

SK. ENAMUL HAQ

SOMETHING was wrong.

A college student at the time, MA Salam had gone from Jhalakathi to the race-course maidan in Dhaka in order to witness the historic speech of March 7. He had attended the meetings and processions. After the Pakistani crackdown on the night of March 25, at first it had seemed like trouble, but later he knew that it was war. Independence had been declared and soon he, too, joined the freedom struggle.

"Wherever we went, people were saying, 'Bangabandhu has declared independence!'" says Dr MA Salam, recalling the days after March 26.

Thus, when 38 years later, he came across documents which claimed a history -- of which he had been a part -- that was unknown to him, he knew that it had to be wrong. Thinking it to be a printing error, Salam sent a notice to the government asking that it be corrected, but there was no response. In April 2009, challenging the distortion of history in the documents of the independence war, Dr MA Salam went to court.

Earlier that year, Salam had found written in a section of the15-part History of Bangladesh War of Independence: Documents, a government publication edited by Hasan Hafizur Rahman, that Major Ziaur Rahman had proclaimed the independence of Bangladesh on March 27, 1971. When he compared it to the first edition of the same documents published in 1982, he saw that certain changes had been made. In the 2004 edition, the fact that independence had been declared on behalf of Sheikh Mujibur Rahman had been deleted and the proclamation was credited to Ziaur Rahman himself.

Salam says that he had heard such propaganda before, on the streets, in political meetings; but when he saw it in written text, he knew something had to be done. On June 21, 2009, the High Court ruled that Sheikh Mujibur Rahman had proclaimed the nation's independence on March 26, 1971.

"It was a historical fact and there should have been no debate about it," says Dr MA Salam, "The change was a gross distortion of history and it had to be corrected. As a freedom fighter, as a good citizen of this country, it was my duty to protect our history for our children to learn." If the relevant authorities had done their duty, however, says Salam, he would not have had to go to court, the last resort.

The question of good governance, that is whether the relevant authorities are discharging their duties and ensuring people's rights and services, has come to the fore in recent years. A myriad of issues has been placed before the courts and the latter, too, have had to rule on various matters in an effort to address the grievances of people long deprived of basic rights and facilities.

The list of issues ranges from the individual to the national, from the social to the political, from issues of public health to personal faith. It starts from basic rights and ends up endangering personal freedoms. While government bodies exist to protect these rights and provide these facilities, people have had to seek legal intervention in matters as basic as the supply of pure and safe food and water. The courts have become the last place of refuge for deprived citizens.

Eminent jurist and constitutional expert Dr Kamal Hossain observes that some people are