

What if the CEC and his partners do not resign?

The concerned citizens of the republic in general and the opposition political parties in particular are not left with any other options but to resort to street demonstrations to free the EC from the clutches of the people who have lost all their moral right and credibility to hold on to their positions. This surly will result in more violence, hartal, and losses of human lives, private and State properties in coming days. When (not if) that happens who would be responsible for that catastrophic eventualities?

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MUCH have been written and talked about the resignations of the CEC and his "partners of the crime," especially following the verdict of the full bench of the appellate division of the Supreme Court. Two options were discussed regarding freeing the Election Commission (EC) from the grip of its current occupants: voluntary resignations of the trio or their removal by the Supreme Judicial Council (SJC). Voluntary resignations in most cases happened from ethical consideration while the removal by the SJC comes under gross misconduct of which ethics is certainly an important component.

The CEC and his fellow commissioners could likely be charged with five fundamental offences: firstly, unethical conduct, secondly, fraudulent practices, thirdly, breaking the oath of office, fourthly, illegal actions and finally, deliberate misappropriation of monetary resources from the national exchequer.

In philosophy, ethics defines what is good for the individual and

for society and establishes the nature of duties that people owe themselves and one another. Though law often embodies ethical principals, law and ethics are far from coextensive. However, as there is a difference between law and ethics, just as there is a clear relationship between the two.

As US Supreme Court Chief Justice, Earl Warren, observed nearly 40 years ago, "Law floats on a sea of ethics." Such an observation broadens the periphery of ethics far beyond the jurisdiction of law. Obviously, the CEC and his cohorts have conducted themselves unethically on many counts since his appointment to this position as the principal vanguard to carry forward the most vital process of nation's democratic exercise.

Following the HC verdict of January 4, 2006, in the pretext of the so-called illness, he was allegedly working behind the curtain to collude with the government to appoint the two new commissioners to hand him the majority in the commission to carry forward with his personal agenda, a grim example of his unethical act.

In all matured democracies, as in

Canada, there exists a constitutional post of ethics commissioner who is empowered to investigate any allegedly unethical conduct of any constitutional appointee, including the PM and the Governor General, and the recommendation of the commissioner has an implicit binding on the executive organ of the State. In the absence of such an authority, the resignation of CEC and the other two ECs, no matter how strong is the demand from the people, is absolutely dependant on their own conscience and ethical standard.

The next offence, namely the fraudulent practices of creating 15 to 20 million fictitious voters, was so wide spread that it filled the pages of the news media in vivid details over the last few weeks. However, publications of these detailed and specific deceptive practices of the EC failed to perturb the CEC and his colleagues even an iota.

In fact, the CEC and the ECs tried to shield themselves from the public media in such a way as if they were working for a highly sensitive project of the Defence department. In addition to that, it came to public disclosure of how the CEC resorted to

deceitful practices in dealing with the opinions and assertions of two of the recently retired ECs. According to disclosures of those two erstwhile ECs, the CEC distorted the content of the Minutes of EC meeting in which he fraudulently included that a decision was taken to make the new voter list. In reality, both the ECs had opined for updating the 2001 voter list and as such, both of them gave notes of dissent to the file containing the Minutes of the meeting. Nevertheless, the CEC's lawyer has repeatedly presented to the court that a decision to make the new voter list was taken (implied consensus) in the EC meeting.

The third offence was breaking of the oath of office. The oath avouches, "I ... do solemnly swear (or Affirm) that I will faithfully discharge the duties of my office according to law: That I will bear true faith and allegiance to Bangladesh: That I will preserve, protect and defend the Constitution: And that I will not allow my personal interest to influence my official conduct or my official decisions." Here again, defying the notes of dissent of the other two ECs, the CEC through his lone decision appointed hundreds of assistant registration officers, supervisors and enumerators from the ruling alliance cadres to create the coveted new voter list with the sole purpose of helping his appointers to carry out the alleged election engineering.

In the face of the severe criticisms from the media of these partisan appointments, the CEC

publicly defended his decision shrugging off with the comment, "so what if they are partisan, they are qualified." Taking cue from the ruling party stalwarts, he blasted the media for destroying country's image and termed the EC as merely a post box. In the first by-election held under his leadership, in response to the complaints made personally by the apparently defeated candidate the CEC's comments that, "I do not have miracle power to redress the situation," only reflected the synchronisation of his words with his deeds.

However, if the CEC had a little time to go back to the pages of history, he would have discovered a decision by a CEC named M Abu Hena, who not only exercised his constitutional, not miracle, power to withhold the result of a by-election contested by Kader Siddiqui against the then ruling party candidate, but also initiated executive and legal action against the returning officer.

The fourth offence is the flagrant violation of the electoral rolls rules, which do not authorise the EC to make new voter list before every general election. The Honourable HC in its judgement on January 4 interpreted the law, which was subsequently upheld by the Nation's highest court. In this part of the offence, two questions arose vis-à-vis the conduct of the EC. Firstly, they deliberately defied the law and secondly they willfully contemned the directives of the court.

For defiance of the directive of

the court, the CEC and ECs have been already issued with a contempt ruling by the honourable HC. For defiance of law, an important element of gross misconduct, the constitution empowers the SJC (consists of CJ and two other senior judges), which according to Article 96(5) of the constitution says, "Where, upon any information received from the Council or from any other source, the President has reason to apprehend that a Judge (ECs are also in that category) -- (a) may have ceased to be capable of properly performing the functions of his office by reason of physical or mental incapacity, or (b) may have been guilty of gross misconduct, the President may direct the Council to inquire into the matter and report its finding." However, Article 48(3) of the constitution restricts the power of President when it affirms, "in the exercise of all his functions, save only that of appointing the Prime Minister pursuant to clause (3) of article 56 and the Chief Justice pursuant to clause (1) of article 95, the President shall act in accordance with the advice of the Prime Minister."

The current extremely partisan President (I wish him well) is following this clause of the constitution in its letter, not spirit. This was reflected in his utterly indecent written speech in the august parliament where he mentioned the name of the founding father of our nation as "Mujibur Rahman" instead of Sheikh Mujibur Rahman (to even his greatest detractor he was known as

Sheikh Shaheb), albeit I did not want him to be shown the door for adding the widely used appellation Bangabandhu in front of his name. In the same token, as the titular Head of State, he also, like the CEC, could not spare a few minutes of his time to give an audience to two outgoing ECs, both of whom had diligently served the nation for five long years.

The fifth offence is the wilful misappropriation of the resources of the national exchequer to serve the vested interest. This act was not an error of judgement; it was deliberately done with the intent to achieve an evil objective. In the words of the former EC A K Mohammed Ali, "I am expressing with heavy heart that the CEC and the other two ECs, being the vanguard of the sacred and high powered Institution, through their illegal activities have misappropriated such a huge amount of money of our poor people. I am demanding with the clear term that the legal action must be initiated against them for their illegal activities" (Prothom Alo, May 25, 2006).

If SJC is the only body that could initiate investigation, it has to depend on the President's assent, which would be forthcoming if only the PM advises him to do so. However, the BNP Secretary General does not consider anything wrong (!) that the CEC and his colleagues have done to warrant their resignations. Moreover, the appointment of the CEC and the other two highly partisan commissioners were made at the advice of the PM, allegedly with an

ulterior motive to influence the outcome of the next general election and they, accordingly, have, as a team, tried to meet that end. One would be living in fool's paradise if he expects that the PM will order an SJC investigation against her own men.

In these scenario, the concerned citizens of the republic in general and the opposition political parties in particular are not left with any other options but to resort to street demonstrations to free the EC from the clutches of the people who have lost all their moral right and credibility to hold on to their positions. This surly will result in more violence, hartal, and losses of human lives, private and State properties in coming days. When (not if) that happens who would be responsible for that catastrophic eventualities?

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MDG's success depends on critical initiatives

The use of bilateral agreements undoubtedly creates new trade opportunities, but they can also often end up diverting trade from one country or region to another. Any pause in Asian growth would have global implications for commodity prices, inflation and productivity. This will be a major factor underlying Asia's delicate social, political and economic balancing act.

BILLY I AHMED

WHEN the Asian leaders gathered in London to discuss regional development under the title "Asia 2015," the famous maxims issued by Mao in 1958, which set China's goal to "surpass Britain and catch up with America" -- were ringing loud among the western countries.

Well, indeed China's economy is already overtaking the United Kingdom. And by 2040, will be larger than the United States, according to Goldman Sachs. India, the emerging giant is gaga to surpass the Japanese economy by 2032. In total, Asia not only accounts for 40% of the world's population, but also totals a fifth of global production.

This phenomenal growth of the Asian economy is not the whole story, of course. For all its achievements, Asia unfortunately remains home to two-thirds of the world's poor who live on less than a dollar a day.

Despite this accelerating growth, the UK Department for International Development predicts that by 2015

some 309 million South Asians and Chinese will still live in poverty.

Thus, if the Millennium Development Goals (MDGs) were to be realised, Asia would be a good place to start. To speed up this, both the politics and economics of the region will have to be regulated in a "pro-poor" direction -- rather than running along the contours of Beijing, Delhi and Tokyo politics.

On the other hand, inequality levels are currently rising in Bangladesh, Indonesia and Vietnam -- while poverty is rising sharply in China's rural provinces.

The result has been to go of the track of several income and non-income MDG targets for human development such as in hunger, Measles, Mumps and Rubella (MMR) and sanitation.

Such inequality is encircled by corruption, increasing disparities gender, caste, religious, ethnic and social discrimination that reduces people's ability to benefit from economic growth.

Another significant problem is governance, with the Kaufman, Kraay & Mastruzzi (KKM) Index

showing that corruption and political instability are never far removed from the Asian political landscape.

Even assuming a "Golden Era" for Asia -- where growth rates continue to rise and political conflict is held in suspension -- disparities will increase between regions within the larger countries.

Migration will increase rapidly to where the jobs are found. And South Asia would still have over 268 million people in poverty by 2015. Should growth rates dip by a mere 1%, many countries would not even halve their income poverty.

Per capita incomes will thus remain low, and although total spending power will be significant, the average consumer will not feel the benefits in a situation where the biggest economies do not translate into being the richest. Worse still, Asian growth is also starting to come without extra job creation.

Critical initiatives like removing corruption, redistribution policies, fiscal transfers and infrastructure provision are required for in countries across Asia. Improving participatory political structures in a stable

manner will also be essential to Asia's success.

Beside, other policy requisite include improving the role of the private sector, improving the effectiveness of the state through improved public spending and most importantly promoting internal and international trade.

It is only with such effective firewalls in place that climate change, natural resource depletion, the spread of diseases and the impact of economic shocks can be marginalised.

Thus, if the Millennium Development Goals (MDGs) are to be realised, Asia would be a good place to start. This is true for states that, while crossing from Low-Income Country (LIC) to Middle-Income Country (MIC) status, remain precariously balanced at the bottom end of the middle-income scale.

India and Vietnam will keep a sharp focus on this challenge around 2012-14 as they make the transition, as will Pakistan and Bangladesh around 2020.

According to the Asian Development Bank (ADB), no less than 15 trade and investment initiatives have been sealed in Asia since 1998 -- with a further 20 under negotiation and 16 more proposed.

Much of the drive for such bilateral trade agreements has come from Japan in a bid to counter

China's regional influence.

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Koizumi has plans to conclude a further 15 agreements by the end of the year, including one with ASEAN by 2010. South Korea already concluded such an agreement at the start of 2006.

The use of bilateral agreements undoubtedly creates new trade opportunities, but they can also often end up diverting trade from one country or region to another.

Any pause in Asian growth would have global implications for commodity prices, inflation and productivity.

If corruption, redistribution policies, fiscal transfers and infrastructure provision enacted across Asia, it will become all the more critical -- if growth is to remain sustainable. This will be a major factor underlying Asia's delicate social, political and economic balancing act.

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The price-hike and the poor

One would only like to say that the government has failed to arrest the price-hike. They should accept this and not justify their wrongful actions, blame the media or others for the failure. These are tiring and disgusting. Better refrain from these and do something to ease the situation, if you can. And being in the authority, you can for sure, so the people believe.

ABU IMRAN

THE price-hike has attained the ever-highest graph level. But until before even the Hon'ble Prime Minister was of the opinion that there was little or no hike rather, she believed it was the cooked up story of media. However, better late than never, by now the people in the government have started to believe that there is price-hike, but would officially not say so. This is because, by officially accepting the fact, they fear that the glass house they have built of development, achievement etc would shatter into pieces.

And this could be a reason that during a discussion, when it was said that there was price hike of essentials of unprecedented nature, then the Hon'ble Law Minister quickly came in defence. He said that the purchasing power had increased. Being a man of law, he was careful not to elaborate as to whose purchasing power had improved.

On analysis of his observation, it seemed that he was partially right in his observation. The purchasing power has increased, of-course. But whose purchasing power? This is a big question, but the answer is not

far to seek. Undoubtedly, a section of people's purchasing power has increased. This section does not belong to common people, elites, it does! Around June, the government allowed nearly 50-100% increase in pay of the government servants. That was a commendable job since the government servants compared to the regional countries are not well off. But it had its side effect. It caused further rise in prices affecting the common people like those in private service, day labourers self-employed people etc.

And more interesting, considering the price-hike the government leaped forward and increased the pay and allowances of super elite class who by our standard are not poor but rich. They are people like the parliamentarians (MPs), the ministers and so on. And the increase was fabulous -- around 45 to 50 per cent. So what the honourable minister said was correct, that the purchasing power had increased! With such increase in purchasing power people like them don't have to worry. But what about the common people? They have to suffer because no genuine step to arrest the price-hike has been taken not to speak of allowing subsidies or

start operating the defused ration shops.

These shops earlier sold essentials like rice, atta/wheat, sugar etc at fair prices and were of great help to poor people and a strong tool to control market prices. But I am sorry to add that perhaps this government consists of elites, only think of elites! Where is the time for them to think of the poor people? The poor people, as the saying goes, "are poor because they are poor". And the poor people have to live with price-hike no matter to whatever higher graph it goes.

In the above situation and in conclusion, one would only like to say that the government has failed to arrest the price-hike. They should accept this and not justify their wrongful actions, blame the media or others for the failure. These are tiring and disgusting. Better refrain from these and do something to ease the situation, if you can. And being in the authority, you can for sure, so the people believe.

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Garments industry calls for serious attention

Since the inception of this industry, a gap between the owners and workers has existed. From the bitter experience of other industrial sector the formation of Trade Union received no attention from any side. Hence, the demand of the workers remained unnoticed and suppressed, as no side seemed to be vocal enough to look into the problems of the workers. As extreme poverty has compelled the workers to leave their families, they remained satisfied with whatever salary they get though it proves quite unmatchable with market price. The sudden rise in the market has created an opportunity for this sudden outburst.

MD. MASUM BILLAH

NOTHING happens in this world without any cause.

The sleeping fire in the garments sector has burst into flame. It was so abrupt that nobody could imagine or guess its advent. Garments stands as a vibrant economy of Bangladesh. It launched its journey in the nineteen eighties and now has survived many ups and downs both in the country and abroad. Then why suddenly it has witnessed a serious setback threatening its future existence has worried the owners, government and the people concerned. Garments sector has become the bread earning sector of fourteen lakh workers and their dependants mostly from rural Bangladesh showing eighty per cent female participants. Any setback in this field means a serious upset in the national economy.

What might be the probable causes of the recent disarray?

The price of daily commodities has gone sky-high, beyond the capacity of commoners let alone the very low-income groups. They find it simply difficult to maintain a family. Their suppressed frustration might have suddenly found out way in this form.

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The government is in problem. Virtually it has lost control over

many things. The tenure of the government is also approaching the end; the workers might have thought it to be a convenient time to press home their demands. As the government will abide by their demands in order to return to power and side-by-side they will enjoy the support of the opposition. The opposition is already agitating against the government over caretaker government issue, they threatened also to create chaos in every sector to unseat the government and press home their demands. So they might have some silent or inward support for these workers.

The leaders of BGMEA and BKMEA have drawn attention to the enviable 28 percent growth in knitwear exports this fiscal, they claimed that Bangladesh garment has not only survived in the quota-free regime since last year but also made ominous progress for rival countries. This situation has outraged the neighbouring countries and they have attempted to destroy

this industry in Bangladesh. As a part of their nefarious design, hundreds and thousands of outsiders have destabilised several hundred well-established garment industries in Dhaka and its adjoining areas.

This will definitely discourage any form of foreign or local investment. State Minister for Home who paid a visit to the affected areas and commented in the same line, "Its a conspiracy by our competitors to destroy the garment sector in our country. Suspicious persons were seen at the spots and we are working on it. We will protect our country as well as our industry at any cost." This idea cannot be ruled out when Sahadat Hossain, Vice-president of BGMEA asked this question, "Eighty percent of garment workers are women. Did you see any female workers on the streets during this agitation? He added that a vested group riding on trucks raided different factories and spread rumours of workers getting killed in places." This news suddenly infuriated the garment workers and they came to the street and started vandalising along with the conspirators. "Action will be taken against the persons involved in the conspiracy and my ministry will provide assistance to the affected owners," Commerce Minister Md. Hafizuddin said who also visited different affected industries.

Tens of thousands rampaged through the city and its suburbs to press home their 11point demand and came to the streets ransacking and setting fire to garments plants, other industrial units, and vehicles besides some business establishments and a few housed along the Dhaka-Mymensingh highway which claimed one person and at least 100 people were injured. Over 250 factories and 200 vehicles were ransacked. Twenty policemen were also injured. Exporters Association BGMEA said 300 garment factories including 21 of Dhaka EPZ in Savar were damaged in the two-day chaos and vandalism causing a loss of no less than Taka 400 crore to the garment business.

The history of garment industry in our country dates back to more than twenty years. It has passed through many ups and downs over the years and now it has reached upto a reasonable stage though not satisfactory stage. In this age of globalisation it seems almost difficult to cope with outside world. But the contribution of poor labour and continuous unemployment has helped to raise these industries to a flourishing position. It has crossed the fear of being avoided by the world market. It has proved itself capable enough to survive in the face of open competition in the world market. No quota system and facility it enjoys now.

This industry is said to have been the vein of our foreign exchange. 76 percent of our export income comes from this sector. Fourteen lakhs workers mostly of whom belong to our hapless and

poverty stricken rural teenage girls. Our limited agriculture cannot hold more labour. Garment has come up with the solution of employment problem showing a ray of hope in the lives of hundreds and thousands of families who had to remain half-fed and half clad. Their contribution to national economy was supposed to receive serious attention over the years. Unfortunately their sufferings and pains went unnoticed. No valid organizations or social group came so far in favour of garment workers' demands, wants and sufferings. No provision has yet been made to establish a Reasonable Trade Union in this vital industrial sector. No group or mediator has been in existence to negotiate between the workers and the owners.

The owners of garment industries constitute mostly higher middle class with some possible exception. Their financial loss will exert serious pressure and negative effect on our national economy. The sector needs urgent attention from the government and opposition, as the country, countrymen and industries have become hostage to our political parties whose real contribution to national economy registers very poor. Whereas the close cooperation of the political parties is a must to lead forward the industries of the country. When the party in power tries to look into the welfare of the industries, the same party shows extremely irresponsible and even quite hostile behaviours towards

industries when in the opposition. Again government control means some obstacles to export or develop production as it makes channels of corruption and taking bribes of some so-called government employees. Government control means to broaden the illegal money making for some government officials who shoulder these responsibilities. In the greater interest of the nation it serous to be scrutinised and addressed so that garment industry can imprint a real vibrant economic sector.

The sudden and emotional impulse and behaviour of some garment workers has suddenly changed the landscape of our vital industry within a short period of time incurring hundreds of national economy and casting a threatening gloom over the industry. The foreign investors and buyers will cease their support towards this industry, which will directly go against the interest of the country. Now where these workers will go and work? How will they satisfy their hunger for food? How will they survive and support their poor family members living in villages? How will they buy food the next day and next day after when they have destabilised several hundred industries?

Which has suddenly impelled hundreds and thousands of garment workers to destabilise, set on fire and ransack the industries where they earn their breads? Was

it any instigation? Or foreign trick? Or conspiracy? When these questions are coming now why no precautionary measures are taken against these probable dangers. Not only the government but also the BGMEA and BKMEA leaders should have given thoughts to these questions. They should have taken ample precautionary measures much earlier. Why the leaders did not give serious thought and eye toward the wage, health, sanitation, job-security and life security of the poor workers who prove to be an integral and unavoidable part of garment industry. Why many of them had to sacrifice their lives due to the lack of security measures which caused fire in several garment industries? Why didn't they think that a handsome personal and national income accrues at the cost of these poor labourers' sweat? Don't they deserve fair deal from the owners and from the states?

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