

Celebration of Victory Day continues

Renewed pledge for good relations with all

BAKANGLADESH continues to celebrate the victory of December 16, 1971, showing deep respect to the martyrs who laid down their lives for the country. On this happy occasion, world leaders have sent their messages acknowledging the strong presence of Bangladesh on the world map, and the fact that its economy is growing steadily. Bangladeshis are especially joyous to have been able to host the president of India, Shri Ram Nath Kovind, who is here on a three-day visit. The visit is considered significant by experts on international relations.

Bangladesh and India are two friendly neighbours who have surmounted many obstacles together in the last 50 years to carry forward the flag of peace and progress. The two countries are linked with one another on many fronts of development and mutual cooperation as partners in progress. President Ram Nath Kovind laid importance on increasing the sphere of the existing trade and business ties with Bangladesh through joint venture efforts. He pointed at the improved communication system through land, air and riverine routes, which businessmen should take advantage of. He also assured Bangladesh of continued Indian cooperation to the ongoing business investment and different development projects in the coming days. President Kovind pointed at the celebration of 50 years of diplomatic relations between India and Bangladesh, which was a testimony to the close bilateral relations between the two countries. He praised Bangladesh's efforts in the fight against the Covid-19 pandemic.

India hoped to see substantial advances in terms of green technologies, renewables, creation of employment opportunities, start-ups, creation of IT and digital platforms, etc in the next 10 years. The large young population of the two countries will ensure dynamic growth and positive changes. We have to keep in focus that just as the friendship between Bangladesh and India is strong, so is the enormity of the issues that link the two countries. While we have resolved some of them successfully, some still remain unaddressed. Let's not assume that we shall not have issues with India, but let's firmly commit to address them through dialogue in the spirit of friendship.

As we look to the future, Bangladesh will be a developing country soon, and this would bring forth enormous potential of economic engagement with India. But as a growing economy, we shall need to expand our bilateral relations with other world economies as well, including China. Bangladesh will need Chinese investment for the growth of its economy as we pursue a policy of friendship to all. But it needs to be emphasised here that our relations with India will always be special because of its contribution to our Liberation War.

We hope that President Ram Nath Kovind will have a very happy and fruitful visit, and wish the two countries Godspeed in their progress.

Why the delay in appointing SC judges?

It is high time to formulate law for their appointment

WE wholeheartedly agree with the chief justice's statement that formulating a law for the appointment of Supreme Court judges is essential now. Article 95 of our constitution also mentions that there should be such a law. The law minister had assured us in the past that the government would frame a law for that purpose. As such, it is disappointing that the law has not been framed yet.

For a country that is celebrating its 50 years of independence, to not have a law for the appointment of judges to its apex court is most unfortunate. The chief justice rightly observed that in the absence of such a law, there remains some confusion among the people in regards to the appointment of judges to the Supreme Court. Having a law that lays out how and on what basis the judges will be appointed to the highest court will make the process more transparent, which is crucial. It could potentially make the appointment process faster, too.

In recent times, appointment of new judges to the Appellate and High Court divisions of the Supreme Court has slowed down significantly. Additionally, a number of judges have also retired. With an inadequate number of appointments against the number of those retiring, the High Court now has 91 judges, whereas the number was 101 in 2012. At present, the Appellate Division also has only five judges. Thus, a huge backlog of cases has been piling up in both the Appellate and High Court divisions—as of December 31, 2020, the number of cases pending with the Appellate Division was 15,225, while it was 452,963 with the High Court, according to a study by Law Lab, a law chamber that conducts research on legal and constitutional issues. That meant that each judge in the Appellate Division had 3,045 pending cases, while each judge in the High Court had 4,923.

Expecting a judge to dispense so many cases is simply absurd. Furthermore, as cases keep piling up, the sufferings of justice seekers are also increasing. The chief justice mentioned the need to double the number of judges at all tiers of courts across the country. And we firmly believe that the process should begin with the appointment of Supreme Court judges. To that end, we call on the government to urgently take all the necessary measures to formulate a law for the appointment of judges to the Supreme Court, as prescribed in the country's constitution—keeping in mind the importance of safeguarding the independence of the judiciary.

GOLDEN JUBILEE CELEBRATION

Media's role and the diplomatic challenges in 1971

THE THIRD VIEW



MAHFUZ ANAM

THE mood of the moment is overwhelmingly celebratory. And why not? Not only are we observing 50 years of our independence, but we are doing so with a new sense of pride, accomplishment and, most importantly, confidence—confidence that we can face all the challenges that come our way.

Those of us who had the good fortune of being direct participants in our freedom struggle feel a special pleasure on this occasion. Being 20-something then and being 70-something now, many of us were not sure if we would survive the war in the first place—that we would live long enough to celebrate the Golden Jubilee of independence in person.

Recalling the days of our Liberation War is a matter of supreme pleasure—as it must be—but it is also one of great sadness. Millions of people—men, women and children—were killed, over 200,000 women assaulted, and millions more were made refugees in India, and a greater number internally displaced. The stunning success of our victory came at an immense human cost forced upon innocent Bengalis by the brutal Pakistan Army, a loss from which we are yet to fully recover, as is the case of the loss of our intellectuals.

All this happened due to the brutality of the Pakistan Army. How could an army attack its own people whom they were

regularly monitored the former to keep abreast of the situation. Akash Vani gave us invaluable support.

On the diplomatic front, it was an extremely difficult challenge. The bipolar world of the Cold War-era had set the international community apart with its ideological divisions and priorities. Pakistan was a close ally of the US and a long-term recipient of its military aid. On the other hand, India pursued a non-aligned policy, which the US always looked upon with unease and even suspicion.

China, probably because of the 1962 war and subsequent rivalry, veered towards Pakistan, and by 1971 was one of its staunch allies.

India had to navigate very carefully in this highly polarised international world and effectively counter the Pakistani propaganda that our Liberation War was nothing but an Indian ploy to bifurcate Pakistan. Thus, India needed to move slowly and focus global attention to the refugee crisis that was growing bigger by the day—seven million by August and 10 million by December—while providing the necessary logistics to the Mukti Bahini and the Bangladesh armed forces, not to mention housing our government in exile and providing security and other assistance to our leadership.

Much depended on how deeply China would be willing to go towards backing Pakistan, with clear early signs that the former took no notice of the events in our territory and unquestioningly toed the Pakistani line. Much also depended on the role of the Soviet Union—the other partner of the Cold War—which had not yet shown much interest in the Bangladesh



Indian Prime Minister Indira Gandhi and US President Richard Nixon during the former's arrival ceremony at the White House in November 1971.

SOURCE: WIKIMEDIA COMMONS

under oath to protect? Their brutality was not a one-off isolated incident that occurred in one village or two villages, in some remote part of the country. The genocide they indulged in went on throughout the nine months of our Liberation War. Such inhumanity could only be possible if it were rooted in racialism, triggered by a desire for ethnic cleansing.

For me and thousands like me, it all began in Dhaka University. Energised by the Six-Point and 11-Point movements, we were ready for the days of March 1971. Following the postponement of the National Assembly by then Pakistan President Gen Yahya Khan, students gathered at the famous "bottola" at the Arts Faculty in Dhaka University and witnessed the unfurling of what would become our national flag by the then Dhaka University Central Students' Union (Ducus) Vice-President ASM Abdur Rab. The red-and-green flag with a yellow map of Bangladesh at the centre spread like wildfire as copies of it—both on paper and in fabric—were made spontaneously and distributed to whoever wanted to carry it. And, of course, everybody did.

reality as it was. It is often overlooked how the story of the massacre on the night of March 25, and the following days of brutal suppression of our people, were brought out through high-risk reporting in some of the most prestigious newspapers and broadcasting houses in the world. Throughout our struggle, the international media never lost sight of the events unfolding in East Pakistan, and contributed enormously in galvanising the world opinion in our favour.

The massive expose in the UK-based *Sunday Times* by Anthony Mascarenhas (a member of a Pakistani team of journalists who were on an army-sponsored tour of the occupied East Pakistan, and who secretly escaped to London with his family before publishing his story) exclusive eye-witness account of the killing, torture, oppression of women, and displacement of our people made a significant impact on global conscience about what was going on. I personally remember BBC's role—especially of its Bangla section. The Indian media also played a vital part in not only covering the developments of our struggle, but also keeping the international media informed, as the latter

affairs. And here lies the success of Indian diplomacy and especially of its prime minister, Indira Gandhi, without whose clear, determined, and unflinching support for the Bangladesh cause, our victory might have faced harder obstacles. The Bangladesh government in exile, headed by Prime Minister Tajuddin Ahmad, clearly understood that for India to act decisively at some point, China had to be countered by the USSR's active commitment in our struggle (see Muyeedul Hasan's article "1971: PN Haksar in bridging the security gap," published in the Victory Day supplement of *The Daily Star* on December 16, 2021). This necessitated both the internal redrawing of the political relationships and the reconfiguration of big power alliances.

The post-World War II pattern of global power received a massive jolt with the then US Secretary of State Henry Kissinger's July visit to China, undertaken secretly from Peshawar, Pakistan, and subsequently declaring that US President Richard Nixon would visit China the following year. None of these developments escaped the

It is my view that the role played by Indira Gandhi in support of our struggle for independence went far beyond the considerations of military balance between two rivals and gaining strategic and military superiority. The Indian leader's support for us was based on humanitarian consideration and genuine feeling that a historic wrong was being done to a people simply wanting democracy, for which it was being subjected to the atrocities of the most bestial kind.

notice of the Bangladesh government, nor that of India, greatly complicating the international power dynamics within which the Bangladesh government had to navigate. Earlier, Kissinger visited India and literally warned against any military action on Pakistan, saying that India could expect no assistance from the US in the eventuality that the conflict spilled over into something bigger. This warning, coupled with Kissinger using the soil of Pakistan to bring about the biggest shift in the US foreign policy in the post-war period, greatly worried the policymakers both in our government in exile and definitely in India.

The intimidation that the US stance really amounted to had the opposite effect on the Indian premier, who quickly signed, in August 1971, the Indo-Soviet Treaty of Friendship with the USSR, significantly assuring mutual strategic cooperation in cases of conflict. This meant a significant shift in Indian policy of non-alignment since independence. Following the treaty, Indira Gandhi undertook a comprehensive tour—in September- November, 1971—of the Soviet Union, Belgium, Austria, the US, France and Germany to explain the Bangladesh situation and appeal for global cooperation in resolving it. When advised to go for negotiations with Pakistan, she said, "There is no India-Pakistan dispute involved. The negotiations must be held between the President of Pakistan and the duly elected leadership of the Awami League in Bangladesh." In a BBC interview, when asked about "restraint," she said, "When Hitler was on the rampage, why didn't you say, 'Let's keep quiet and let's have peace with Germany and let the Jews die?'" (See Praveen Davar's article "1971 War: How India's foreign policy was key to Dhaka Triumph" in the *Deccan Chronicle*, October 20, 2021).

The Indo-Soviet treaty stands out not only as a brilliant strategic move by India, but as one that is of tremendous significance to the birth of Bangladesh. It dissuaded China from getting militarily involved and acted as a caution for the US Seventh Fleet.

In a Cold War-ridden world, with the Vietnam War still raging, with Soviet-China rivalry at its height, with India's own military strength untested, and with the last moment opening up of the US-China rapprochement process, it was an unclear global power juxtaposition within which India had to undertake its most significant and dangerous strategic risk in going for an all-out support for the Bangladesh cause. It is my view that the role played by Indira Gandhi in support of our struggle for independence went far beyond the considerations of military balance between two rivals and gaining strategic and military superiority. The Indian leader's support for us was based on humanitarian consideration and genuine feeling that a historic wrong was being done to a people simply wanting democracy, for which it was being subjected to the atrocities of the most bestial kind.

As we commemorate 50 years of our freedom, we must realise the complicated world in which our leaders had to navigate, the risk—both domestic and international—that India took to help us, the contribution of our Mukti Bahini, and the supreme sacrifice made by our people, but for whose single-minded determination, untold bravery and suffering beyond all imagination, we could not have emerged victorious from so vicious a war in so short a time.

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