

## Amendment before reprint

Reprint of the Constitution in the light of the Supreme Court decisions is a must, but for avoiding all debates in future that should follow an Act of the Parliament.

SHAHJAHAN MONDOL

THE Fifth Amendment and the Seventh Amendment to the Constitution of Bangladesh have been declared void by the Supreme Court. This has created a very good environment for the exercise of democracy in the country. Both the amendments gave legal and Constitutional validity to two Martial Laws, one proclaimed by Khandaker Mushaque Ahmed in 1975 and practiced by Ziaur Rahman, and the other by H. M. Ershad in 1982.

The first one is worse because it not only legalised the military rule but also gave validity to the assassination of Bangabandhu Sheikh Mujibur Rahman and his family members and other relations. Due to the existence of these amendments democracy-loving people of Bangladesh passed a very panic-stricken time.

The Supreme Court has freed people from this unhappiness and anxiety through declaring these amendments illegal, and so void. This declaration has made scope for turning back to the spirit of the glorious Liberation War of 1971 through which Bangladesh achieved independence. The Constitution now needs reshaping accordingly.

Recently, a debate has arisen as to whether an amendment to the Constitution is necessary for reshaping it according to the verdicts; more clearly, whether the Parliament has to bring the 15th Amendment to the Constitution for this purpose.

It is nowadays argued that for carrying out the Supreme Court judgments an amendment is a necessity. On the other hand, the Chief Justice A.B.M. Khairul Haq and some members of the Constitution Amendment Committee, chaired by Syeda Sajeda Chowdhury, as



Parliament is the only authority that can amend the Constitution.

well as some renowned lawyers like Barrister Amir-ul-Islam and the Law Minister Barrister Shafiq Ahmed, suggested the reprint thereof in the light of the verdicts. The government has to make a prudent decision in this regard so that no question arises in future as to the choice of the way.

It is true that for the reprint of the

Constitution in the light of the two judgments only an official order of the Ministry of Law, Justice and Parliamentary Affairs is sufficient, according to which the B.G. Press may publish it in the new form. But whether that would amount to bypassing the Parliament still remains a critical question.

The Supreme Court has the authority, in the light and power of Article 7(2) of the Constitution, to declare void any law inconsistent with the Constitution. But it may be considered that merely a judgment or declaration by the Supreme Court may not be sufficient to amend the Constitution.

It is said in Article 142 of the Constitution that any provision thereof (i.e. of the Constitution) may be amended by way of addition, alteration, substitution or repeal by Act of Parliament. It is clear from Article 142 that only an Act of Parliament is needed to make any change to the Constitution -- no scope for the Supreme Court has been mentioned here.

Therefore if the Parliament is bypassed, political and legal anxiety might arise in the people. Members of the Parliament may think that the Supreme Court is being given more importance than the National Assembly.

Another important thing should not be kept out of the way of probability. The Mahajot led by Awami League and Sheikh Hasina is in power at the moment. It will not be any trouble for the Ministry of Law to give an order for the reprint of the Constitution. But if Awami League fails to

form the government again in future and if the future government wants to give a new order through the Ministry of Law to the effect of nullifying the desired reprint, it would create much confusion.

Reprint of the Constitution without an Act of Parliament may tantamount to in-compliance with and deviation from the provisions of the Constitution. Not only that, if any writ for the establishment of the provisions of Article 142 is filed in future against the expected reprint without an Act of Parliament what would be the answer of the Supreme Court?

The best way for the expected reshaping of the Constitution is to make a combination of both the verdicts of the Supreme Court and arrangement for the 15th Amendment to the Constitution in the light thereof. Reprint of the Constitution in the light of the Supreme Court decisions is a must, but for avoiding all debates in future that should follow an Act of the Parliament. Thereby, the government may remain beyond all criticisms and questions. Reprint without Parliamentary Act may come in conflict with Article 142 of the Constitution.

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## RELIEVING THEIR PAIN

### A very special day

Rheumatology is a relatively new specialty in this country. Awareness about these conditions both in adult and childhood is lacking and patients are often referred too late, resulting in poor long-term outcomes.

RUBAIUL MURSHED

UNFORTUNATELY, I have had very bad experiences regarding the above day. The first being my father Prof. Dr. Nawab Ali Ahmad's demise on this day. The other involved my beloved partner, who was suffering from chronic joint pain and was diagnosed with rheumatoid arthritis after one year of wrong diagnosis and treatment. And today is "that day" -- World Arthritis Day.

In fact, a lot of people mistake "rheumatoid arthritis" with "osteo arthritis." But there is a gulf of difference between these two disorders. Today, the medical profession uses specific terms to describe rheumatological disorders such as rheumatoid arthritis, ankylosing spondylitis, gout and systemic lupus erythematosus and so on, in medical literature.

Chronic widespread pain is defined as

pain that lasts more than 3 months, involving both sides of the body, above and below the waist, and the axial skeleton. In most people, chronic pain arises from soft tissues, including muscles. Syndromes such as fibromyalgia are generally not associated with any consistent abnormalities on blood tests or imaging, respond poorly to treatment, and can lead to chronic ill health and disability.

Rheumatism is a non-specific term used to describe any painful disorder affecting the loco-motor system, including joints, muscles, connective tissues, and soft tissues around the joints and bones. The term rheumatism is also used to describe rheumatic fever affecting heart valves. This years aims are:

- To raise awareness of arthritis in all its forms among the medical community, people with arthritis and the general public;

- To influence public policy by making decision-makers aware of the burden of arthritis and the steps which can be taken to ease it;

- To ensure that all people with arthritis and their caregivers are aware of the vast support network available to them.

However, I came to know about this discipline's modern advancements from Dr. Syed Atiqul Haq, a dedicated professor of rheumatology in this region. When I was sitting with him a few years back, he told me very that "Rheumatologists" were physicians who were experienced in the diagnosis and treatment of arthritis and other diseases of the joints, muscles and bones. The other health professionals who manage these diseases include internists, orthopedic surgeons, immunologists and physiotherapists.

He carried out a remarkable study along with his colleagues to estimate the burden of rheumatic disorders among adults (age  $\leq 15$  yrs) in Bangladeshi rural and urban communities. Where door-to-door interviews were done in three localities -- an affluent urban area (n = 1,259), a poor urban area (n = 1,317) and rural villages 30 km away from the city (n = 2,635).

The door-to-door method resulted in a

99% response rate. The overall point prevalence of musculoskeletal pain was 26.3%, very similar in all three localities but higher in women than in men. Prevalence of fibromyalgia was 4.4, 3.2 and 3.3% in the rural, poor urban and wealthy urban areas, respectively.

Rheumatology is a sub-specialty in internal medicine and pediatrics, devoted to the diagnosis and therapy of conditions and diseases affecting the joints, muscles, and bones. Clinicians who specialise in rheumatology are called rheumatologists. This is a rapidly evolving medical specialty, with advancements owing largely to new scientific discoveries about the immunology of these disorders.

Because the characteristics of some rheumatological disorders are often best explained by immunology, the pathogenesis of many major rheumatological disorders are now described in terms of the autoimmune system. Our specialists along with general practitioners need to be careful about the recent treatments and their side effects.

According to Prof. Atiqul Haq, evidence-based medical treatment of rheumatological disorders has helped many patients with rheumatism lead a near normal life. Future treatment will probably include gene therapy as well.



Rheumatology is a relatively new specialty in this country. Awareness about these conditions both in adult and childhood is lacking and patients are often referred too late, resulting in poor long-term outcomes. We have a few rheumatologists in Bangladesh. It is important that rheumatology should have an important place in the curriculum of medical students in Bangladesh.

Although World Arthritis Day has been celebrated since 1996 on October 12, people with arthritis around the world can join together to make their voices heard beyond this day. You can voice your opinion also!

Dr. Rubaiul Murshed is Professor, Health Care Management.

## Peace of mind

Understanding of women's mental health should be the aim of mainstream health development. The government should develop gender-sensitive mental health planning, and research, and work accordingly. Advocacy, counselling, motivation, positive thinking and favourable environment are needed to help improve women's mental health.

PARVEZ BABUL

THERE is a link between the mental health of women and their physical health. Though I am a journalist, not a physician, I tried through my journalistic view to find the reasons for women's mental health problem.

One of the eight goals of the Millennium Development (MDGs) set by the United Nations is Goal 5 -- improvement of maternal health. It depends on ensuring girls' and women's reproductive health rights, safe pregnancy and safe motherhood.

Depression is a major public health problem that is twice as common in women than in men during the child-bearing years. Health experts realised that reproductive health, general physical health, quality of relationship with intimate partner, and infant behaviour should be assessed routinely in mothers who are distressed.

On September 29, public health professionals from different countries assembled in Dhaka to discuss the magnitude of health problems due to climate change. They said: "Climate change has already posed a serious threat to the progress made in the health-related millennium development goals."

In addition, the mental and the physical health of the Sidr, Aila, flood or disaster-affected women are neglected, and that should be a great concern. Women and girl children become more vulnera-

ble when disasters strike.

Naima is a female garment worker. She told me that her boy friend called her introvert. But her friend does not realise her sorrows and feelings, and how much mental tension she feels in managing her family with her poor salary as she is only the earning member. "Poverty, sorrows and sickness create pressure to keep the mouths of women shut; as a result they are bound to keep their mental health problems hidden. There are thousands of poor girls like me. So you men have to listen to the women and read their minds attentively to know their sorrows to keep them healthy both mentally and physically," she added.

I mention here a comment of a Mexican girl with disability. Her name is Chechemy. She narrated about the sexual desire of girls and women with disabilities, which are ignored but affects their mental health. She wrote: "I am not afraid to say that among disabled youth around the world a few, like their peers, experience attraction, sexual frustration, and communication issues with their partner(s) and families. We have questions and concerns, stories to tell, and most of all, a desire to be acknowledged."

According to the World Health Organization (WHO), violence related mental health problems are also poorly identified. Women are reluctant to disclose a history of violent victimisation unless physicians ask about it directly. WHO mentioned:



- Depressive disorders account for close to 41.9% of the disability from neuro-psychiatric disorders among women compared to 29.3% among men;

- Leading mental health problems of the elderly are depression, organic brain syndromes and dementias. A majority are women;

- An estimated 80% of 50 million people affected by violent conflicts, civil wars, disasters, and displacement are women and children;

- Lifetime prevalence rate of violence against women ranges from 16% to 50%;

- At least one in five women suffers rape or attempted rape in her lifetime.

Depression, anxiety, psychological distress, sexual violence, domestic violence and escalating rates of substance use affect women to a greater extent than men across different countries and different settings. Pressures created by their multiple roles, gender discrimina-

tion and associated factors of poverty, hunger, malnutrition, overwork, domestic violence and sexual abuse combine to account for women's poor mental health.

Dr. Ishrat Ferdouse said: "Mental and physical wellbeing is a fundamental right of women as human beings. To ensure this, the family of a girl child should take the first step in ensuring equal opportunities for girl and boy in nutrition, physical and mental health, education etc. The society has to take the responsibility to ensure women's access to all rights as she feels secured, which helps her being well both physically and mentally. So I think, our state and civil society as well as family should be more active to protect women's mental wellbeing."

Recommendations by WHO:

- Build evidence on the prevalence and causes of mental health problems in women as well as on the mediating and protective factors;
- Promote the formulation and implementation of health policies that address women's needs and concerns from childhood to old age;
- Enhance the competence of primary health care providers to recognise and treat mental health consequences of domestic violence, sexual abuse, and acute and chronic stress in women.

In fact, to develop women's mental health and ensure their safety, we must prevent stalking, discrimination and violence against girls and women, and work to ensure their human rights. We can reach the goal of Health for All and get another MDG award from the United Nations on maternal health. We should select a theme on girl children's mental health as we observe the national girl child day every year.

Educationist Mahbuba told me that the mental health issue should be included in the text curriculum so that the students can learn about it to prevent

mental disorders/problems, as "prevention is better than cure." Many male high officials are not gender-sensitive, and they need orientation to realise that women want neither more nor less attention from them, they want just the same as the male colleagues.

In addition, many husbands need to increase their awareness about the jobs their wives perform at home and the office. Though women face extra mental and physical pressure, they sacrifice their needs and demands for the sake of husbands, children, in-laws, and relatives.

Understanding of women's mental health should be the aim of mainstream health development. The government should develop gender-sensitive mental health planning, and research, and work accordingly. Advocacy, counselling, motivation, positive thinking and favourable environment are needed to help improve women's mental health.

Sushoma has been working as a mental health counselor. She said: "Extra-marital affair is a much-talked issue in our society now. Women who are involved in extra-marital relationship mention negligence, getting insufficient time, support, care and sexual dissatisfaction from their husbands. It creates mental disorders, violence and crimes. So, the men with problems should be willing to make their relationship with their wives/ girl friends healthy, meaningful and long lasting, full of romance and love instead of terming them double-dealing (chholonamoyee) or guilty."

"A woman's mind is as complex as the contents of her handbag; even when you get to the bottom of it, there is always something at the bottom to surprise you!" Scottish actor Billy Connolly.

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