

## Children living below the poverty line

*Developing human resources means caring for the child*

ONE does not need much wisdom to know how vulnerable Bangladesh's children are to a host of circumstances. And that is a truth which once more has been highlighted, this time through the grim statistics provided by Unicef. Over three crore children in the country are condemned to live in dire poverty, which is as much as to say that they subsist below the poverty line. Now, with 45 per cent of the country's population comprising children and with 46 percent of those children leading lives that are way below accepted definitions of poverty, the risks to which our children are exposed are all too manifest. Add to these worries those which have patently been brought out into the open by last Friday's issue of the Star magazine, which informs us in no uncertain terms that the problems which children and mothers face in Bangladesh are related not just to hunger. There are too such crucial issues as under-nourishment and malnutrition. How else should one explain the fact that as many as 43 percent of children in Bangladesh happen to be too short or stunted for their age?

Poverty is not only about the state of those directly affected by it. It is also a bad reflection on a country's present and clearly threatens to cast long shadows on its future. The realities on the ground are these: a very large number of children from poor and ultra-poor families are compelled to work in order to supplement the family income or, in most cases, serve as sole bread winners for the family; an inadequacy of food results in terrible malnutrition for them; such a lack of health and financial resources deprives them of the education they ought to come by from the state; and, most worrying of all, these poor children will likely grow into equally poor teenagers and adults, with dark possibilities of some of them turning towards criminality as a protest and with others perpetuating, much against their wishes, a continuing cycle of poverty. It all adds up to a grim forecast for the future. It is also a call to action, on a detailed and focused scale, about an issue that by now should have exercised minds in the national policy-making sector. The reason why policies should now be geared to children, particularly those falling prey to endemic poverty, is simple: no amount of emphasis on human resources development in the country can lead to any headway unless the health of these children living below the poverty line is addressed. Budgetary allocations, in newer perspectives of policy making, need to be made not just for a broad programme of poverty reduction but also specifically for lifting poor children out of their adverse conditions. That fundamentally means shaping strategies that will allow their families to emerge, slowly but perceptibly, out of the poverty trap. If and when that is assured, the effects on children can be quite remarkable. One can here begin thinking in terms of providing education, along with school meals, to these children. Much as we argue for children's education and much as we keep telling ourselves that immunisation for children is the way to the future, the fact is that unless we assure these children that they will have food provided to them by the state as also by organisations, not much of a difference will be there.

In other words, investments geared to the uplift of children from poor families are the great requirement in these times. Politics which ignores the future of the child is politics that eventually falls flat on its face.

## There is more to it than mere diarrhoea

*It spells a set of alarming messages*

WHEREAS normally the daily onrush of diarrhoea patients to ICDDR,B during this time of the year would have been 250 to 300, the number has soared to 450 to 500 during each of the last ten days. Why? The reasons are not only bigger in number but also more complex in nature. One has known diarrhoea to be a water borne disease, plain and simple -- resulting from intake of germ-infested water. Also, usually it is said to be contracted from eating rotten food.

Safe drinking water is in much acuter short supply than ever before. Water table has fallen to new depths, surface water is thoroughly polluted and storm sewer leaks and water supply network have got mixed up in places contaminating piped water. Due to frequent power outages lifting of water has had to be scaled down by the pumping stations thus further accentuating water scarcity. So the common people have to rely on whatever water they can lay their hands on.

There is another fall-out of power shortage which is that the refrigerators preserving food in frozen form have been rendered dysfunctional every now and then through frequent electricity load-shedding, virtually none of the food is left safe for eating. Particularly those who have to eat out of home are extremely vulnerable not just to diarrhoea but typhoid as well. Sweltering heat with a high humidity content, polluted water bodies and rubbish that has not been disposed of all go to make the atmosphere and living conditions extremely unhygienic.

The do's and don'ts are clearly definable. In the first place, the mayor, ward commissioners and hospital authorities must launch their own cleanliness drives. Basically, an awareness building campaign will have to be launched at the community level with the media disseminating information about what and what not to do in order to prevent spread of diarrhoea and to cure it when attacked. Mobile water distribution arrangements, distribution of ORS sachets and driving the message home about avoiding unsafe food will have to be resorted to in an all-out effort to meet the contingency.

## Transparency in higher judicial appointments

The Appellate Division, in its verdict on the Fifth Amendment to the Constitution, has declared Article 95, as amended by the Second Proclamation Order No. IV of 1976, valid and retained it in the Constitution. This means that the chief justice has got back his constitutional role in processing appointment of judges in the High Court Division and the Appellate Division.

M. ABDUL LATIF MONDAL

IT has been reported in some newspapers that the process for recruiting judges to "the short-handed" Appellate Division of the Supreme Court begins this week after the *pauza* vacation. Six posts of judges in the Appellate Division are reportedly lying vacant. Among the sitting five, two judges -- Justice Md. Abdul Matin and Justice Shah Abu Nayeem Mominur Rahman -- have gone on leave up to December 25 and January 27 respectively as they were superseded in the appointment of chief justice last month. Justice Md. Abdul Matin is scheduled to retire on December 26.

Law Minister Barrister Shafique Ahmed has said that the government has no plans regarding appointment of judges to the vacant posts in the Appellate Division. It depends on the chief justice and the president. The president will give decision after receiving the chief justice's recommendations.

Meanwhile, the court premises are in the grip of tension and speculation over the matter of appointment of judges in the Appellate Division. The opposition-dominated Supreme Court Bar Association (SCBA) has already warned the authorities against appointment of any by judge superseding seniors.

The chief justice has become very important in the matter of appointment of judges in the higher judiciary. This is because a significant development in the process of appointment of judges in the higher judiciary has taken place following the verdict of the Appellate Division on the Fifth Amendment to the Constitution. The verdict has, "inter alia," reestablished

the constitutional role of the chief justice in higher judicial appointments.

Article 95 (1) of the Constitution adopted on November 4, 1972, (hereinafter referred to as the original Constitution) said: "The chief justice shall be appointed by the president, and the other judges shall be appointed by the president after consultation with the chief justice." Article 95 (1), as amended by the Constitution (Fourth Amendment) Act, 1975 during the time of the AL government, said: "The chief justice and other judges shall be appointed by the president."

President and chief martial law administrator Justice A.S.M. Sayem amended Article 95 (1) through Second Proclamation Order No. IV of 1976. It read: "The chief justice of the Supreme Court shall be appointed by the president, and the other judges shall be appointed by the president after consultation with the chief justice." Actually, the amendment revived Article 95 (1) of the original constitution.

President and chief martial law administrator Ziaur Rahman went for amendment of Article 95 (1) through Second Proclamation Order No. 1 of 1977. It was nothing but reinstatement of Article 95 (1) formulated in the fourth amendment.

The successive governments of Jatiya Party, BNP and AL did not show any interest for the revival of Article 95 (1) as it existed in the original Constitution. Article 95 (1), as amended by the fourth amendment of January, 1975, and retained by president and chief martial law administrator Ziaur Rahman through Second Proclamation Order No. 1 of 1977,



appeared convenient to them.

The absence of constitutional requirement to consult the chief justice and to go by his recommendation for appointment of judges in High Court Division and the Appellate Division left the appointment of judges in the higher judiciary at the pleasure of the executive.

Mahmudul Islam, a former attorney general, in his book *Constitutional Law of Bangladesh*, speaks of the practice of some sort of consultation with the chief justice for appointing judges in the higher judiciary, adding: "Such a consultation is not a formal matter." He recommends that it must be an effective consultation and the recommendation of the chief justice should not be by-passed unless there are very cogent reasons for it.

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It is argued by many that chief jus-

justice's recommendation(s) on the appointment of judges in the higher judiciary is not binding on the president because of the Article 48(3) of the Constitution, which says that in the exercise of all his functions, save only that of appointing the prime minister and the chief justice, the president shall act in accordance with the advice of the prime minister.

While this is true, the truer is that it would be an embarrassment for the prime minister and the president to overrule the just recommendation(s) of the chief justice. So, the onus lies with the chief justice to make unbiased and just recommendation(s) for appointment of judges in higher judiciary.

While we congratulate the apex court for its historical verdict on the Fifth Amendment to the Constitution, which, among others, restores after long 35 plus years the constitutional role of the chief justice in processing appointment of judges in the High Court Division and the Appellate Division, we also appeal to the chief justice to keep himself above all partisan considerations in recommending name(s) for higher judicial appointments.

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## Three Bengalis

Bengal is the only province to offer three credible potential prime ministers: the Nehru-Gandhis never were ethnically from Uttar Pradesh, and are even less so now. Bengal's loss has not been India's gain.

M.J. AKBAR

THREE Bengalis could have become prime minister of India. Each was staring at the summit, ready for the final ascent, when he discovered that his oxygen supply had been cut off -- not by the enemy, but by the team leader.

Subhas Chandra Bose was undermined by Mahatma Gandhi with a rare pious savagery. We are familiar with savagery in politics, and piety is not unknown, but this deadly combination was unique. Bose had the temerity to challenge Gandhi from a Left platform at the Tripuri session in 1939.

The reasons have become archaic, but the quiet ruthlessness of Gandhi's response is still relevant to any student of Congress intrigues. Bose's big mistake was to win, by 1,580 votes to 1,377, against Gandhi's nominee, Sitaramayya. Gandhi declared that it was his defeat, not his candidate's, and forced 13 out of 15 members of the working committee to resign in the gap between the election on January 29 and the Tripuri session on March 8.

Bose resigned from the Congress on April 29, 1939, and formed the Forward Bloc on May 3. The rest is known: escape from Calcutta in January 1941, a wartime alliance with Germany and Japan, the great Azad Hind movement, and death in a mysterious air crash. It was the British effort to put Bose's soldiers on trial for mutiny that sparked off massive demonstrations, including in the armed forces; historians believe it was the final blow which de-linked Empire from Britain.

If today's Congress was a party with

any form of inner democracy, which clearly it is not, it is obvious that Pranab Mukherjee would win in any secret ballot for the leadership, even if his opponent was Sonia Gandhi's nominee. The party's ideal combination would be a partnership between Mukherjee and Dr. Manmohan Singh, but with roles reversed; that is, with Dr. Singh as finance minister.

Mahatma Gandhi could not afford Bose for the same reason that Sonia Gandhi will not tolerate Mukherjee. Bose would have publicly deferred to Gandhi, but implemented his own agenda; Mukherjee, likewise. Neither Bengali would have permitted either Gandhi to dictate terms.

The Congress lost Bengal in 1939, not 1967, when the United Front came to

power. It is not an accident that Jyoti Basu and Pranab Mukherjee were both in the United Front, along with the Forward Bloc. The Marxists inherited the Bose mantle, because Bose's party withered in the absence of his charismatic leadership. Congress has been unable to return to centre stage in Bengal even when the Marxists are falling through the cracks. Bengalis prefer a gutsy if cantankerous woman, Mamta Banerjee, as their alternative.

But the real paradox is quite extraordinary: Bengal will not elect Mukherjee as chief minister because the Congress will not make him prime minister. The Mahatma chose Jawaharlal over Subhas, and Sonia preferred Singh over Mukherjee, because Bengali sentiment was secondary to their individual requirements.

The baffling anomaly is that the CPI (M), a party that has ruled Bengal for more than three decades through a thesis that reconciled the antithesis between Marx and religion, stopped its pre-eminent Bengali leader, Jyoti Basu, from becoming India's first Bengali prime minister.

The Durga-Communist CPI (M) exists in Kerala and Tripura but lives in Bengal. When their miracle-moment arrived, and Basu was named the unanimous choice for prime minister by a non-Congress, non-BJP coalition, the CPM politburo sabotaged the proposal. Being Communists, they found all sorts of convoluted theoretical reasons for a colossal political blunder.

Sentiment is the cement of India. Marxists, however, think, therefore they are. Their head gave them all manner of instructions on the evils of collaboration with bourgeois parties, not to mention pseudo-socialists and neo-opportunists. They forgot to check with the Bengali heart. Jargon so often becomes a substitute for ideology, expanding into a mist that obscures reality.

Bengal is the only province to offer three credible potential prime ministers: the Nehru-Gandhis never were ethnically from Uttar Pradesh, and are even less so now. Bengal's loss has not been India's gain.

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Subhas Chandra Bose



Jyoti Basu



Pranab Mukherjee