

RIGHTS AT WORK-I

The uneasy days

A BBC documentary

THE uneasy day-break brings thousands of garment workers out of their shanty towns, and the streets of Dhaka are again alive with their footsteps. Columns of young women, clutching lunchboxes and umbrellas, meander through the lanes and by lanes, cross pot holes and puddles, and dodge speeding vehicles to reach their factories. This is an uneasy time for them. Five minutes late, you could lose your day's earning. Yet they make it to the factories, with dogged resolution to protect themselves and their folks from the immediate poverty and hunger, and from a distant uncertainty. Their choices are limited.

For millions of workers in Bangladesh, 'choice' is a word that often meant, the wrong choice. Take, for example, the trade unions and the bodies which represent the workers in mills and factories. They were never short in numbers and the quantities hardly speak for the quality.

"Before independence, there were only a handful of registered unions, but they started mushrooming after 1971," says Nazrul Islam Khan, General Secretary of the Bangladesh Institute of Labour Studies, a cross political platform for the country's trade unionists. "The

The BBC Bengali Section has started broadcasting a special series of radio programmes since this week built around the Declaration of Fundamental Principles and Rights at Work. These principles are: freedom of association and right to collective bargaining, freedom from discrimination, child labour and forced labour. An abridged version of the features will be published on this page every Friday. This is the first episode in the series, written and produced by **Masud Hassan Khan**.

figure now stands at 4,800 with around two million registered members."

Does it mean that workers are better organised and more aware of their rights at workplaces? Far from it. These organisations together represent less than only three per cent of the country's total workforce. Millions engaged in the informal sector never heard of the term "Freedom of Association". The usual reaction from some of the people in Dhaka on their rights at workplace is: "We know we've some rights, but we don't know what those are." "Because we are poor, we don't have the luxury of time to make a storm in the tea cup over our rights." "For us, it doesn't really matter, because we never had these rights." Well, some of the comments may be less than thoughtful, but what can you do about how the people feel.

But are these rights important? Oh yes, every one of them, says Dr. Abdul Hye Mandal, of the Bangladesh Institute of Development Studies (BIDS). He says the International Labour Organisation (ILO) has so far formulated nearly 200 conventions which speak for the overall rights of the workers. Bangladesh government has ratified most of these conventions. The rights of the country's workers and employees are governed by 51 laws, he says, which are applicable to both the public and the private sectors. But he emphasised the need for quick implementation of the conventions as these represent Bangladesh's obligations and commitments as a sovereign and democratic state.

The right to collective bargaining is equally important for the employers, says Iftekharul Alam, President of the Bangladesh Employers'

Federation. "Their absence would certainly entail disruption and indiscipline, and could lead to unjust practices in hands of the employers," he says.

But what has the country achieved over the years in terms of protecting the trade union rights?

"The labour law has undergone great changes, better for the workers and employees," says Nazrul Islam Khan, "For example, the Trade Relations Act now forces the employers to attend the tripartite meeting. Previously, it was impossible," he says.

Shirin Akhter, a trade unionist, is not happy with the way the current trade union movement is making its headway since 1990s. She believes, the workers have been manipulated by the major political parties and their core demands have been lost on the way.

"The unity of the trade union

bodies are still preserved in the form of the Sramik Karmachhari Oikya Parishad, or the SKOP", Ms. Akhter says, "but its force has diminished since 1990s owing to undue influence of the political parties and a serious conflict of interest."

So, what lies ahead for trade unionism in Bangladesh? Most say the challenges, no doubt, would become bigger. Dr. Mandal believes the future decade would open up the floodgate of problems for both the workers, and the employers. Yet the relevance of the fundamental rights would become even more pronounced. The advice comes from Iftekharul Alam: more rights, more training and more discipline for the workers. When Bangladesh's export and industries face a potentially turbulent time after 2004, the workers and the employers would have to share the burden of increased responsibilities to face that uneasy time.

Masud Hassan Khan is a producer, BBC World Service.

The BBC Bengali Section will broadcast its next episode on Thursday, August 14, an abridged version of which will be published on this page on August 15.

Lest we forget

Barrister Ishtiaq

A man of ideals

RAINA MOINUDDIN ABU ZAFAR

BARRISTER Syed Ishtiaq Ahmed was a many faceted personality who left an indelible impression on a vast and varied area of professional, political and social activity in his lifetime. He was basically the role of mentor, leader, and consultant to the changing and developing events in his country and he did indeed make his contributions, and his presence, felt not only in his own area of expertise but in other aspects of the socio-political scenario of Bangladesh.

There are innumerable events that stand witness to the intellectual and professional greatness of Barrister Ishtiaq and underline the extent of the vacuum created by his recent death. Barrister Ishtiaq was a firm believer in democracy and the dignity of the judiciary which led him to not only participate but also act as mentor in the fight for democracy and political stability in his country. The role he played in certain history-making cases and his involvement in the movement for democracy remain exemplary to be added to the annals of achievements made by a man of courage and confidence.

Barrister Ishtiaq Ahmed was born in the year 1932. His academic career began in Hilli, Dinajpur, and Kolkata, and culminated brilliantly in his M.Sc. in Economics from the London School of Economics and bar-at-Law from Lincoln's Inn in 1958.

The beginning of his professional life saw him as a practicing lawyer with the East Pakistan High Court in 1958 where he established his reputation as a legal reformer and laid milestones on the path to pioneering unique cases.

Barrister Ishtiaq's 'charisma' as well as his professional capability led him to heights of greatness and respect. His stint as Advisor to the caretaker governments of 1991 and 1996, and selection as Representative of Bangladesh to the UN General Assembly in 1978 established the country's trust in his expertise as a leader and his importance as a thinker and active participant in the country's affairs.

Barrister Ishtiaq Ahmed led an



eventful life which was mainly inspired by his tenacity to see that democracy was maintained in all aspects of social and political life and that the judiciary was accorded the respect and dignity it deserved. He fought for, and realised, many of his aspirations which were aimed at improving the lot of the oppressed and the legally neglected masses. A letter from the "people of Feni" in Noakhali, written to a local bengali newspaper after his death, revives the reality of his courage and emphasises his staunch commitment to his professional position.

The 'people of Feni', in their letter, had thanked him for 'recovering' and re-establishing the local courthouse in the face of 'adverse' resistance. His life could have been 'endangered', but Barrister Ishtiaq deemed it a duty to uphold the status and power of Law in its position as protector of people.

Barrister Ishtiaq, or Dulah Bhai as I called him, was a man of ideas and ideals. He always impressed me with his quiet dignity, his active mind and precision in the use of words. One could, however, visualise the impact and depth of his expertise while in pursuit of his professional activities—listening to his deep, measured voice holding forth on different subjects (even occasionally cracking jokes or teasing us) or discussing national and international issues.

Barrister Syed Ishtiaq Ahmed

has left a legacy in the person of his judicial activities, his contributions to the events in his country and in the various professional documents, speeches and essays he has produced. He has forged the way to establishing the dignity and position of the judiciary in the country and created means to attain them.

The new generation of lawmakers have been provided with the incentive to go on to greater heights and create new horizons. It is left for them to carry on with the traditions and legacies handed down by their learned predecessors. Barrister Ishtiaq Ahmed is one such 'legacy maker' who needs to be immortalised in the annals of judiciary.

As a student leader, a lawyer, an active participant in governmental affairs, a thinker and a serious advocate of law and the judiciary, the late Barrister Ishtiaq Ahmed stuck to his ideals, fought for them and made many conquests in the quest for justice and the betterment of his beloved country.

His knowledge of the law and its intricacies was well-respected, so much so that other members of his profession would consult him in order to understand and implement them.

Barrister Ishtiaq Ahmed is quoted and remembered for his part in such controversial cases as the Anwar Hossain vs. Bangladesh in 1989, the Robbar (Sunday) newspaper case in 1988 in view of the ban on the freedom of the press, etc.

Barrister Ishtiaq was also the Chairman of the Company Law Reform Committee, the Deputy Attorney General and the Attorney General as well as the President of the Supreme Court Bar Association and a member of the Bangladesh Bar Council. He was appointed the Advisor for Law, Judiciary and Parliament Affairs before the selection of the National Assembly in 1996.

All of his appointments were in acknowledgement and recognition of his capabilities and experience in the field of his choice.

A hospital in incubator?

M. SHAFIULLAH

OFTEN mountain produces mouse, so goes the saying. Hardly any one would believe it until a visit to a point just 15-kilometre north of metropolitan Dhaka into Uttara Model Town. There stands a seven-storied mansion with two huge bill boards proudly inviting the sick and indisposed to come in. Doctors write prescription and nurses hand out few tablets for succor to the patients in lieu of taka five only, a sheer disbelief in to-day's cost for treatment! It's a seven-doctor one shift outdoor outlet styled as Bangladesh-Kuwait Friendship Hospital on Isa Khan Road at Sector 6 in Uttara. Two big marble plaques in English and Bengali remind the patients that the facility was opened for them by no other person than the then Prime Minister in the person of Sheikh Hasina on 10 June 2001. But still no equipment or indoor wards highlight the unique feature of the general hospital. Even a cynic will find it difficult to believe that except for the front area all the doors and the seven floors are under lock and key for almost half a decade. The Public Works Department [PWD] is the custodian of the hospital but the Ministry of Health runs the outdoor clinic with deputation of seven doctors, two nurses and few staff.

The miracle mansion was the brainchild of a group of Kuwaiti philanthropists who thought of extending medical care free of cost to a segment of underprivileged people of Bangladesh. The Kuwaiti benevolent group provided such services to a number of countries in Africa and Asia. The Kuwaiti Ambassador and the Kuwait Joint Relief Committee [KJRC], a non-government philanthropic organisa-



tion, were allocated two million dollars in 1992 to build a hospital. After two years' errand the Ambassador could get around the relevant Bangladesh government departments to commence the project on 4 December in 1993. The Kuwaiti Minister for Religious and Waqf came all the way to lay the foundation.

A very low profile construction company with interest in brickfields awarded contact to execute the project under the behest and supervision of PWD. After a number of setbacks and inordinate delay the seven storied two-hundred-bed hospital complex came into being in 1996 far behind the schedule. The Kuwait Joint Relief Committee and the Kuwaiti Embassy encountered

another unexpected set of problems after completion of the complex: [a] the construction company came up with court case for more money than the contractual amount and [b] who would own the hospital -- PWD or Ministry of Health?

About another two years passed by. The orphan hospital ultimately could get a foster father on 15 March 1999 in the PWD who formally adopted the 'two million dollar baby' in presence of the then Foreign Minister Abdus Samad Azad, Health Minister [late] Salauddin Yusuf, and Works Minister Engr. Mosharaf Hossain. Half a dozen the then Members of Parliament and Arab and Muslim Ambassadors in Dhaka graced the auspicious handing over ceremony. Fortune, however, reversed for the

worse! The foster father without previous experience of 'child rearing' did not know what to do with the two million dollar baby. Another two years elapsed in hunt for an 'orphanage in the private sector'. Monsoon rain provided elixir to the luxuriant growth of weeds and creepers dwarfing the two huge signboards, ever-closed iron gates and the entrance of the hospital complex. The existence of the hospital almost went off the memory lane of the estimated one million inhabitants of Uttara Model Town and the adjoining areas. This writer brought the neglected-baby under focus through a write-up in The Daily Star on 26 February 2001. A four-year gathering dust was removed, grazing cattle herd relocated, vegetation trimmed and gates were formally opened by the then Prime Minister on 10 June 2001. In the din and bustle of much publicised general elections which was announced to be held in July 2001 [actually held on 1st October], the Kuwaiti Ambassador and the executive agency of the hospital, KJRC were forgotten to be invited at the formal opening. Ambassador and the KJRC staff in utter disbelief saw the event on television in the evening and read details in the newspapers next morning. The sick

and the ailing poured in for treatment but met with disappointment to find little beyond two engraved marble plaques on the wall.

In a country where it is considered luxury for the poor patients to get space even on the floors, corridors and precinct of public hospitals, Kuwaitis were shocked to watch the pillow passing game of our government departments with the hospital which they so generously donated half a decade ago for the poorest section of the community. Kuwaiti authorities were also learnt to have decided at one stage to equip the hospital, run it with Bangladeshi doctors, technicians, nurses and other supporting staff on non-profit basis as soon as Bangladesh authorities made a Waqf of the complex in the name of the project. It was also learnt that the shipment was ready to take off from Kuwait at the nod of the Dhaka authorities. The philanthropists, however, were not favoured with any response either till today.

There were sea-saw events that literally shook the world since the last quarter of 2001. A landslide victory had changed the government in Bangladesh with significant fall-outs on many aspects of life and society, but apparently no ramifications on the Bangladesh-Kuwait hospital. The government authorities over the last seven years floated tenders/re-tenders a number of times to hand over the hospital in private sector. Those 'on duty' saw a good number of foreign and local teams visiting to submit bid and negotiate with the government. But it's a bad luck for the poor patients that the chemistry has not yet struck between the stakeholders. In the meanwhile, as many as four Kuwaiti Ambassadors came and gone, all but cried in the wilderness of corridors of power to 'bring the full grown baby out of the incubator'.

In the context of Bangladesh-Kuwait bilateral relations, the friendship Hospital is a nagging seven-year-old irritant. Such events have spill-over effects to erode credibility. Let a courageous step stop the mountain from producing more mouse.

Former Ambassador M. Shafiullah was Director-General for Middle-East in the Foreign Office, 1993-95, and extended modest assistance to the then Kuwaiti Ambassador to launch the hospital project.