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Children in hazardous work

Law by itself is no guarantee against it

ESPITE the existence of laws against Child labour, which prohibit employment of children under 14 in any workplace, under age employment of children in various forms is rampant in the country. A report in the Friday issue of this paper highlights a vivid picture of how children are working under the most hazardous conditions to earn for their families.

The report shows children working 14 hours a day at the workshops to make bathroom fittings from brass at extremely high temperatures. And it is not the temperature, which is around 900 degrees Celsius that is damaging to the worker children's health, the toxic vapour that the molten metal emits and is inhaled by them do also cripple the respiratory system of the worker exposed to it. And one need not be an expert to understand what such exposures to the extreme heat and toxic fume can do to the children if they have to work for years in these factories.

Medical experts say, the children employed in these factories develop acute medical conditions like severe dehydration, high blood pressure, osteoporosis, impaired kidney, cancer and so on.

And the financial benefit the children draw by working in such virtual hells is a paltry sum ranging from Tk 200 to 500 a week.

But this story on child labour in brassware factories in the city is but the tip of the iceberg.

A census on children compelled to earn for their families under such hazardous conditions, if ever carried out, would reveal still worse scenarios of exploitation, and various kinds of physical stress that they are being regularly subjected to.

The irony is, as expressed by an official of the women and children ministry, the laws are helpless to come to the aid of these children on the excuse that abject poverty compels the victim families to engage their minor children in such dangerous trades.

But how long would we resort to such excuse to steal those working children's early years of natural growth as well as their future? And what is then the use of laws, if those cannot be applied to protect our children?

In this context, the draft National Child Policy unveiled and approved by the cabinet recently has raised hope by redefining the eligible age for child labour from 14 to 18. The policy would be as good as its implementation.

The government, the rights groups, the politicians, the citizens' bodies, the NGOs and all well-meaning members of society should take the issue of children exposed to hazardous jobs seriously and think out ways to provide them an alternative way to survive and grow. And laws should also be applied to protect the children in cases where the excuses have been stretched to the limit.

Ctg port efficiency dwindling

Sad, when expectations about its performance are growing

AST Saturday, the state of service delivery at the Chittagong port came under a sharp focus at a high level meeting with trade leaders held at the office of the principal secretary to the Prime Minister. Set as it was against the backdrop of sharply declining efficiency at the premier port, considerable urgency got reflected through the meeting to set things right on this front. A number of decisions were adopted unanimously, but only after an intense three-hour deliberation among the stakeholders present.

Although the decisions are problem-specific, their implementation would have to be closely monitored, preferably by a taskforce created for the purpose. The first priority is to bring down the turnaround time for the anchored ships to 48 hours from what has now increased to five to six days causing immense loss to the traders. The turnaround standard was set during the caretaker government rule when a raft of measures ensured loading and unloading operations in two and a half days. For the first five months of the elected government the system operated on the earlier footing, but later on over a period of a year or so the turnaround performance has sharply declined. It is time to roll it back lest it reaches the record 10-11 days of yesteryears.

Secondly, pilferage in the jetties has reached scandalous proportions. This is illustrated by the president, BGMEA citing the instance of up to four hundred per cent penalty having been imposed by foreign buyers/sellers owing to merchandise vanishing from containers in jetties. Basically, it is bringing bad name to Chittagong port. The decision to set up more close circuit cameras (CCTV) to intensely monitor the activities begs a question as to how effective the existing CCTVs have proven. As a matter of fact, unless the human elements behind a technology are reformed and working with a sense of professional responsibility becomes a habit, not much is expected to change there.

The essential thing to realise about why this Chittagong port often relapses into a relative limbo has been rabid and politicised trade unionism that is opposed to any notion of modernised mechanisation of the port operations. We therefore endorse the view of vice-president of Chittagong Chamber SM Abu Tayab emphasising the need for bringing the port workers under a well-formulated code of conduct.

In a context where we are thinking of a deep-seaport to handle increased flow of goods consequent upon establishment of regional connectivities, it is of utmost importance that efforts are redoubled to increase capacity building of the Chittagong port as a whole. With the Chittagong port developing to its potential, the prospects for port workers can only brighten -- something they must inculcate in them to be working with renewed zeal.

EDITÖRIAL

The Daily Star

Civil liberties and enforcement effectiveness

When police would be seen at the service of human liberty public support will be forthcoming to a greater degree. It is thus important that police officials are enabled to address their minds to this phenomenon. In fact, social actions and influence of police could be brought to bear in significantly preventing crime and disorder.

MUHAMMAD NURUL HUDA

UMAN experience indicates that noble sentiments alone are too weak to control those whose ambitions, greed, aggression and anger give way to threatening and damaging activity on either a small or a grand scale. From insurgency to simple theft there are requirements for laws and for some form of enforcement of those laws. The principal instrument of enforcement in most countries is the police and the judicial processes.

There is a continuing effort to ensure that the system created to protect civil liberties does not become the instrument of bondage. In addition, there are activities to see that the manner of control and the nature of the system's work in relation to containing crime and disorder does not take away those basic freedoms enshrined in domestic and international laws.

Experts are of the considered view that it should be both possible and desirable for coercive power to be mixed with discretion, particularly in respect of protecting civil liberty. For example, where police have power to arrest, to bring people before the courts of law, it may not always be necessary to use it since arrest and detention before proof of guilt is an administrative convenience and not a punishment. The securing of the balancing of human liberty with adequate control of human indiscretion is a democratic necessity.

The reality on ground is that the rule of law, in its application to the criminal process is primarily concerned with the protection of the rights of the accused persons and not of the victims. In upholding civil liberties of the citizens, a basic principle of criminal jurisprudence

is: "let ninety nine guilty persons be acquitted but not even one innocent person be convicted".

It would appear that the rule of law and its subservient criminal jurisprudence are unequivocally in favour of the offenders, the criminals, the law breakers and the accused persons. One could say that the dice from the very beginning is loaded against police effectiveness. One may be led to believe that police effectiveness and civil liberties can hardly coexist in a society governed by the rule of law. One could go further and say that the society is constrained to sacrifice police effectiveness at the altar of civil liberties, and that is the desirable course.

Under circumstances as above, there are often efforts at scapegoating of other parts of the criminal justice system or particular segments of the community. One would hear utterances of police officials of the kind as under:

- "Confessions made before police officers are not admissible under the
- of the police." "Even hardened criminals are granted

"Prosecutors are not under the control

- the benefit of the provision of anticipatory bail by the Magistrates and Judges." · "The courts turn criminals loose as soon as we catch them".
- "The public do not cooperate with us." · "Political interference does not allow us to function."

In our democratic dispensation citizens would expect much of their police. The police have to negotiate a delicate balance. They have to secure human rights and at the same time exercise their lawful powers given to them by governments in the name of the people, to protect the



Liberty and enforcement juxtaposed?

people and their institutions.

Laws have been promulgated which give police wide powers to deny human rights, in some cases even the most basic civil liberties. Thus police authority can be abused in a democratic polity. Such authority would actually snuff out more freedom than it protects. The main problem lies in control.

Under circumstances as above, the government in its earnestness to uphold civil liberties, have to ensure that those who are chosen to exercise the power and authority of police officials are carefully selected for their human qualities, properly trained to perform their difficult duties in an ethically correct manner and very importantly, to be led and directed by persons with high qualities of human excellence.

When police would be seen at the service of human liberty public support will be forthcoming to a greater degree. It is thus important that police officials are enabled to address their minds to this phenomenon. In fact, social actions and influence of police could be brought to bear in significantly preventing crime and disorder.

We may take note of the reality that

where individuals or groups are exposed to great inequality of treatment or rendered victims to denial of human rights and civil liberties generally, they may resort to anti-social or criminal behaviour. Therefore, police with a developed social awareness will have better opportunities for prevention of crimes and maintenance of social order.

Our police need to develop a demeanour which embodies an instinct or a perception for human liberty and dignity. Being witness to human beings, often in degrading and degraded situations, they are exposed to the influence of cynicism. They have to avoid becoming indifferent, however difficult that may be, if they are to develop and retain proper judgment of and appreciation for the rights and dignities of all.

It is desirable for police officials to acquire a general consciousness of concepts of democracy, justice, fundamental freedoms and human rights. But this in itself would be insufficient if police practice were not pervaded and directed in accordance with this consciousness and knowledge.

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Kashmir not for keeps



The volatile valley.

The Prime Minister is willing to go to any limits within the constitution. Good enough if there is a solution within the constitution. But if it is not possible, it should not matter if the terms of agreement go beyond the constitution. The important thing is India. In any case, Article 374 gives Kashmir a special status in the constitution.

KULDIP NAYAR

had interaction with some Kashmiri young men at Delhi this week. There was no doubting of their indignation and exasperation. The killings in the valley, more than 80 since the beginning of stone pelting in June, were very much in my mind and I wanted to know what could be done.

Another was more specific: We want Azadi. What is the population of the valley? "Please include Muslim areas in Jammu and Ladakh." This would come to about one crore or a little more. They said: "It was not the question of numbers but that of feeling. We just do not want to be part of India." Yet another said: "We want to make clear that we do not want to be part of Pakistan either." I vainly argued with them that how the country with one crore population would sustain itself without any help from India or Pakistan. "There is the entire Muslim

world to help us," they said.

This is what bothers me, I told

them. The religion, which you have brought to your protests, shows clearly that you want to establish another Muslim state on India's border. What will be its repercussions in India which is trying its best to float above the waters of communalism and stay secular? All that they said in reply was: "We want Azadi."

I have not visited Kashmir for more "Why don't you leave us," one said. than six months. Yet I have kept myself quite up to date by watching on television several incidents of stone pelting, burning of government buildings and security forces firings. (The Indian media have been covering the events in detail.)

It looks as if the whole valley has come on to the streets, the angry young men leading the mob. May be, it is a particular group of people, which is instigating them but whatever its number is it is a determined lot. And it would be foolhardy not to take into account their anguish, particularly of those who have

lost their dear ones in firings.

chief minister Omar Abdullah, believes

that the anger would be assuaged if the ready to give back whatever subjects it Armed Forces Special Power Act (AFSPA), may have taken beyond Defence, Foreign which gives extraordinary powers to the military in a disturbed area, is amended suitably or abolished. The problem has been politicized and New Delhi has known it all along. That it should have been sorted out by this time goes without saying. But the more it is delayed the more tangled would be the problem.

Prime Minister Manmohan Singh's remark -- there was need to address issues of trust deficit and government performance -- cannot remedy the situation. By shifting the responsibility of its follies to the ruling National Conference, which with all its limitations has stood by New Delhi from day one, the centre is only proving that it has gone from one mistake to another, without realizing that it would have to pay for them some day.

Every time the economic package or creation of youth employment is considered a panacea for all troubles. The challenge from the days of Sheikh Abdullah to Omar Abdullah is how does New Delhi give Srinagar a sense of identity, without letting Kashmir to translate that status into independence? It has been a difficult task and it is going to be so when the constitution says that Kashmir is part of India.

That there is no alternative to the talks goes without saying. But the talks with the type of fundamentalists, who are in the forefront in the valley, will be difficult to conduct because they are the ones who excite the people in the name of religion. They have pushed the Kashmirayat, a pluralistic concept, into the background and brought fundamentalism to the fore. So much so that a fabricated news saying that the Holy Koran was burnt in America cost 14 lives.

Yet New Delhi has to separate these elements from those who want to rule democratically and in a pluralistic way. But this does not mean that India has all the time to sort out who are fundamentalists but parade to be democratic. Ultimately, it depends on what New Delhi is willing to offer in terms of political power.

The Prime Minister is willing to go to any limits within the constitution. Good enough if there is a solution within the constitution. But if it is not possible, it should not matter if the terms of agreement go beyond the constitution. The important thing is India. In any case, The government, particularly J and K Article 374 gives Kashmir a special status in the constitution. New Delhi should be

Affairs and Communications, the three subjects, which Srinagar gave New Delhi when the state acceded to the Union.

The BJP is the biggest impediment. It has politicized the issue and refurbished parochialism. At the back of its mind is Hindutva philosophy which, it believes, cannot cope with a Muslim-majority state. Already Narendra Modi of the Gujarat carnage fame has started attacking the centre for not being "tough in Kashmir." The world knows what his toughness means. He is also preparing the Hindus for the verdict on the Babri Masjid-Ram Janmbhoomi dispute scheduled to be announced on September 24. Both the communities are already edgy.

Some argue that panacea of such problems is to concede the right of selfdetermination. Today's world, which is affecting economic unions and common markets, does not recognize any group of people or area, which raises the standard of separation. No state can accede to this principle because it gives sanction to the centrifugal forces and fissiparous tendencies. Were the principle of self-determination to be applied in South East Asia, many states in the region would face the prospect of disintegration.

New Delhi's mistake is that it has left the Kashmir problem hanging fire for such a long period. It proves the charge that many elements have come to develop a vested interest in the status quo. The Prime Minister is quite right when he says that he was willing to talk to any party or group so long as it does not project or support violence. However, the hardliners have spelled out certain demands. Talks have to be held without prior conditions.

Once New Delhi and Srinagar have come to terms, they should talk to Islamabad. Even otherwise, all the three can sit across the table. The participation of Pakistan is necessary because all the agreements, beginning from the one at Tashkent to the Shimla, mention Pakistan as one of the important parties. Moreover, not long ago, India and Pakistan had come to clinch the issue, if former Prime Minister Atal Behari Vajpayee and former Pakistan foreign minister Kursheed Kasuri are to be believed.

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