

## Protecting consumers' rights

### Legal framework needed

THE initiative by the government to set up a new watchdog to protect the interest of consumers makes us wonder whether it is just another ambitious project that would face an immature death. And we have valid reasons to feel so. Officials have been dillydallying for years with a draft bill called 'Consumers Rights Act' prepared by Consumers Association of Bangladesh (CAB), a non-governmental civil rights group. CAB had presented the draft to the Law Ministry a few years ago, both sides have had several meetings on the nitty gritty of the draft but we are still awaiting the final outcome of those meetings. CAB has repeatedly expressed its dismay over the delay; on the other hand, the government officials, most conveniently stated that before placing a law that deals with public rights, in the parliament, they need to scrutinise the details very carefully. We simply wonder why is it taking so long? First of all, we appreciate and congratulate CAB for coming up with the draft on request from the authorities, but we wish we could also have congratulated the concerned ministry if they had showed sincerity in speeding up the process.

As it is, the markets have been swamped with sub-standard products, scrupulous businessmen have taken full advantage of an ineffective mechanism in quality control. Although it is compulsory to get the product approved by a government regulatory body called Bangladesh Standards and Testing Institute before it goes on sale, but they don't have enough manpower or strict enough law to nab and punish those who are flouting the regulations. There is no official body or law to control the prices of goods either; therefore it comes as no surprise that consumers have already lost faith in local products. On the other hand, some consumer groups don't have any other choice but to buy sub-standard products. We have to make all of them aware that they have options to protect their rights, that they cannot be taken for a ride by the manufacturers as well as the sellers forever.

But that can only be possible when and if the government decides to enact a law in favour of the common people of the country. We know it is a tough fight against the organised devious traders, but the recent announcement by the Commerce Minister on setting up a 'Consumers Council' by early next year has raised our hopes. Although we also strongly feel, taking previous experiences into account, that due to lack of a proper mechanism and a tough law, such initiative is likely to end up in failure.

## BTTB corporatisation

### The sooner the better

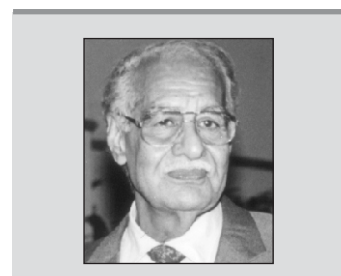
THE Bangladesh Telegraph and Telephone (BTTB) fetches the public exchequer an average annual return of Tk 1,400 crore, more than that by any other concern in state control. Perhaps, it is the only state-run enterprise that, as the finance minister puts, is not a black hole. One would, therefore, wonder why there have been so much talks on its corporatisation. The answer lies in a recent World Bank brief on telecom reforms in the country. The BTTB, says the report, "continues to work under a protective regime with little accountability to either the state or the customers. It lacks financial and operational autonomy and has been unable to meet the demand and to provide quality service". It would certainly take pages after pages, if one wanted to list one's grievances about the BTTB service. And that it has been unable to meet the demand is endorsed by the country's pathetic rate of fixed telephone lines per 100 people; at 0.34 it is the lowest in South Asia. Obviously, its network has not expanded at a rate expected from an organisation, which is 30-odd years old and has personnel strength of more than 16,000.

Now, telecom experts at home and abroad and donors believe corporatisation would definitely shake things up at the state-run monopoly. First and foremost, it will expose the BTTB to competition from the private sector for the first time. With 'perform or perish' rules of thumb, officials and employees will wake up from their assured slumber. A competitive environment would automatically improve the quality of its service and expansion of its network. Secondly, corporatisation will give the BTTB financial and functional autonomy, which will help establish a regime of transparency and accountability. Significantly still, it will narrow down the avenue for political interference.

The country's telecom policy is all for corporatisation or commercialisation of the BTTB. The donors have promised assistance to efforts in this direction. So, why is it not happening? The major reason is the government itself. Successive regimes have faced the dilemma whether to corporatise the BTTB or not as it is a guaranteed source of income. As a result, there has not been any effort to frame requisite laws, define job description for the BTTB personnel or get any systemic accounts of its assets, all necessary towards its corporatisation.

In this era of information communication technology, sound telecom infrastructure is of centrality. State ownership of the BTTB poses a major impediment to ensure that. The sooner it is eliminated the better.

# Freedom of education



**KULDEEP NAYAR**  
writes from New Delhi

IT could have been worse. This is how a top legal luminary in Delhi reacted to the Supreme Court's judgment on the Minority Educational Institutions. The verdict was, indeed, close: 6-5. The line that the dissenting judges took was harsher and bleaker for the minorities, whether religious or linguistic.

The majority judgment has two parts: one is on the state-aided institutions and the other on the unaided. The aided ones -- most minority institutions belong to this category -- will be governed by the rules and regulations the state lays down on admission. But they will be "minimal." The Minority Educational Institutions will retain their character. But they will have to admit "a reasonable" number of non-minority students.

Although the state's interference is minimal, the BJP-run governments can play mischief. Since there is no assured quota for students from the minorities, the state can drastically reduce their admission on the grounds of "merit." Both prejudice and politics may come into play. Economically strapped minorities have been dependent on reservation in admissions. It helps them overcome their educational backwardness and get admitted to technical, professional and other institutions. Aligarh Muslim University is one example. It has benefited the Muslims in

terms of admission to medical and engineering institutions on comparatively low marks. One hopes that they will not be handicapped after the judgment. The central government can empower the university to admit Muslim students straightaway to medical or such technical institutions instead of devising methods to do so.

However liberal the government, it is not insulated against politics. At a time when the saffron

party, "They (minorities) have the right to establish and administer educational institutions of their choice." It also tells the state not to discriminate against them while granting aid on the grounds that it is under the management of a minority. The right is absolute. There is no proviso to the article. Unlike the fundamental rights guaranteed by Article 19, it is not subject to reasonable restrictions. It is subsequent and not prior

to the constitution framers' agenda. The framers wanted to give the minorities confidence and a feeling of identity against the onslaught of conformism. A nation that had gone through the traumatic

experience of division was bold enough to give the minorities educational institutions of their own. In fact, the first task that engaged the attention of the constituent assembly, which met a few months before independ-

country), to establish and administer educational institutions of their choice... The state will not, while providing state aid, discriminate against schools under the management of minorities rather based on religion, community or language."

It is a pity that many madrasas have misused Article 30. Now that the education imparted there is on the mend, the government would

rich. The constitution, which has "socialism" in its preamble, cannot afford to be feudal in its educational policy.

The judgment once again underlines the necessity of brother judges on the constitutional benches sitting together to come to some unanimity. The chief justice himself wrote the main judgment. But four other judgments were written by different judges to give their interpretations. In handing down so many individual opinions, the court provides disturbing proof of its own confusion.

Incidentally, I have felt horrified over Karnataka chief minister S M Krishna's defence on his nonchalant attitude towards the Supreme Court on the Cauvery water dispute. In a press interview, he has said that being a lawyer he was careful which words to use while facing the contempt notice. The question was about not releasing water to Tamil Nadu despite the Supreme Court's orders to do so. He defied them till the rains came. He can say that he got away with the disobedience of the Supreme Court but he should not take credit for being "clever." The court was too lenient with him.

The point Krishna has to consider is that if a chief minister does not respect the institutions -- and the Supreme Court is one of them -- why he should imagine that the public should. Maybe, he is reminding the nation that his leader, Mrs. Indira Gandhi, made mincemeat of institutions during the emergency and that he too did not care for them. He is mistaken. She paid the price when she was ousted from power. Krishna is taking the credit too soon. He should wait for the outcome of the next election.

Kuldeep Nayar is an eminent Indian columnist.

## BETWEEN THE LINES

**On education and culture, the constitution framers, who had suffered through years of freedom struggle, were clear. The society they had in view was pluralistic and hence required special attention to minorities. The draft was prepared accordingly. It came to be adopted later as Article 30. The draft said: "All minorities whether based on religion, community or language, shall be free in any unit (part of the country), to establish and administer educational institutions of their choice... The state will not, while providing state aid, discriminate against schools under the management of minorities rather based on religion, community or language."**

forces are chipping away at the rights of minorities in the name of doing away with "appeasement," the pre-eminence of the state as regards the aided institutions can be more of a hassle. It can frame rules that may whittle down the character of minority institutions without making it obvious.

True, the new judgment modifies the Supreme Court's earlier verdict (St. Stephen's College case). That judgment had given up to 50 per cent seats to students from the majority community in the aided minority institutions. Now there is no such obligation. But some other requirements depress the minorities. They would have liked to go back to the pre-St. Stephen's College criterion, which prevailed from 1950 to 1993.

Article 30 has been reinterpreted. It can be interpreted again after some years. The provision is still the bedrock of minority educational institutions' rights. The article

to Article 29, which says that no citizen can be denied admission to the aided-institutions on the grounds of religion, race or language. There are valid reasons for a provision like Article 30.

After partition the minorities were worried, the Muslims particularly. They felt handicapped because most of the qualified among them had gone to Pakistan. How would the preponderant Hindu majority treat them? The worry of Christians was over the government's interference in schools and colleges they efficiently ran.

The constitution framers were conscious of such dangers in a polity where the Hindus numbered more than 80 per cent. Therefore, the effort was how to ensure that the minorities could pursue their own culture. It was all the more important for a nation that had preferred secularism to a religion-based state.

Educational institutions topped

ence, was the adoption of the Objectives Resolution on the subject of fundamental rights, minorities, etc. Several sub-committees met to finalise assurances given to the minorities before independence. They adopted what was called the Right to Religious and Cultural Freedom. It was spelled out as: "All citizens are equally entitled to freedom of conscience and to the right to profess and practice religion."

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do well to leave them alone. The Muslim community itself should see to it that the madrasas teach more science and humanities than religion.

The Supreme Court has left the unaided institutions alone. The danger in such a step is that higher education becomes a preserve of the elite. True, the capitation fee will go. But it will come back under some other name. Admission may become so expensive that the ordinary persons will not be able to afford it. Money will come to play a bigger role than merit.

The judgment says that the procedure for admission should be "fair and transparent." When the unaided institutions are allowed to lay down procedures of their own, as the Supreme Court has done, the dice are loaded against an ordinary person. The institutions will see to it that he does not rub shoulders with the sophisticated

# Many facets of truth

MEGASTHENES

ANTOINE de St-Exupery, in the dedication of his little masterpiece "The Little Prince", wrote somewhat wistfully and with the faintest suggestion of reproach that "All grown-ups, were once children although few of them remember it. It may well be too poignant for many to recall a phase of life even, or especially, if it was a happy, healthy, or carefree one that cannot be relived.

More years ago than I feel comfortable in admitting publicly, I was young enough to go to school. Among the subjects in our curriculum was English as a language, which was taught in a way that both gave pleasure and also stimulated the mind. We were given for instance proverbs to amplify proverbs that had come down from earlier times, representing the distilled wisdom of ages; not to be questioned but simply to be explained and accepted. It still amazes me that such a wealth of wisdom and commonsense could be squeezed into a few words, usually in a manner that conjured up an image; a bird in hand is worth two in the bush, the early bird gets the worm and so many others.

Once we passed the stage and age of proverbs, a few questions did occasionally come to mind. The

worm for example that the early bird got, must have been up even earlier and yet paid a fearsome price instead of getting whatever it is that worms crave as a treat. Then there were instances of different proverbs on the same or similar aspect of human deportment which seem to convey contrary messages. Some examples: 1. Look before you leap.

work. Too many cooks spoil the broth. 10. The squeaking wheel gets the grease. Silence is golden.

There can be two possible explanations for such discrepancies. First and more simply, one or other of two mutually exclusive proverbs is untrue. Old shibboleths are after all being challenged and new verities propounded every now and then.

Each was content and convinced that he knew how an elephant looked and they were correct but only in a very restricted and partial sense. The second concerned a group of friends who had seen the same chameleon, possibly in the local zoo, separately and at different times. The chameleon, of course, is a creature that can change or adapt

hoods which we spurn today were the truths of long ago". Gandhi's autobiography was so aptly titled "The Story of My Experiments with Truth". I do not know if he did find at the end, the truth he spent an entire political lifetime searching for.

A story, possibly apocryphal, about Sri Ramkrishna illustrates the complexity of truth. A sadhu, after

in practical terms added up to one paisa only. (*Bish bochor tapashya kore shudu mathro ek paisar kaj shikichish!*)

Is the quest for the truth an end in itself or is it also intimately linked to the universal object of advancement of humankind in spiritual excellence and physical welfare? There can surely be only one answer to this. Of course, there may exist differences about the paths and means to the ultimate goal or objective. Any such differences, however, need not be a deterrent or obstacle; indeed such differences should constitute the stress and spur and catalyst that lead to change and progress.

Differences to be sure need to be managed and accommodated and in this context, President Franklin Roosevelt's words -- written for an address that he did not live to deliver -- are so apropos and have resonance even more than half a century after his death. With the World War drawing to a close, Roosevelt wrote, "We are faced with the pre-eminent fact that if civilization is to survive, we must cultivate the science of human relationship -- the ability of peoples of all kinds to live together and work together in the same world at peace."

## LIGHTEN UP

**Is the quest for the truth an end in itself or is it also intimately linked to the universal object of advancement of humankind in spiritual excellence and physical welfare? There can surely be only one answer to this. Of course, there may exist differences about the paths and means to the ultimate goal or objective. Any such differences, however, need not be a deterrent or obstacle; indeed such differences should constitute the stress and spur and catalyst that lead to change and progress.**

He who hesitates is lost. 1. If at first you don't succeed, try and try again. Don't beat your head against a stone wall. 2. Absence makes the heart grow fonder. Out of sight, out of mind. 3. Never put off till tomorrow what you can do today. Don't cross the bridge till you come to it. 5. Haste makes waste. Time and tide wait for none. 6. You are never too old to learn. You can't teach an old dog new tricks. 7. It's better to be safe than sorry. Nothing ventured nothing gained. 8. Hitch your wagon to a star. Don't bite off more than you can chew. 9. Many hands make light

The second and to my mind the more persuasive explanation would be that truth often has many aspects or facets and is not easily to be grasped in its entirety at all times.

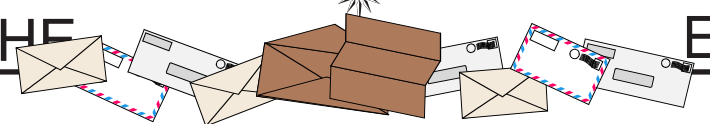
I am reminded of two English lessons of school days, in the shape of prose or poetry, that would endorse the second view very graphically. One was about some blind men who wished to know through their sense of touch how an elephant appeared to the eye. They all felt different parts of the huge and no doubt tame beast, the tail, a tusk, the trunk, a leg, an ear and the body.

its colour according to its needs and each friend having seen it in a different hue, everyone got into a furious argument about the animal's actual colour. Before their friendship was seriously threatened by an unseemly and fruitless quarrel, the chameleon by some miracle found the gift of speech and assured them that they all were right and yet also wrong. They were right in what they saw and wrong in the conclusions they drew from them.

Truth can be an elusive commodity and what is true by lamplight is not always true by sunlight. "False-

over twenty years of severe austerities and meditation in remote wildernesses, attained what he knew to be an exceptionally exalted plane of spiritual accomplishment -- the power to walk on water. He went to seek the blessings of Ramkrishna and was asked what exactly it was that he had achieved. (*Ki shikichish re*). The sadhu's reply left Ramkrishna unimpressed. In those times it cost one paisa to cross a river by boat. With gentle irony Ramkrishna posed the question whether it was worth two decades of isolation and effort to acquire what

## TO THE EDITOR TO THE EDITOR TO THE EDITOR TO THE EDITOR TO THE EDITOR



Letters will only be considered if they carry the writer's full name, address and telephone number (if any). The identity of the writers will be protected. Letters must be limited to 300 words. All letters will be subject to editing.

## "AL and terrorism in Bangladesh"

I am writing this letter in response to the letter written by Ms. Asma Khurshid Haque as published on November 4. I was really hurt looking at the lack of desire in her to uphold the impression of Bangladesh. It is very easy to criticise but rather difficult to analyse properly.

What does she know about the situation when she does not live here? She only wants to rely on what is published in foreign magazines. One of the problems with these people is that they fall readily for something, which has a non-Bangladeshi touch. Two PhD researches are being done by foreigners: So what? What makes those foreign researchers more competent than who live here in Bangladesh?

**Md. Shawkat Kamal**  
Paribagh, Dhaka

In reaction to the views expressed in the Editorial of the Daily Star on Nov.2 on Sheikh Hasina's latest speech in Brussels, two letters were published in the Letter-to-the

Editor page today, 4.11.2002 - one from Dr.Zaman, USA, and the other from Asma Khurshid Haque, London, both of them rating the above mentioned Editorial most questionable, biased and narrow visioned, I want to write the following:

Firstly, the worldwide excitement about terrorism is well known, but surely the international community doesn't realise that our country's terrorists have nothing to do with the Al-Qaida's terrorism, but are local hoodlums who have been able to flourish more and more in their pursuit to gain illegal money or satisfy their lusts, because of the schism that has developed between our major political parties and their leaders, who even have used them for their own purpose.

Secondly, I want to make it clear what the Editorial mainly wanted to bring home about.

Please imagine, there is a family where the husband is maybe an alcoholic, and thus the family is having a troublesome time within the confines of their home. Instead

of trying hard to help him to get out of his difficult habit, and instead of pointing out his otherwise interesting sides to their children, the wife runs around in the neighbourhoods disclosing left, right and centre how bad her husband is, about the troublesome life they are having at home, etc. Now, suppose the husband tries to get rid of his addiction and the situation at home improves, will the wife then run around and once again enlighten the public about the changed situation? Even if she did, the first impression she gave about her husband and their home life, surely remains ingrained in the minds of the people.

Sheikh Hasina's speeches abroad are in no way helping our people and our country towards an improvement of the present situation, not only that, they may be absolutely harmful for any future development. I fully agree with the opinion the Editor of *The Daily Star* strongly voiced in his Editorial of the 2nd of November.

**Luise Rafique**  
Khulna

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Being an observer outside Bangladesh, I am utterly shocked by the comments made by the AL Leader outside of Bangladesh. People in the West do not believe everything they read, this is the norm here. But for the AL Leader to make these speeches to foreign audience is an outrage. Coming from the horse's mouth, ends all doubts, so to say.

What does she expect for this. The only benefit she will get from this is that Bangladesh will be seen even low from what it is right now. It cannot get any lower, being the top most corrupt country in the world. During her regime the country was number one corrupt too, if she can recall. Does she really expect her comments and the recent comments of stand down from power to the government, really going to achieve anything? What politics is she playing? Never has any opposition party acted in the ways our country's parties are playing from birth of our beloved nation.

What they and the ruling party need to do is put the country's future, stability and economy, first and work towards making Bangladesh a better place to be in, with less

corruption, murder, rape, land grabbing, etc., instead of blaming this party or the other for misdeeds. To improve the country what really is needed is a governing body to oversee all actions by MPs, Police, official personnel, etc. So no corruption, connections to criminals, bribes takes place.

**Haji Mohammed Islam**  
Greater Manchester, UK

## Arms recovered

With the controversial issue of army deployment, came out another very disturbing piece of reality. As I read more and more reports of weapons being seized such as LMG, AK47 rifle and other awesome automatic weapons - not to mention thousands of ammunition, one question has been bugging me: What were these people planning to do with those weapons? I know they were killing innocent people with those weapons, but this doesn't quite complete the picture. Something is missing here!

Few years back, widespread massacres were committed by different political parties in Congo. There was no police, court or any law. Different groups took control of

different cities and they made their own laws. Mindless "animals" kept raping, killing and looting civilians, all by using similar weapons that are being seized by army in Bangladesh now!

These people in Bangladesh have absolutely no reason for holding such weapons. For people to hold even an ordinary pistol for personal defence is too dangerous. But for ordinary people to hold LMG, AK 47 and thousands of ammunition, it simply doesn't fit in! Almost all of these thugs in Bangladesh can be traced back to our main political parties.

Considering the weapons, the crimes and many of the disturbing facts, it seems to me that, these people were in a direct path to some "guerrilla warfare"! Different parts of Bangladesh would have been ruled by one party or the other, people would have been forced to choose between X or Y parties! No police, no law, no human rights - only politics. Now, if you find my analysis rather disturbing and far-fetched, then let me congratulate you, you are not one of "them" yet - which is good news! But you still need to ask yourself; why those people were

holding so much weapons and to which direction those thugs were taking our homeland? Ask yourself and think about it.

**Azad Miah**  
Oldham, U.K

## Army deployment

I have read with interest the letters regarding army deployment to curb crimes in the country.

Recently, You have written an excellent commentary on the topic. However, some have found it unreasonable. One of the readers suggested that, between corrupt police force under civilian administration and armed forces people have the right to choose the lesser evil. I guess he is right. But it should be between political parties. It is obvious that BNP-Jamaat government has failed.

So they should resign and hand over power to the caretaker govt and let people decide which one is the lesser evil.

**ASamad**  
Eskaton, Dhaka

## Army is not the solution

It does not matter whether army can

root out terrorism or not. What I think from the political perspective is that army should not have given such power to take a hand in that matter. Yes there is no doubt that people's lives are on the line, but that has to be solved in a politically normative way what I think can be achieved if there is iota of willingness of any existing government, be it BNP or AL.

Police has completely failed and therefore army has taken over, if that is the implication, then we do not need police department anymore. Because when police takes over again what will happen then? We are going to be confronted with the same situation as neither of those two main political party is going to be changed. They will continue the same political practice over and over again. Being the most corrupt and the most insecure country of the world what option we are left with right now? I do not have any idea but army is not the solution as it is going to get us nowhere.

**Sady Mirza**  
On e-mail