

HC verdict on ETV

The channel's success, credibility and viewer acceptance merit serious consideration

HERE is an ironic case of procedure being 'flawed' but the product proving professionally acceptable. Yet it is the assertion of the legal principles that should stand out. The case in point is the HC judgement delivered on writ petition against the ETV on Wednesday. Out of an abiding respect for law we value the HC's opinion on the lack of transparency in the procedures followed by the state about three years ago in granting licence to Ekushey Television as the first private terrestrial channel in Bangladesh. Nor can we, with our penchant for excellence and public service, afford to overlook the ETV's outstanding performance as the first successful private TV channel, which is public knowledge. And, we don't think that the two considerations are mutually exclusive, although it is the supremacy of the law that must be upheld.

The High Court in a ruling on Wednesday declared Ekushey TV's operating licence illegal and void. The court's conclusion was based on the premise that the tender procedure followed in selecting ETV was not transparent enough. The court asserted that despite repeated reminders, the government failed to provide any document furnishing the basis on which the ETV was selected for the contract. All this made the HC Bench conclude that "transparency and accountability were not maintained in the procedure for awarding the licence."

Ekushey Television has until April 6 to appeal the decision before the Supreme Court. This is a natural right under the writ jurisdiction being granted to the TV channel. It provides a leeway, however, for some thinking aloud in the media, and the respite might be slightly longer if the ETV should succeed in obtaining extension to the stay period from the highest court in the country. In any case, the verdict has upheld an earlier HC ruling that had declared the ETV's licence illegal and void. That the ETV used wireless telegraph apparatus without proper authorisation had also dogged its steps from before.

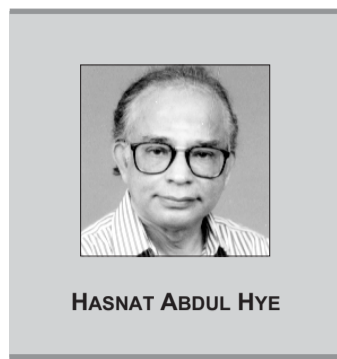
The High Court ruling basically exposes where the serious lacunae lay in the selection procedure relating to a very sensitive area of national concern. We look upon the HC verdict as an appropriate and timely warning to the executive authority that under no circumstances should it allow itself to impinge on or short circuit the due process of law.

With all our reverence for the HC verdict, there is another aspect, however, to the whole issue that merits consideration from the standpoint of plurality, freedom of information or public good. We cannot be oblivious of the fact that transparency or otherwise of the selection procedure notwithstanding, ETV has become a popular TV channel given to credible entertainment, talk shows and news programmes. It has been a breath of fresh air providing a stimulus for competition to Channel i, and needless to say, to BTV as well. ETV's professionalism has certainly enhanced its acceptability among the TV viewers.

One would, therefore, like a balance to be struck between the legal compulsion evoked by the flawed procedure and the rationale for serving public good through a medium that has been successfully utilised by ETV. Then there is the paramount issue of ensuring the presence of multiplicity of audio-visual channels in deference to the principle free flow of information based on the right to information. It has been a long, nearly three-decade, wait for us in Bangladesh to get a credible and acceptable alternative to the BTV. After getting it, we now face the possibility of it being closed down because proper procedures were not followed.

For the sake of plurality, multiple source of information and providing credible news and high quality socially relevant entertainment programmes, ETV has won the hearts and minds of millions of viewers in Bangladesh. In fact we can justifiably say that viewers are far better served because ETV exists. We strongly feel that this gain of the general public should not be lost.

Project Europe



HASNAT ABDUL HYE

THE summit of the leaders of European Union at Barcelona last week was anything but dull and routine. Street demonstrators protesting on their conspiracy theories as usual produced a lively and rowdy backdrop. Disagreements between two groups of member countries on the scope and pace of economic reforms generated excitement and criticism both inside the closed-door meetings and beyond. The summit did not "make or break" as Tony Blair have predicted grandiosely. Rather it settled down to discuss the "nuts and bolts" of implementing reforms. It meant that European Union is alive and keeping and looking to the future hopefully.

The European Union has come a long way from the fledgling Steel and Coal Union of the fifties. If Jean Monnet, the architect of the latter regional enterprise, were resurrected he would not be able to recognise his own brainchild today. The Steel and Coal Union was a modest and limited attempt to obtain economies of scale through integration of the two sectors. It did not encompass the whole of Europe, having been confined to France, Italy and a few other countries. From the sector-based project to a customs union a few years later was a big jump. But even then it did not have an overarching goal reaching out to a greater multifaceted union. The common market that evolved through the seventies and the eighties bound the member countries together dismantling the economic barriers represented by tariffs. It graduated from a customs

union to a free trade area almost automatically. By then the number of member countries increased to thirteen including the early sceptics like the United Kingdom and the traditionally neutral Nordic countries who had formed a parallel union, the European Free Trade Association (EFTA). With further and closer economic integration Europe became ambitious and bold. By the end of eighties the number of member countries rose to fifteen with new hopefuls from Eastern Europe knocking at the door. With the

subsidiarity which devised a rational division of activities was found wanting in many respects. The crucial test came at the time of introducing euro in 2001. Out of 15 member countries three opted out of it, ostensibly for a temporary period. Earlier, England had pulled out of the exchange rate mechanism (ERM) in a similar assertion of independence over economic policies. England had also kept out of the social charter of the European Union and accepted the jurisdiction of the EU's human rights charter and

ected its energy sector from 'foreign' participation promising to open only the non-domestic (commercial) segment of energy sector. Germany, in its turn, has continued to soft pedal over the issue of acquisition of its industries by those of other member countries. Thus, progress on the economic front, which was taken for granted so long, has suddenly received a severe jolt. Some have tried to gloss over this setback as being temporary and inevitable on the eve of presidential elections in France and Germany

Britain loses out financially from the EU is the common agricultural policy, which typically in a year costs about £6 billion. She has concluded that "if we are receiving an unsatisfactory deal and if at the same time we are losing our powers of self-government that seem sufficient argument against further integration in Europe".

The problem with the above conclusion is that arguments for membership of the EU cannot to be addressed in such a matter of fact terms. It is difficult for a member

forces to substitute those of the NATO, its ambition to create a common judicial area and the current attempt at devising a European constitution at the centre of which will be an elected government, all herald one of the most ambitious political projects of modern times. The use by Euro-enthusiasts of the expression "United States of Europe" is neither exaggerated nor a figment of imagination. In fact, European Union is a classic Utopian project, a testament to the strength of the idea of supranationalism as against nationalism. It is, for this reason, significant to Europeans and non-Europeans alike. The developing countries like Bangladesh have been receiving preferential and considerate treatment from the EU in respect of aid and trade which would not have been possible without the combined resources of a big union of developed countries. But more important than the consideration of aid and trade, the smaller countries need the presence of a political entity with necessary clout as a counterweight to the sole superpower. Disadvantaged in many ways in a unipolar world, these countries are eager to see the emergence of a politically and economically strong European Union. Their stake in European project is therefore no less than that of the Europeans. The disagreement in Barcelona summit to move forward is discouraging. But it cannot be more than a temporary setback. Margaret Thatcher is right in her apprehension that "the drive for a United States of Europe, a European super-state, is now unstoppable".

The twentieth century saw the rise and fall of utopia, communism much to the dismay of its champion. The same fate does not appear to await Project Europe in this century. The European Union is confident and flexible enough to accommodate both the sceptics and the Europhiles. With more success in the common enterprise the number of the former may become minuscule.

Hasnat Abdul Hye is a former secretary, novelist and economist.

IN MY VIEW

The twentieth century saw the rise and fall of utopia, communism much to the dismay of its champion. The same fate does not appear to await Project Europe in this century. The European Union is confident and flexible enough to accommodate both the sceptics and the Europhiles. With more success in the common enterprise the number of the former may become minuscule.

change over from the European Economic Community (EEC) to the European Union (EU) the organisation envisaged a confederation of states in Europe in the model of the United States. It was no longer thought utopian to think of a common foreign and defence policy with the common market as the core. The end of the cold war gave additional impetus to construct a new centre of power. Unilateralist and isolationist policies adopted frequently by the only superpower made this all the more necessary.

The progress of economic integration and political union of Project Europe has not been smooth and fast. There have been ups and downs with obstacles thrown up from within and without. After plunging headlong into wide ranging integration some of the member countries reined in to pause and ponder. The conflict arose between the concept and practice of federalism and nationalism. Though most members decided to bid farewell to nationalism of nineteenth century vintage they found it difficult to surrender sovereignty over every sphere. Even the principle of

the court much later. Even Germany, one of the staunchest supporters of closer integration, is now balking at the prospect of being warned for transgression of the convergence criteria, particularly in respect of the GDP-debt ratio.

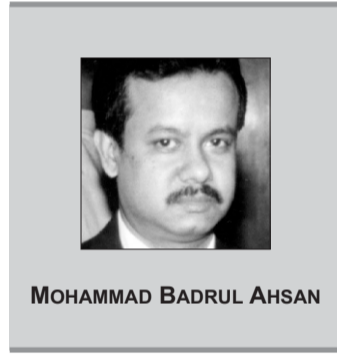
In the European Project France and Germany were the most enthusiastic and eager to move forward with the implementation of closer union economically, politically and strategically. They and a few other like-minded members were even willing to go ahead under a fast track programme leaving the other laggard members to make up their mind and move under the second track. But even these passionate integrationists are now dragging their feet. In the just concluded summit in Barcelona the differences between France, Germany and other members, particularly the right of centre of governments came into sharp relief. Both countries refused to adopt flexibility in their labour markets which would give greater power to employers to hire and fire and reduce the existing workers' benefits. France stubbornly pro-

where nationalistic issues gain prominence. But if the difference over economic matters do not resolve quickly, political and strategic union may recede further into the background. Expansion of the EU with new members from East Europe will, on the other hand, add new complications in the economic sphere, particularly for subsidy and grant for backward areas and the voting arrangement for the members.

Margaret Thatcher, a former prime minister of the United Kingdom, has opened a fiery broadside against the European Union in her recently published book "State Craft" calling for her country's withdrawal from the EU. Recalling that the initial impetus to join the common market was to break through the European tariff wall so that British goods could be sold freely to the markets of the original six members she has argued that as against that benefit Britain has paid more. Deducting the benefits the financial loss has been shown to be around £54 billion as represented by net contributions since 1973. She has pointed out that the reason why

country to estimate the benefits in dollars and cents in every respect. The economic benefits of joining the EU should not be judged only by common agricultural policy. The advantages of trading in a customs free area cannot be underestimated. Allied to these are the economies of scale in production. The National Institute of Social Research has recently calculated that level of Britain's national output would be two per cent lower per annum outside the EU than inside. The same can be said about production in manufacturing and output in other sectors of all the other member countries. The EU has a unique built-in arrangement to benefit rich countries through expanded economic growth and trade and poor countries with development grant. To maximise these benefits and realise other potentials further economic integration is essential. This may involve curtailment of sovereignty of member countries which should not be seen from mere sentimental perspectives. Europe's plan for a single currency (euro) to rival dollar, its rapid moves to create its own armed

Rigmarole



MOHAMMAD BADRUL AHSAN

HE son asked his father what was the source of his fabulous wealth. The father gloated on the question in his supine posture while the glint of pride spread in his eyes. Intelligence, hard work and luck were the three secrets and exactly in that order, the father replied. The son insisted that the father explained what he meant by them and how they worked together to bring him that fantastic fortune.

The father took a pause with a smile as if he was facing an interview with rest of the world. He was intelligent to see the opportunity, worked hard to seize it, and was always borne out by luck in everything he did. The son picked the word opportunity, and asked what the father meant by it. Opportunity is a situation or condition favourable for attainment of goal, the father said without hesitation.

Now the son wanted to know in the stentorian voice of an interrogator if the goal of his father's life was to make money. The father answered in the affirmative by cheerfully nodding his head, because he had started his life in the squalors of poverty and never

wanted to go back to it. Poverty is the worst condition of life, he added, which undermines the dignity of a man.

The son looked as confident as detective who was about to inveigle his suspect to a confession. He asked his father if he had become rich because he didn't want to remain poor. The flabbergasted father was irked by the question, and said that he didn't know if there was any difference between the two conditions his son had just mentioned. The son responded emphat-

ically that of course there was a difference since sleeping was not as same as falling asleep. People sleep at night, but fall asleep in boring meetings; one is natural, another is contrived.

It is normal to be born either in poverty of affluence, but changing that plight is expedience. The son then reminded his father that one could go from poverty to wealth or vice versa either by acquiring or squandering. Either way, the shift from one condition to another involved a critical path where virtues of life ought to be either constricted or compromised.

Seizing of opportunity would be a prime example, the son argued. One man's success is another man's failure; one man's gain is another man's loss. He said there is something called Pareto Optimality in economics when one man maximises his satisfaction without infringing on the satisfaction of others. But that hypothesis never works in reality because one must cheat, bribe, and scheme to get the tenders or win the deals.

Hard work is to do more of it with devotion and perseverance. One

success of few from failure of many. The son readily differed with him. Luck is nothing but the force that shapes the opportunities in a person's life. If the opportunity one seizes is wrong from its start, how could the force, which shapes it, be called auspicious? He looked his father in the eye and asked if he was lucky to possess his wealth, or unlucky to snatch it away from others.

The father looked visibly disturbed, his face hardened in the embarrassment of having to hear

CROSS TALK

Amongst its many vices, wealth creates this illusion that providence is within the purchasing power of men. In fact, many of them bring damnation on their children by the way of unbridled lust for money. One man's gain is another man's loss and nothing can ever change this law of conservation of wealth... Fortune becomes the biggest misfortune, for those who do it. Either their money devours the children, or the children devour their money. Some rich men lose their children to drugs and bad habits. Others repent when their children die young and they blame it on their own misdeeds.

criticism from his own flesh and blood. He got up from the bed and started pacing in the room, and his son looked amused in his own mind. Others would have seized the opportunity, if he had let go of it, the father defended himself. But the son refused to give up, and instead told his father that two wrongs could never make one right. How would he like to see his son getting addicted to drugs because the neighbour's son did the same?

It was bad analogy, the father said because the son was comparing apple with orange. God gave him the honour of being amongst

questioned. The father gathered himself to answer that question. One must keep a little extra for the rainy days since the course of life is so uncertain. And he needed money to give a comfortable upbringing to his children, send them abroad for education and secure their future with a safety net so that they would not fall on hard items in case nothing else worked for them. The son could feel the moisture in his father's voice, but warned himself not to indulge in filial devotion.

He said that his father had given nothing but a lame excuse to defend

those who could turn everything they touched into money. What was wrong with it? Was it as bad as drug addiction? The son demurred, saying that addiction was dependence on a habit, and who said making inordinate amount of money was good habit. It is wrong to spend more than one earns, and how is it any better to earn more than one spends? How much money do they need for living, and how much of excess money has been sunken by his father in land, real estate, jewellery and other investments, he

had really happened to cause the conflict between the people of Bangladesh and the Pakistani junta.

Playing politics with the education of our new generation is not to be taken lightly. Deliberate distortion of the history of our Liberation War is a crime against our boys and girls. It is certainly a most immoral action. The whole civil society must stand up against such dishonest manipulation of facts. The Awami League has already registered its strong protest but it is not the duty only of a political party. It is a national issue with long-term political and social implications. The civil society has a duty to stand up to this type of tampering with facts in order to give a biased picture of the Liberation War. No one has the right to deprive our future generations of the memory of the most glorious event in our nation's history.

Mohammad Badrul Ahsan is a banker.

OPINION

Deliberate distortion of history

Time to take a stand against falsehood and deception

SHAH AMS KIBRIA

THE repeal of the law on the portrait of Bangabandhu has shocked the nation. Reaction in the country to this unnecessary act of provocation by the BNP-Jamaat government was so negative and widespread that it must have shaken the ruling alliance. Perhaps they did not realise the enormity of their misadventure. But why did they do this? What was their purpose? Was it aimed at raising Zia's stature to the same level as that of the Father of the Nation? The thoughtful among them know it fully well that pulling down Bangabandhu's picture from the wall will not alter his place in history. Blinded by partisan jealousy, the BNP-Jamaat government has rewritten the school textbooks to glorify Zia and denigrate Bangabandhu and his role in the Liberation War. They have forgotten that since the achievement of independence 31 years ago, Bangabandhu's portraits adorned

the government office walls for only a period of eight years and six months. Rest of the time, when Zia, Ershad and Khaleda ruled, the name of Sheikh Mujib was taboo. His name was not even mentioned in the government radio and TV, school textbooks and official publications barely mentioned his name as a leader of the freedom struggle. And yet his memory not only lived, it became brighter every year. His charismatic image seemed to gain lustre with every passing year. The killers of Bangabandhu thought that the people of Bangladesh would forget him if he is buried in a remote village far away from Dhaka. But on 15 August every year, even when the Awami League was not in power, all roads seemed to converge on Tungipara. Streams of admiring people from every corner of the country assemble there to pay homage to the great man. I have seen this moving sight in Tungipara and reflected on the futility of the attempt by BNP and Jamaat to obliterate the name of

Bangabandhu. Sheikh Mujib from Bangladesh. They failed miserably. Flushed by recent electoral victory, they are trying again but they will, I am sure in my mind, will fail again. The name of Sheikh Mujib is engraved in the heart and mind of millions of Bengalis. Nobody can erase this name. Independent and sovereign Bangladesh is itself the greatest monument to his memory.

While I have no doubt about Bangabandhu's place in history, I am certainly concerned about the distortion of history of the Liberation War. School children have the right to learn the country's correct history. History must be based on established and verified facts. Governments will come and go as the electorate decides, but the history cannot be altered and rewritten every time a new government comes to power. History is not propagandist literature. Actual events, as recorded by eyewitnesses and written by historians after due verification, must be

faithfully recorded. Regardless of whether a party is pleased or not, the text must remain the same. Our Liberation War is not an ancient event that depends on speculation. There are thousands of eyewitnesses, both local and foreign, who have given a most authentic version of the events as they unfolded. There is no scope for partisan editing or wishful thinking. The distortion of history is therefore immediately detected.

Understandably, Jamaat's view of the history of the Liberation struggle will not be the same as that of the rest of the people in the country, Jamaat (and a few other parties such as Muslim League) fought on the other side. They fought on the side of the Pakistani occupation forces. They opposed the emergence of Bangladesh as an independent country. Not only did they believe in Pakistan as it existed, they also organised armed gangs known as Al-Badar, Al-Shams to fight alongside the Pakistan army against Bengali freedom fighters.

These armed gangs of Jamaat killed our brave freedom fighters as the enemy of Pakistan. Naturally, in the eyes of the Jamaat-e-Islami our victory on 16 December 1971 was their defeat. Small wonder, therefore, that the Jamaat, having joined the government as a partner of the BNP, must be working hard to get their point of view reflected in the history books. But why the BNP is also a party to such efforts? Do they also share the Jamaat views and ideas on our Liberation? If not, why are they distorting history to cast Pakistan in a favourable light? The freedom fighters in the BNP, alas, must be a powerless lot. It is the pro-Pakistan elements in that party that seems to be the most powerful factor in the party. Their control on the party's policymaking seems to be total. It is also saddening to see Jamaat's grip on the BNP's policies.

There were allegations prior to 1996 that the history of the Liberation War was not correctly written in the school textbooks. The govern-

ment, accordingly, appointed two specialist committees to revise the texts in order to rectify the mistakes. This was done and since 1996 there were no complaints on this score. However, after the BNP-Jamaat government came to power they must have ordered wholesale change in the textbooks. When the new textbooks came out in January 2002, one found with surprise that substantial changes were introduced without regard for accuracy and truth. Is it not a crime to mislead our young children by hiding the facts or telling them a lie or half-truth? For example, the Bengali textbook for the first grade has a story on 'Birshrestha Matiur'. Strangely enough, the story does not tell the children who was the enemy whom Matiur fought against. In practically all the textbooks, the stories are written in such a way that the name of Bangabandhu is omitted. Since the history of the Liberation War would read like Hamlet without the prince of Denmark, the writers had a hard time. They have

given the children vague and misleading information on different events. For example, the textbook for the third grade tells the children how the Liberation War started. In order to avoid mentioning Bangabandhu's name, they wrote the story in such a manner that one would get the impression that all on a sudden the Pakistan army started killing the innocent people of Dhaka and thus the war started. The background of the conflict is scrupulously avoided because they wanted to avoid Sheikh Mujib's name even if it made the story incomplete. The students may be young but they certainly have common sense to understand that some people do not just fall upon another group without a reason. There must be a good reason but the writers do not want to talk about it least they have to mention Bangabandhu's name or mention Pakistan as an enemy. Why such soft corner for Pakistan, is a puzzle. It is such a misleading and inaccurate story that the young children will have no ideas as what

had really happened to cause the conflict between the people of Bangladesh and the Pakistani junta.

Playing politics with the education of our new generation is not to be taken lightly. Deliberate distortion of the history of our Liberation War is a crime against our boys and girls. It is certainly a most immoral action. The whole civil society must stand up against such dishonest manipulation of facts. The Awami League has already registered its strong protest but it is not the duty only of a political party. It is a national issue with long-term political and social implications. The civil society has a duty to stand up to this type of tampering with facts in order to give a biased picture of the Liberation War. No one has the right to deprive our future generations of the memory of the most glorious event in our nation's history.

Shah AMS Kibria is former finance minister and the chief election co-ordinator of the AL.