

Launch disaster one too many

Recurrence of accidents as past violators went unpunished

THOUGH it is not yet known exactly how many lives were lost in Tuesday night's launch capsiz in the Meghna, initial reports say over 80 per cent of the 700 or so passengers perished.

The launch that sank was clearly overloaded. Incredible though it may sound, a survivor has divulged that the vessel was carrying passengers of another launch, which could not, for some reason or the other, make its scheduled journey. So the vessel might have been carrying double the number of passengers it had the capacity for. And all this has happened only a few months after a series of launch disasters claimed hundreds of lives.

What is evident from the latest capsiz is that navigational rules are still honoured more in their breach than observance. But why? The fact of the matter is, the launch owners and operators who had been previously in breach of law got away, so that violation of rules has been a recurrent phenomenon. If the errant launch operators were punished, there would have been a deterrent effect and we wouldn't perhaps be witness to such tragedies time and again.

We have to recall here that nor'westers in the month of April accounted for many launch accidents. The situation reached such a pass that launches were barred, for a brief period though, from operating during the most vulnerable hours in the evening. Apart from that, attempts were made to get at the root of the problem as to why so many launches capsized in such a short time. That led to categorisation of the vessels on the basis of their river worthiness. A number of vessels were found to be totally unfit for carrying passengers. But we have not yet heard of any follow-up measure in this respect.

The shipping minister himself addressed the issue and there was a short spurt of hyper-activity which created the impression that the government would not let the matter rest until some safety measures were put in place.

But when overloading, the most avoidable risk factor, has caused another major disaster it is hard to believe that the situation has changed.

We condole the deaths of the launch passengers and would like to urge the government to go beyond forming another probe body, which is of course necessary to ascertain the causes behind the capsiz, but the emphasis must be on eliminating breach of rules. It is time also to make compensatory payments to families of launch accident victims mandatory. That itself could have a deterring effect.

Repose of twin souls

An ultimate tribute to positive thinking

THE deepest emotional chord has been touched worldwide by the death under limelight of the Iranian twin sisters Ladan and Laleh after a pioneering surgery to separate them ended in tragedy. Sympathies welled up for them as they succumbed to massive blood losses following their neurological separation at the head where they were conjoined since birth. The finger-size tissue grafting along Ladan's separated brain, proved fatally haemorrhagic for her and then Laleh followed suit leaving the whole world mourning for the two.

Heavy odds were staked against the surgery: either it could kill one or both of them or leave them in a vegetative state. Yet, the Bijani twins insisted on it; because their only ambition was to be able to look at each other than look askance as they were congenitally provided for. What a poignant metaphor for a plaintive yearning?

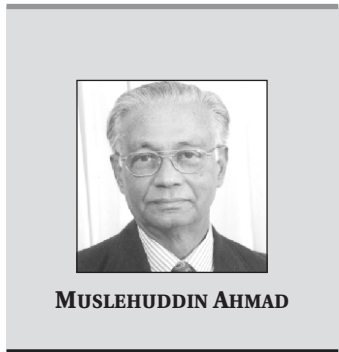
Much as the neurosurgeon Keith Goh of Raffles Hospital in Singapore tried to change their minds, as he said, they would still take the 50:50 chance. In their spirited longing for separate and independent living, they ended up losing whatever life they could lead if they had allowed the nature's freak to continue. The highest tribute to the invincibility of the human spirit and to the strivings for individual freedom has been writ in blood.

The moral to draw from this unprecedented episode comes from what Ladan, the gutsy sister said in a pre-surgery press conference: "We are focused on positive thinking".

There is a surgical message as well: conjoined twins better be separated early in the day, preferably when they are babies; for, when they grow older, the risks are infinitely greater.

Overall, medical science has to reach a new threshold so that the odds against separation of conjoined twins can be reduced to the level of other life-saving surgeries.

Keep the abode of justice above politics



MUSLEHUDDIN AHMAD

THE highest abode of justice and the honourable personalities who are, by the provisions of the country's constitution, charged with the task of delivering justice, must be, by law, kept out of country's unhealthy politics. The people do not have any other organ or institution to fall back on except the highest court of the land for seeking real justice -- something in short supply in our part of the world. If such institution of last resort becomes politically polluted, freedom and independence become less meaningful for the people.

The citizens are saddened by the controversies centering the recent appointment of the Chief Justice. The President of the country has the prerogative/authority to appoint the Chief on the basis of his best judgment, of course, based on information and records of the persons concerned. The President may be a party-man, but once he is the President, he is no longer a party-man and the country expects the President to play his just role strictly on the basis of his conscience and according to the provisions of the constitution. So, there is no necessity to enter into the argument of a party-man. There have been enough of politics in all areas of country's affairs; let us spare at least this highest seat of justice.

As the Judges are appointed and not promoted, seniority is not the only criterion. That probably led to the appointment of other Justices

Our understanding, as citizens of the country is that when a lawyer wears a "gown" he becomes a non-political man as long as he is in the court premises. This, however, does not mean that he would accept any injustice committed there. But again, a lawyer who is expected to respect the venue which happens to be a court and the "gown" which is a symbol of honesty and impartiality could raise objections in a manner that befits his profession and status.

earlier who were reportedly junior to the present Chief Justice at the level of the High Court Division of the Supreme Court and this gave rise to the political controversies. Now the government's view is that the 'wrong committed earlier has been righted by appointing the present Chief Justice' meaning thereby that the present Chief Justice was senior to other two Justices appointed earlier.

Here one point appears important. High Court is a Division of the Supreme Court as Appellate Division is. Therefore, one should retain his seniority in the overall seniority list of the Judges in the Supreme Court regardless of some one's appointment to another Division which, however, happens to be a higher division. The seniority may change in the event of promotion, but in the Supreme Court whether it's High Court Division or Appellate Division, it's always an appointment. So, one feels that seniority should continue to remain undisturbed in the overall list of all the judges of the Supreme Court regardless of their appointments in these Divisions unless there is specifically something contrary to this in any seniority rule of the Supreme Court.

There may be other guidelines for such selections and appointments, seniority should, however, be an important criterion to avoid controversies in such sensitive posts. Of course, there are cases of adhoc selections and appointments of Chief Justices. One senior lawyer told me that Manzur Quader who was the Advocate General of Pakistan was selected and appointed directly as the Chief Justice of the Supreme Court.

It is absolutely necessary to keep appointments of the Judges of the

highest court of the land outside the politics of the country. Therefore, there should be a special council of Judges headed by the Chief Justice even for ad-hoc appointments of the judges of the High Court. And to avoid political controversies, the recommendations of the Chief Justice on confirmation of Judges should be followed. It is obvious that the Chief Justice makes recommendations on his own assessment of the performances of the Judges. The last proposal by Bar Association headed by Barrister Rokonuddin Mahmud for a meeting with the

Prime Minister alone with the Chief Justice deserves serious consideration. Bar Association's demand to resolve the present crisis to the satisfaction of all concerned in order to restore the fast eroding confidence of the people in the judiciary should have support of all regardless of political affiliations.

So far as the present Chief Justice is concerned, the fact remains that Justice K.M. Hasan was appointed as the Chief Justice. It was expected that he would be warmly welcomed by all and particularly by the Bar Members. Chief

Justice knows what he is and also knows that every judgment of his will be watched by the people and above all by the Almighty Allah. Barrister Rokonuddin Mahmud, Bar president, while welcoming the Chief Justice reportedly made some remarks which a lawyer of very high standing could have avoided keeping in view the solemnness of the event. Drawing the instance of one of his predecessors who became the Chief Adviser to a caretaker government (this provision has apparently brought in an element of politics into the system), Barrister Rokonuddin said,



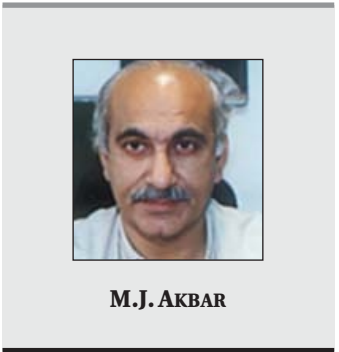
"We don't expect it from you and your verdicts did not have political reflections". If his verdicts did not have political reflections, why did Barrister Rokonuddin have to mention such an embarrassing matter at all while welcoming the Chief Justice? One feels that it was also not necessary for him to say that Justice Hasan was not made Chief "Justice as the most senior Judge of the Appellate Division" [Ref: the Daily Star, June 24, 2003].

Every individual is entitled to his political views, but there should be places where one has to keep aside his political views and affiliations, if any, and act impartially as per law of the land. This is more so for those who work in the highest seat of justice. But unfortunately, one feels that things appear less than desirable in the Supreme Court premises. It appears from the events of the last couple of years that some Bar members tried to use the Bar as a platform for promoting their political aims and ambitions. But our understanding, as citizens of the country is that when a lawyer wears a "gown" he becomes a non-political man as long as he is in the court premises. This, however, does not mean that he would accept any injustice committed there. But again, a lawyer who is expected to respect the venue which happens to be a court and the "gown" which is a symbol of honesty and impartiality could raise objections in a manner that befits his profession and status. Otherwise, one cannot distinguish court premises from Paltan Maiden.

We also know that many of the Bar members do try to act non-politically and do what is required of them, but some others appear to act differently and often are led by their political constituencies. We hope and pray that the latter group of members would restrain themselves for the sake of this highest institution and justice.

Muslehuddin Ahmad is a former Secretary and Ambassador and Founder Vice-Chancellor of North South University. He is also the Chairman of Civic Watch-Bangladesh.

Know thine friend



M.J. AKBAR

GIVE George Bush 100 out of 100 for charity if not clarity. When sections of the untamed world sneered that his "Coalition of the Willing" against Saddam Hussein was actually a "Coalition of the Billing" Bush refused to see the joke. He always knew that willing and billing were closely related. What is a single alphabet between friends? George Bush is also a far better businessman in the White House than he was in the private sector. He knows that the real spelling of 'payback' is 'dollars'. When the bills come, Bush pays up.

No one has been more regular about sending the invoices than General-President (or is it the other way around now in the age of uniform-democracy?) Pervez Musharraf. Not only that, he lands up personally at the House to collect the cheque. No point in letting lesser minions grab the photo-ops at Camp David.

This makes him a little different from his undeclared role-model, General Zia ul Haq. The two may not share ideology but they share a similar survival plan. General Zia was also a huge embarrassment to democracy-loving America until Afghanistan bailed him out of such tedious morality. General Zia seized power in 1977 from Zulfikar

Ali Bhutto, and then sat out a difficult period of sanctions and stink-in-the-air status until the Soviets marched into Kabul. General Zia immediately became a front-line ally of America, all was forgotten, and money began to pour like a good monsoon in Mumbai and arms began to drop like a hailstone shower in Haryana. General Musharraf was a pariah to democracy-snob when a diverted plane diverted his destiny in 1999. He sweated a bit but hung around till the saviour of successful Pak dictators, Afghanistan, re-entered the

forced the IMF and other donors to give Pakistan \$2 billion in loans at marginal interest, and then helped Pakistan reschedule \$12.5 billion of debt to the Paris Club. Just to make sure that the latest \$3 billion was not wasted on economic development, Bush allotted half of the three billion to "defensive weapons systems". Has anyone heard of "offensive weapons systems"? The American companies who will take that money have never been to make a single offensive weapon. So there.

The most defensive of these

Washington. General Musharraf could get a meal at the Texas ranch if he had Osama in his baggage. It would be just the kind of gift to lift George's spirits in an election year. What might be the payback for four more years in power when the payback for two years of support raked in \$20 billion? Double that? General Musharraf could well create an economic boom in Pakistan without a Pakistani economy. It pays to be a friend of George.

Such visions must have encouraged those in Delhi who wanted to send a division of the Rashtriya

the kind of support among the people that we never suspected? It cannot be. Saddam is no Ho Chi Minh. He was a known tyrant, and no one knew his tyranny better than the Iraqi people. The two most public faces of his regime, Tareq Aziz and Mohammad Al-Sahaf have surfaced. The former is under American confinement, and the latter, the old information minister, was found to be so uninformed that the Americans let him go. (You can learn all that he did not tell the Americans from his forthcoming autobiography.)

only candidate to catch some sort of fire is the Democrat Howard Dean. Dean is angry about Bush's pro-rich tax cuts, but he is hopping mad about Iraq. The Iraq war gets him louder cheers than even the tax cuts. Comparisons are already being made with George McGovern, the peace candidate of the Vietnam era. McGovern was too liberal to get elected, but his campaign did persuade Richard Nixon to get out of Vietnam.

George Bush does not have that luxury. America cannot retreat from the war on terrorism as it retreated from Vietnam. Vietnam never struck inside America; but terrorism did, and terrorism could strike again. Vietnam was under siege in the Sixties; America is under siege now. Which brings us to the crucial question: has George Bush chosen the right allies in his war against terrorism? America had the wrong friends during Vietnam. It paid a heavy price for supporting friends and puppets that had lost credibility with their own people, who were a burden rather than an asset. When defending democracy became synonymous with defending the corrupt and anti-democratic regimes of Saigon, the American war lost its moral focus and became illegitimate. The realisation was slow and painful. The message is clear.

America cannot fight a war against terrorism in alliance with regimes whose minds are not clear about terrorism. America is once again risking defeat because of friends rather than the enemy.

MJ Akbar is Chief Editor of the Asian Age.

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.

Irrelevant higher studies

We have a lot of meritorious students who are studying in the university level. Some of them go for higher studies. For this purpose they go to abroad and sometimes do research on subjects quite unrelated to the environment and culture of our country. Such type of research can bring nothing but some PhD holders for Bangladesh.

For example one of my relatives went to Dalhousie University for PhD and his subject was "Salmon fish". We know that it is a foreign species and his research probably will not contribute anything to the country's development.

If he had worked on Hilisha Fish or other fishes that is adaptable to our environment, it could be fruitful for the country. In that case students may do his/her

research work in Bangladeshi Universities or in universities of neighbouring countries under his guidance.

For our development we need a lot of intellectuals who can contribute their motherland something fruitful which make us a proud nation. In order to fulfil our dreams and cope with this kind of situation the authority concerned as well as the students have to think once again and take effective steps as soon as possible.
Badruddin Ahmed Bizon
Gandaria, Dhaka

Save us from sound pollution

Sound Pollution has become a real problem for Dhaka City. With the number of taxi coming in everyday with other vehicles in the city

roads and the tremendous sound with their hydraulic horns and everything is a definite threat to the health -- not only to the infants but also to the adults.

Sadly, the drivers are fully ignorant about sound pollution and for that reason the common people suffers tremendously. We appreciate government's steps to control air pollution in the city. Now we request the authority to look into this matter of sound pollution and consider this problem seriously.

It can be controlled if the law enforcing agencies try to restrict sound pollution with an honest approach. The government can also take measures to grow awareness among the mass about the ill effects of sound pollution. Then a social resistance against sound pollution will begin automatically. We earnestly request the Minister for Environment and

Forests to take the necessary steps to control sound pollution as he did to free the country from polythene.

Kumar Prithwiraj Nath
Dhaka

Foreign embassies should allow local immigration lawyers

Around the world the lawyers support their clients in high commissions and embassies. In the developed countries they could attend or support, on behalf of their clients, in the court for any kind of immigration related case. Issuance of a visa is the primary function of any high commission. The clients are not familiar with the different rules and regulations for the immigration process of the

different embassies.

It is not only about filling up the immigration form or documents, rather it is a process of facing the interview board and giving the right answers. Getting a visa actually depends on giving the right answer to the visa officer. For this reason the clients of the developed countries take the help of immigration lawyers to avoid the harassment of getting a visa. This kind of legal help from the immigration lawyers help the applicants a lot.

But it is regrettable that the visa applicants in our country are not allowed to take any help from the immigration lawyers. Moreover, they are deprived from the opportunity to appeal, in case of visa refusal. We are the inhabitants of a third world country. The people from all walks of life stand for visas in the embassies with great hope. But most of

the time they are rejected for small reasons.

To ease the discomfort of many applicants in the developed countries the embassy allows immigration lawyers, so that they can speak on behalf of their clients. But in our country it is completely prohibited and moreover the lawyers don't even receive any kind of response from the high commissions if they send a letter on behalf of their clients. This is unethical and not justified at all.

I firmly suggest to the Ministry of Foreign Affairs to take the matter under consideration and advise the diplomatic missions to allow the local immigration lawyers to deal the visa difficulties on behalf of their clients.

Quazi Requibul Islam
Dhaka

Separation of Judiciary: Partial thinking

Almost everyday when we open newspapers we find write-ups about the separation of judiciary from the executive. Whatever has been written and spoken till today are all focused only upon the separation of lower judiciary from the executive. But no specific directions have been given yet about how the separation of the higher part of judiciary from the executive will take place. Nobody gives importance over the separation of higher judiciary from the executive. For me this is a part thinking of a holistic matter.

Acitizen
Bangladesh

People and people's representatives

Do we have the right to question our 'honourable' MPs?

If yes, how do they justify the decision of increasing their perks up to 40 per cent when the nation is struggling to survive the onslaught of poverty?

Are they aware of the word 'compunction'? Then again what they have done about the electioneering promises about the separation of the judiciary from the executive branch of the government and the autonomy of the electronic media?

Wali
One e-mail