

Once again teachers take to the streets

See to their grievances with compassion

IT is disconcerting news indeed that the teachers of the government primary schools are all set to go on a strike across the country for an indefinite period from today (Saturday) for the elimination of wage discrimination and introduction of school-based examination system at the primary level. We are further alarmed to learn that they would go on a hunger strike till death from 24 June unless their demands are met by then. According to the Bangladesh Primary Teachers Association, at present huge discrimination exists in wages of the government primary school teachers and that of the government employees of equivalent ranks, and that the association has been continuing with its negotiation with the government for the elimination of the discrimination.

But, from such strong action agenda of the government primary school teachers, we may only deduce that the series of talks in the past months held between their representatives and the government has failed to produce any tangible result. That again speaks of two things. Either the demands of the teachers were not in conformity with the education policy of the government or the relevant government authorities have been offering them false promises all the time in the name of fulfilling their demands. We feel a competent authority should look into the whole gamut of salary structure currently existing in the primary education sector to end the stalemate.

Since we all respect our teachers, the sight of them taking to the streets as the last option to vent their demands makes us feel extremely uncomfortable. Whatever the case may turn out to be, teachers must not be seen agitating on the streets. If their demands are genuine and if injustice has been done to them by any quarter then we would advocate with full conviction that primary school teachers should be remunerated handsomely so that they may do their job to the satisfaction of all concerned. On the other hand, teachers should also take cognizance of the economic reality and resource availability of the country while putting forward their set of demands that are not politically tainted.

We would urge the authorities concerned to reach out to the agitating teachers with utmost compassion and some concrete proposals.

Police pitted against opposition

Law enforcers are being used politically

WITH three opposition lawmakers and scores of pickets including policemen receiving injury in violent clashes in the city, the 36-hour hartal came to an end, undoubtedly to the relief of all. For most of the 36 hours some of the thoroughfares and adjacent streets and lanes of the metropolis had turned into battlefields with pickets attacking the police with brickbats and the latter counter-attacking with teargas canisters and sticks. This time around they even chased one another into nearby residential quarters thereby desecrating the sanctity of homes.

The premonition of a showdown between the pickets and members of the law enforcing agencies hung in the air from the very outset, but no attempt was made by any quarter to reign in the rebellious members to avoid maximum damage. Rather, we note with some degree of trepidation, that though the propensity of resorting to violence is beginning to manifest every day in its total ugliness and cruelty, neither the major players in the political arena nor the top-level law enforcing authorities shoulder any responsibility to restrain the ferocious attitude of some of their colleagues. It is elementary wisdom that violence begets violence and only non-violent measures can defuse an eruptive situation.

Surely, our society is not accustomed to witnessing such acts of violence and vandalism, and this cannot be given currency in the name of politics. The frenzy of assault and counter-assault displayed by both sides left the impression on the minds of the common people that sanity had taken leave of them. It also raised the question in their minds as to whether time has come for the think-tanks on all sides to sit down and take stock of the whole situation and tell the nation what good has come out of the fracas.

We urge the parties concerned to behave more responsibly and avoid creating a "stand off" situation. Also, they should probe for alternative ways to express their agenda in the coming days when political activities are likely to become more intense. We want democratic rights and law and order to be upheld, but not at the cost of citizens' suffering.

Our political arena requires spring cleaning



MUHAMMAD ZAMIR

POST BREAKFAST

We all know that a parallel economy, euphemistically called 'informal' economy, runs in Bangladesh as in many other parts of the world. It is the criminal nexus between this economy and politics that has transformed the character of our political arena. In this case, it has driven most of the good elements out of the political scene. Consequently, mastans play a significant role. Their association also creates certain unfortunate compulsions for the elected representatives during their tenure as Members of the Jatiyo Sangsad.

IN the northern hemisphere, as a matter of rule, all households undertake a form of house-cleaning with the advent of spring in April of each year. This is something everyone looks forward to. They also dread the work involved. Nevertheless, the activity is undertaken for the betterment of the family.

I believe that time has similarly come for us to undertake such spring-cleaning within our domestic political arena. This is required, given the deterioration that has taken place over the last four years amongst those who are directly involved with politics. Most unfortunately, this administration has compounded the matter by doing little to discourage criminal nexus between politicians and partisan interests. Selfish desire for power and immoderate use of the state machinery has also cast a shadow on the process.

It is therefore no wonder that members of the civil society have raised voices and underlined the need for suitable and honest candidates for the forthcoming general elections due in January next year. I can understand their anxiety. They have pointed out an important and significant factor. They have

touched a raw nerve among professional politicians and have consequently become quite controversial. Some have even suggested that the civil society in Bangladesh is indirectly trying to enter the political arena having become established business houses. Their neutrality and ability to pick and choose 'clean' candidates have also come under question.

Civil society, in their defence, has also explained that their desire for a constructive national engagement has arisen out of their involvement with grassroots stakeholders who in more ways than one are affected by politics. Unfortunately, however, there are many factors for which no answers are available within their initiative. This has made their effort controversial.

Nevertheless, one thing is quite clear. There is need to bring about more transparency and accountability in our political arena in general and among those involved in politics in particular. This is particularly true with regard to financial backgrounds of our politicians.

Next door, in India, civil society through writ petitions and public interest litigations have been able to bring about a revolution, where political candidates have to reveal

their wealth at the time of filing their candidacy. We have just seen how Mrs Sonia Gandhi, at the time of filing for her re-election, set forth in clarity, details of her financial background both in India and in Italy. This format helped to make her candidacy more transparent.

It would be ideal if everyone followed this procedure. It would however be naive to think that this will be fully possible. Even in western countries, information on all the wealth of an individual candidate is not always clearly available. On the other hand, election candidates do not hesitate to clarify their personal wealth position or that of their family members in case a question arises on this issue. This has been seen in the case of Mr Kerry who ran as a Democratic Presidential candidate in the last US Presidential election.

As such, it was indeed heartening to see Sheikh Hasina, the Leader of the Opposition state in a public meeting on April 18 that she was prepared to give full account of her personal wealth as well as that of the MPs from her party. She has also added that those belonging to the current Alliance Government should undertake a similar approach.

This is indeed a helpful

approach. Civil society in general and analysts for quite some time, have been demanding that all those who are involved in public life are obviously rich enough to be tax payers and should therefore submit to the tax authorities (like others) their annual wealth statements.

Normally, a parliamentary candidate is supposed to restrict his election expenditure to about Taka five lakh. In reality, it is always many times more. Such a system of accountability, as suggested by Sheikh Hasina, would be useful in identifying the current assets of those desiring to be MPs. It would also act as a benchmark, over the next five years while the persons in question is an elected MP. This would enable civil society and other watchdogs to assess if the MP is making money illegally while in office.

The tax authorities could also play an important role in this regard. Every single person wanting to be a candidate in the forthcoming parliamentary election should be asked to declare his personal wealth and assets, not only to the income tax department but also to the Election Commission. This could then be posted in a web page to be maintained by the Election

Commission. This should also include details about his educational background, whether he has ever been a declared loan defaulter or whether he has ever been sentenced for a criminal offence.

The scope and contents of this web page could be altered after the election. Personal wealth details of those candidates who have lost in the election would be deleted from the web page. Instead this web page, on constituency basis, would include personal wealth statement of the elected MP and that of his immediate family members. Subsequently, this could be updated every year. This would continue till the next round of parliamentary election. Such an arrangement would permit everyone to find out how an MP from his constituency had economically prospered during his tenure.

We could have easily determined about the honesty of our elected representatives had such a framework been available, or been in place today. Nevertheless, it is still not too late to start.

We need to understand that this country will continue to slide down the road of corruption as long as there is double-speak about how to fight this menace. We have an Anti Corruption Commission that is still

not fully functional. We have also had the strange system of whitening illegal income that indirectly encourages corruption. This provision of the government permitted individuals to break the law and then pay only 7.5 percent as tax on illegal income (as compared to regular tax payers having to pay upto 25%). Fortunately, this policy has been discontinued.

We all know that a parallel economy, euphemistically called 'informal' economy, runs in Bangladesh as in many other parts of the world. It is the criminal nexus between this economy and politics that has transformed the character of our political arena. In this case, it has driven most of the good elements out of the political scene. Consequently, mastans play a significant role. Their association also creates certain unfortunate compulsions for the elected representatives during their tenure as Members of the Jatiyo Sangsad.

I know it will be very difficult. Nevertheless, an effort should be made by the civil society to identify on a constituency basis, persons, who may be regarded as honest and eligible candidates. They do not have too much time. For once, let them show that they are capable of not putting forth ideas but also concretising them. Such a list could be tabulated and published. The important political parties might profit from such an exercise. They might find that some of the persons being included are already active members of their party.

We are at an important juncture of our national life. We have a crucial seven months ahead. Let us not lose this opportunity of instilling accountability in our political arena.

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An impaired system



KULDIP NAYYAR
writes from New Delhi

BETWEEN THE LINES

The Congress is presided over by Sonia Gandhi who tries to copy Indira Gandhi in every way. Indira Gandhi had sterling qualities but her authoritarian tendencies had better of her too often. What happened was the subversion of a system. If a recurrence is to be prevented, it has to be overhauled. The key to it is the civil servants, including the police. Their attitude has to change. They cannot act in a democratic system as public servants do in an authoritarian government. Of course, nothing can be done without a change in political masters.

INDIA should not take its democratic system for granted. The nation has lost it once. It was not the army to bring it about as it is the practice in Pakistan. An elected Prime Minister did it. Indira Gandhi imposed the emergency in June, 31 years ago and suspended even the fundamental rights guaranteed by the constitution. Hers was a desperate endeavour to ward off disqualification for six years which the Allahabad High Court had slapped on her over an election offence.

That the same Congress party which imposed the emergency leads a coalition today is a coincidence. But the inclusion of six ministers of the emergency days in the central cabinet is not. They were pulling tools of tyranny which was perpetrated for 19 months under the guidance of Sanjay Gandhi, Indira Gandhi's son, an extra-constitutional authority. Not one of them was punished for misdeeds.

Their rule during the emergency resulted in detention of more than one lakh people without trial. The press was gagged and effective

dissent was smothered, followed by a general erosion of democratic values. The attitude of the general run of the public functionaries was largely characterised by a paralysis of the will to do the right thing.

The emergency may not be repeated. But the nation still suffers from the taint left behind. Both the politicians and civil servants strayed from their assigned roles. They have not yet come back to the right path. The hopeful factor is that the CPI (M), supporting the Congress-led coalition, was against the emergency. It would never allow the government to bring back those black days. But since part of the Left supported Indira Gandhi, the Marxists were somewhat equivocal. Even now the party withdraws from total resistance when it comes to the crunch.

Fortunately, President Abdul Kalam -- he returned the office of profit bill -- is not Fakhruddin Ali Ahmed who was the president when the emergency was imposed. He unquestionably signed the declaration on the night of June 25 although Indira Gandhi did not have the requisite cabinet

approval. It was only on the morning of June 26, after the emergency had been declared, did she call the cabinet meeting and got its approval.

There is no record of any minister resigning or registering dissent against the emergency. The late Swaran Singh was the only minister who said at the cabinet meeting where Mrs Gandhi's action was endorsed that the country was already under the emergency. It was explained to him that what had been imposed was "internal" while the ongoing one which was declared following China's attack on India in 1962 was "external." Even then, Swaran Singh had to pay the price for daring to make inquiries. He was dropped from the cabinet subsequently.

It is difficult to imagine that the Congress will make amends for the abuses and misuses of authority. But it can avoid one thing which affected the people all over the country at that time. That was the misuse of power. Prime Minister Manmohan Singh, who still has some moral stature left, can at least restore the rule of law. The

Congress and the non-Congress governments continue to govern the states from their party or personal point of view.

And they continue to use the diluted version of detention law to punish their opponents and critics. During the emergency a large number of officers -- district magistrates and commissioners of police -- obediently carried out the instructions emanating from politicians and administrative heads issued on personal or political considerations. Things are no different even now. The states are particularly playing havoc.

The worst fallout of the emergency has been that the public servants have invariably become an instrument in the hands of ministers at the centre and in the states. The ethical considerations inherent in public behaviour have become generally dim and in many cases beyond the mental grasp of many of the public functionaries. Desire for self-preservation has become the sole motivation for their action and behaviour. Manmohan Singh who has been a top civil servant should have

devised some steps to retrieve them. Anxiety to survive at any cost forms the keynote of approach to the problems that come before public servants. The Mussoorie Academy where they are trained is itself in an ivory tower because it is too elitist and too distant for aam aadmi (common man). It should be obligatory for the trainees to work with NGOs at the grassroots. They may learn, if not imbibe, the qualities of humility which officials lack.

And there has to be a mechanism to punish the errant civil servants. None was even demoted or sacked for deliberately flouting laws and harassing those who were against the emergency. Some of them occupy key positions today and it can be seen that the Congress is their godfather. The Shah Commission which examined the excesses committed during the emergency recommended to the government to determine what went wrong not only in each individual case but generally and how a similar situation can and should be averted in the future.

No remedial methods could be

taken because the architects of the emergency came back to power in the wake of the Janata Party's disintegration. They in fact hounded the few officers who had not wilted. Today another look at what happened then is not possible. The Congress is presided over by Sonia Gandhi who tries to copy Indira Gandhi in every way. Indira Gandhi had sterling qualities but her authoritarian tendencies had better of her too often.

What happened was the subversion of a system. If a recurrence is to be prevented, it has to be overhauled. The key to it is the civil servants, including the police. Their attitude has to change.

They cannot act in a democratic system as public servants do in an authoritarian government. Of course, nothing can be done without a change in political masters.

This will necessitate soul-searching both at political and administrative levels. If the officials on the one side and the politicians on the other do not limit their areas of operation to their accepted fields, the nation cannot be kept safe for working a democratic system.

Unless this awareness permeates all strata of our society, the recurrence of emergency or something like that may not be prevented. The best way to begin is for the six ministers of the "emergency fume" to step down voluntarily so that the nation starts with a clean slate. As American luminary Robert Frost said, "Most of the change we think we see in the life is due to truth being in or out of favour."

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Is Election Commission a post box?

IKTADER AHMED

THE recent remark of the Chief Election Commissioner that 'Election Commission is a post box' sparked great deal of controversy amongst conscious citizens as to the capability of the Election Commission to deliver a free, fair and credible election to the nation for which the entire people of the country are counting days.

Election Commission is a constitutional body. Its composition, powers, functions, etc have been elaborately spelt out in Part VII of the constitution. There are nine articles in this part ranging between 118 to 126. So far the functions of the Election Commission is concerned article 119 of the Constitution says "The superintendence, direction and control of the preparation of the electoral rolls for election to the office of President and to Parliament and the conduct of such elections shall vest in the Election Commission which shall in accordance with the Constitution and any other law-- (a) hold elections to the office of President; (b) hold elections of members of Parliament; (c) delimit the constituencies for the purpose of elections to Parliament; and prepare electoral rolls for the purpose of elections to the office of

President or to Parliament." The Constitution itself says it is the supreme law of the country and if any other law is inconsistent with the Constitution then that other law to the extent of the inconsistency shall be void.

Article 124 of the Constitution gives enabling power to the Parliament to make law with respect to all matters relating to or in connection with elections to Parliament, including the delimitation of the constituencies, the preparation of the electoral rolls, the holding of elections, and all other matters necessary for securing the due constitution of Parliament.

Having regard to the provisions of aforesaid article the Parliament at different times enacted several legislations empowering Election Commission to discharge its responsibility effectively in the pursuit of holding free and fair elections. In this respect amongst other instance of article 91 of the Representation of the People Order, 1972 may be cited.

The said article says "Save as otherwise provided, the Commission may-- (a) stop the polls at any polling station at any stage of the election if it is convinced that it shall not be able to ensure the conduct of the election justly, fairly and in accordance with law due to malpractices

If the persons by whom the Election Commission is constituted are characterised with high sense of honesty, integrity, morality and ethics so as to enable each eligible voter to exercise his/her right of franchise freely then the Election Commission definitely is not a post box but it is a post box if the persons constituting the Commission surrender their authority to the satisfaction of the regime by which they were appointed.

including coercion, intimidation and pressures prevailing in the election;

(b) review an order passed by an officer under this Order or the rules, including rejection or acceptance of a ballot paper; and (c) issue such instructions and exercise such powers and make such consequential orders as may, in its opinion be necessary for ensuring that an election of any polling station is conducted impartially, justly and fairly, and in accordance with the provisions of this Orders and the rules."

For a general election of members of Parliament stage of the election starts with the appointment of Returning Officer as made by the Commission under article 7 of the Representation of the People Order and it ends with the publication of name of returned candidate in the official Gazette made by the Commission under article 39(4). A general election of members of Parliament is held within ninety days from the date of dissolution of Parliament.

Obviously a constituency is consisting of several polling stations. A careful study of article 91 reflects that the powers given to the Election Commission by the said article are sufficient enough for holding election of any polling station as well as constituency freely, fairly and properly. Not only that it has been also given authority by the said article to stop polls at any pooling station or constituency when there is intimidation, coercion, pressure, etc upon the voters for casting or not casting vote in favour of any contesting candidate.

It is not possible on the part of any particular enactment to address all the eventualities it would come across while applying it for achieving any goal and keeping that in view the legislators from time to time come out with legislation empowering enforcing agency to exercise inherent power. Inherent power is applied when either there is no specific provision or prohibition.

Although powers given to the

Election Commission by article 91 is sufficient enough for conducting poll of any polling station or constituency as a whole freely, effectively and impartially but even then in addition to all powers elaborated in the said article the inherent powers given to the Election Commission by the said article envisage optimum power of the Election Commission for maintenance of fairness throughout the stage of election. In more clear way we can say that whatever power is necessary for holding election of any constituency freely and fairly the Election Commission enjoys that power under the cover of article 91.

Another important thing which is required to be mentioned here is that as soon as schedule of election is declared by the Election Commission all the persons involved by the Commission towards conducting the election are called election officers and all of them are treated as being appointed on deputation to the Commission till the process of

election is completed. During this period if any official either disregards the order of the Commission or refuses to carry out its order then the Commission as per provision laid down in Election Officers (Special Provision) Act, 1991 can suspend the delinquent official for a period of two months and can also direct appointing authority of the delinquent official either to remove or dismiss him from service.

The aforesaid power is a sort of safeguard given to the Commission for ensuring fairness of the persons involved in conducting the election. Thus it is evident that the Commission has ample power to obtain desired fairness from the persons involved in conducting the election.

A returned candidate in general election of members of Parliament does not become M.P (Member of Parliament) unless a gazette notification is made by the Election Commission under article 39(4) of the Representation of the People Order, 1972 declar-

ing him as an elected candidate as against a constituency for securing highest number of votes amongst all contesting candidates. During the entire process of election if any complaint is received by the Election Commission, either from an aggrieved candidate or from any other person having interests in the election or from any public officer designated as election officer, with regard to fairness of any constituency then subject to inquiry the Election Commission has got substantive power as given to it by article 91 of the Representation of the People Order to stop publication of the gazette notification.

Even the Election Commission suo moto on the basis of any news item published in any national daily alleging irregularity or malpractice in the election can stop publication of the gazette notification until the alleged accusation is enquired into.

But in the past it has been seen that since emergence of Bangladesh no Chief Election Commissioner in the long more than 34 years history of the Election Commission ever exercised this power to the relief of any aggrieved candidate rather some of the Chief Election Commissioners used article 39(4) as a tool of bargain for personal

gain and benefit. The mere noble intention of the persons constituting the Commission to properly exercise the powers given to them both by Constitution and certain other electoral enactments may constitute grounds for attaining trust and confidence of the people on their ability of holding a free and fair election and on the contrary sweeping and irrelevant remark by any member of the Commission may give rise to the occasion of losing public trust and confidence. Thus it is expected that the persons constituting the Commission should behave in such way so as to guard themselves from lacking public trust and confidence.

The foregoing discussion lay the basis to say that if the persons by whom the Election Commission is constituted are characterised with high sense of honesty, integrity, morality and ethics so as to enable each eligible voter to exercise his/her right of franchise freely then the Election Commission definitely is not a post box but it is a post box if the persons constituting the Commission surrender their authority to the satisfaction of the regime by which they were appointed.

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