut of the trade as obtained at the field level.

The legal means of travelling abroad for employment is shrinking. An unaccounted number of job seekers are taking recourse to perilous journeys often at the risk of their lives to reach foreign destinations at an exorbitant cost. The majority of such unsuspecting victims are either caught at the land borders and languish in foreign jails or drowned by the coast guards as a deterrent to landing on their shores. A section of recruiting licence holders and travelling agents are playing havoc in trading human cargo of this nature. Even those who are travelling with documents and are employed do not often receive their full wages. They are deceived on every plausible ground by the native employers. Our competitors from The Philippines, Thailand, Vietnam, India and Pakistan are better off than our wage earners in many respect. The important element in their favour is the strong home institutions. An extra-ordinary situation is prevailing in the manpower export sector in Bangladesh and there is no way out of it except to strengthen the national institutions.

The first and the foremost task before the concerned authorities of the government is to restore immediately the institution of the conference of the Ambassadors and the Labour Attaches posted in the manpower importing countries. An adequate preparation should be undertaken to convene the meeting in Dhaka as soon as possible. The last conference which was comprehensive in nature was held in

1994 in Dhaka. The then Foreign Secretary Mr. M.R. Osmany, Additional Foreign Secretary Mr. Mohiuddin Ahmad and myself as Director-General (West Asia) in close cooperation with the Ministry of Labour and Employment organized the ten-day meet. The proceedings of that meeting could serve as model for the next meeting. The current Foreign Secretary Mr. C.M. Shafi Sami at that time was Ambassador to the Kingdom of Saudi Arabia. He made valuable contribution to the deliberations of the conference. His rich experience could be drawn on in organizing the meeting.

The second move of the Ministry of Labour and Employment should be to reduce progressively the number of the recruiting licence from the staggering 680 to a reasonable limit which the ministry could effectively monitor. This may be done after verifying the performance of the licence holders for consecutive two or three years. In a bid to weed out the unscrupulous agents the licence fee/bank guarantee should also be raised to taka 25 lacs from current taka 7 lacs. At present the defrauding agents undercut the genuine and refuted manpower exporters as well as raise from the workers several times more money than the security deposit. If on proven grounds their licences are cancelled and security money is forfeited they go into hiding with the large amount of workers' money. Deposit of a high amount security money may have a deterrent effect. The forfeited amount could also be distributed among the affected workers. The recruiting agents or the employers should be made responsible for the sending air tickets and the workers for the return tickets. Currently the workers are made to pay for the joining time air tickets. They fend for themselves if the employers do not show up on arrival or there are no jobs for them according to the contract

signed with the recruiting agents. At the time of attesting the Demand Letters the Labour Attaches should invariably ensure insertion of a clause binding the recruiting agents to take back the workers at their cost if they fail to provide jobs as per the signed contracts and the workers be compensated.

The recruiting agencies have an umbrella association under the title of BAIRA which serves as a strong lobby for them. But for the millions of wage earners there is no national level association or elected representative body to uphold their basic rights and interests. The voice of the million is just not heard. An effort may be made to float a wage earners' association with the financial and logistic assistance of ILO or International Organization of Migration [IOM] to keep it above political party line.

The days of construction boom is over and so with it the jobs of the unskilled workers. Bangladesh must take note of the direction of winds and sail accordingly. There is no alternative to produce skilled and semi-skilled manpower to hold on to the labour market. The two government organizations namely BMET and BOSEL should be merged into a single entity called the department of Overseas Bangladeshis with the aims of extensive manpower training, monitoring the market situation, placing and recycling the personnel in close cooperation with the private recruiting agencies. The proposed Department would also act as the watchdog on the defrauding agencies.

The above steps are by no means exhaustive but may help to restore order to a long neglected vital sector of our national life.

*The author is former Ambassador to Libya, Tunisia, Malta and the State of Palestine.*

## To the Editor ...

### Last Chance for US in ME

Sir, The Middle East crisis was created in 1948 when the British established the state of Israel for Jews from around the world, on Arab land. In 1967, during the Arab-Israel war, Israel occupied more Arab land. The Palestinians did not recognize the state of Israel till 1993. I used to hold the view that the Palestinians must 'recognize' Israel because the Jews must have a place to live in and because this would discourage further Israeli attacks on the Arabs.

But my assumptions were proved wrong after the historic Oslo Accord in 1993. The Palestinians recognised Israel and softened their attitude to it, but this did not prevent Israeli atrocities. Many meetings and summits were held between the Israeli government and the Palestinian Leader Yasser Arafat mediated by the UN and the US.

What has been the result so far? In the last mediation, in mid-October, the US preached that an accord for cease-fire was signed between Ehud Barak

and Yasser Arafat but this could not be confirmed by either side! The Israelis gunned down over 100 Palestinians for 'stone-throwing'! The UN General Assembly condemned the Israeli attack on October 24 but the UNSC could not follow because of the US veto.

The peace-loving people of the world do not believe that US-mediated negotiations would have any good results because the Israelis have inherent influence on the US government. Even a child understands well that any international mediation should logically and legally done by the UN and not by the US. But it is not possible to oppose the US because it is now the lone super power on the globe.

President Bill Clinton, in office for a few days, is regarded as a moderate, not a hard-liner. The world may look to Mr. Clinton to mediate the peace process sincerely since it is the last chance. If he fails, the failure will not be his alone but of the USA as a whole. The international community then must be truly internationalized by elevating the status of the UN or by making another powerful International Body for the purpose,

discarding the present US-dominated one.

*M.A.S. Molla*  
*Member, BAAS, Dhaka.*

### Erosion of trust

Sir, Our political culture is distorting faith in neutral professional services, especially in the public sector. Posts, services, and institutions are being politicized to an alarming extent. This virus has the potential to do great damage to our services. The political leaders won't admit it, but such actions cannot be kept hidden for long.

Corrupt practices (non-political) are widespread and entrenched in all spheres of public life. The politicians are keeping quiet about it (except for stray protests from the Opposition), and they seem to be absolutely powerless to stem the tide. The national systems losses have reached huge proportions, many of which have been pointed out by the UN and donor agencies.

The coming election campaign has a bearing on the proposed eradication of such negative trends in national

administration. The political leaders are busy diverting public attention with marginal issues, and do not have the capacity to tackle the core issues bedeviling the nation

We cannot afford upheavals in every generation. What is the way out?

*AH*  
*Dhaka*

### Transparency in DCC affairs

Sir, Vested groups in the DCC are keen to undertake civil construction projects on a priority basis, but benefits of the projects are not passed on quickly to the public. For instance, pedestrian over-bridges in Dhaka are under-utilised because unauthorised crossings at the road-level have not been stopped. Why do we construct these over-bridges, spending crores, in the first place?

Some DCC markets, such as the Mohammadpur Town Hall market, have been developed with hundreds of *pucca* small shop lots for rent, but even a

couple of years, shopkeepers who have booked space are not using them -- perhaps because they have not been given the usual amenities. What was the hurry to complete the civil construction? The streets along the market are crowded with vendors blocking traffic, day in and day out. They are not being evicted, even in the presence of the DCC local commissioner, who is well aware of the congested conditions in and around the market. What are the responsibilities of the elected office bearers? There is a severe lack of transparency in DCC affairs. The Mayor should comment on such suspected rent-seeking activities.

*A Husnain*  
*Dhaka-1207*

### Restore order in Dhaka

Sir, Who really owns the public roads and streets of Dhaka? Hawkers? The police? The rickshaw-pullers? *Mastans*? The people? The government?

One does not find any real

owner. All the public roads and streets are in limbo. Illegal occupation, loot and plunder, rape, hijacking, abduction, dirt and filth, and the absence of any authority or government, marks our public roads. We strongly demand the restoration of order on the streets of Dhaka. Would the Prime Minister, the Home Minister and members of Parliament respond to the voice of the people?

*O. H. Kabir*  
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*Wari, Dhaka-1203*

### Women in the Army

Sir, It is heartening to learn that around 32 women are to join the army and around 11,000 have applied to join. The time has come when women are considered equal to men and their rights and feelings are given due importance. No nation will progress or be able to compete if women are not respected. Congratulations to the women for joining the main stream of society and marching towards prosperity.

*S Sundaresan*  
*Dubai, UAE.*