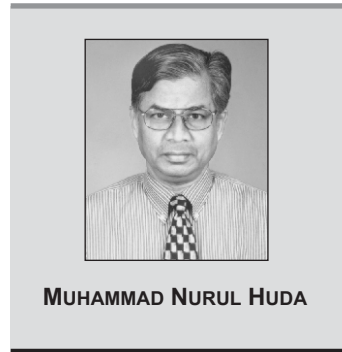


# Election Commission is not a postbox



MUHAMMAD NURUL HUDA

It may be worthwhile to note that the term 'election' has both a wide and narrow meaning and in the fitness of things there cannot be any valid justification in not according to a wider meaning to the said expression. In fact, election activities embrace the entire process of election right from the time when a written notice in connection with the holding of an election is given down to the stage where the empowered official declares the result of the election. The reference is to the

an erroneous post box image in public mind cannot effectively do the mandated job. The EC retains the right and authority to withdraw any official, public functionary or law enforcement personnel for unduly interfering or impacting the election results (Section 7 Clause 6 of the Representation of the People's Order, 1972). The provision of such empowerment cannot escape the attention of the discerning observer because action under the afore-

mentioned section has clearly a definite and salutary bearing on the results of election. The question is, whether the EC can sufficiently energise the election official concerned so that they can rise to the occasion and do not wait for signals to take corrective action as soon as factual situation so demands. Let us not forget that under Article 126 of the Constitution, "It shall be the duty of all executive authorities to assist the EC in the discharge of its functions." The pertinent worry is, whether the EC is demonstrably effective in exercising impartial superintendence, direction and control over the executive complement that is constitutionally obligated to render all administrative support. Without doubt, such support significantly affects the election results.

Officers by the EC is a very crucial function because not only such officers perform duties which are at least quasi-judicial in nature, their conduct and attitude significantly affects the election results. The Returning Officers are expected to keep them selves discreetly insulated from the effect of power politics, political controversies and their unholy influences. The EC, as the appointing authority, would do well, in the larger public interest and that of a democratic policy to

# INTERNATIONAL YOUTH DAY For a healthy new generation

AHM KISHOWAR HOSSAIN

YOUNG people are major stakeholders in global development. Youths are the future of society but they are also very much its present. Today's children will be youths in 2015 -- the year targeted for the achievement of the Millennium Development Goals (MDGs). Almost half of the current global population is under the age of 25. There are 1.2 billion young people in the world today, and the next generation of youth will be half again as large, numbering 1.8 billion.

Most countries have a legally defined age of majority at which an individual assumes the full rights and responsibilities of an adult under the law. In most countries, the legal age of majority is 18, which is compatible with the definition of children as those between the ages of 0 and 18 in the almost universally ratified Convention on the Rights of the Child. United Nations agencies also employ various working definitions that apply to the period between childhood and adulthood: adolescents are defined as those aged 10 to 19 years; youth as those between the ages of 15 and 24; young people as those aged 10 to 24 years; and adults as those aged 18 years and above. How young people view themselves and are viewed by their societies in day-to-day life is often very different. Concepts surrounding the period and definition of youth vary greatly across societies and cultural contexts.

For growing importance, the UN General Assembly adopted the World Programme of Action for Youth to the Year 2000 and Beyond in 1995. These are education, employment, hunger and poverty, health, environment, drug abuse, juvenile delinquency, leisure-time activities, girls and young women, youth participation in decision-making. Five additional priority areas identified by the General Assembly in its resolution 58/133 of 2003 are as follows: Globalisation, information and communication technology, HIV/AIDS, youth and armed conflict, intergenerational relations. This programme of action constituted the first global blueprint

for effective national youth policies. Health may be defined as a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity. Youth are a relatively healthy segment of the population. Bad habits and poor hygiene, persistent behavioral risks, poor basic sanitation, and new and emerging diseases are contributing to a deadly mix that is changing the classic picture of healthy youth. Tobacco use is one of

of HIV infection. Among the 10 million young people currently living with HIV/AIDS, 6.2 million are in sub-Saharan Africa and 2.2 million in Asia. Nearly half of all new infections occur among individuals between the ages 15 and 24 (World Youth Report).

In developing countries, one woman in three gives birth before the age of 20; in West Africa, 55 percent of women do so. Pregnancy-related problems constitute a leading cause of death for young women aged 15 to 19 years, with complications from childbirth and unsafe abortion representing the major contributing factors (UNFPA Report, 2004).

Both sexes were vastly uninformed about HIV/AIDS related issues; the level of unawareness was particularly high among girls aged 15 to 19 years. Physical and sexual abuses affect millions of girls and women but are seriously underreported. In some African countries, well over half of all women and girls have undergone female genital mutilation.

Youths are now facing serious health challenges. These challenges can be faced by taking a comprehensive action plan. Policy makers, religious and community leaders, NGOs, and medical and legislative bodies can ensure inter-sectoral intervention and strong sectoral responses to save young lives and can meet the needs of young people. The chief preventable causes of death. There are an estimated one billion smokers in the world today, and by 2030, another one billion young adults will have started to smoke. The highest rates of smoking among youth are in developing countries. Smokers are predominantly male, but the number of young women taking up cigarettes is growing. Despite efforts to restrict the advertising and marketing of alcohol and tobacco in industrialised countries, the youth market remains a major focus of the alcohol and tobacco industries.

Premarital sex is becoming more widespread. One third or more than 100 million -- of the curable sexually transmitted infections (STIs) contracted each year are among women and men younger than 25 years of age. Having an untreated STI significantly increases the risk

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## STRAIGHT LINE

The EC plays a pivotal role in ensuring an acceptable election result. The moot point, legally speaking, is that our Election Commission is not a weak or toothless institution. The fact of the matter is that while political goodwill plays a major part in the desired functioning of the EC, there is no denying that men of true grit can actually put the necessary muscle into this constitutional body.

entire process culminating in a candidate being declared elected. Therefore, talking of election in a democratic country and referring to the locus standi of the EC, one has to bear in mind the entire election process that consists of several stages and covers many steps which singly or collectively may have consequential impact on the result of the process and thus on the democratic governance of the polity.

It has to be clearly and unambiguously understood that the EC is not merely concerned with the process of casting votes and the declaration of results. Those wishing to take a long and hard look at the business of election, particularly those who are involved in the thick of the things as also the concerned citizenry will appreciate that many prior efforts need to be undertaken in preparation for and in connection with the election. Those efforts are not an integral part of the actual selection by the citizens of their representatives. In reality, a wide range of pre-poll functions have to be administratively and judicially performed in order that credible elections can take place. An institution carrying

mentioned section has clearly a definite and salutary bearing on the results of election. The question is, whether the EC can sufficiently energise the election official concerned so that they can rise to the occasion and do not wait for signals to take corrective action as soon as factual situation so demands. Let us not forget that under Article 126 of the Constitution, "It shall be the duty of all executive authorities to assist the EC in the discharge of its functions." The pertinent worry is, whether the EC is demonstrably effective in exercising impartial superintendence, direction and control over the executive complement that is constitutionally obligated to render all administrative support. Without doubt, such support significantly affects the election results.

The EC, in view of its onerous and solemn duties should not hesitate to record its observations if there are credible facts and circumstances to believe that improper personnel have been appointed in an irregular manner to serve as election officers because such doubtful appointments will invariably affect the election results. The appointment of Returning

Officers by the EC is a very crucial function because not only such officers perform duties which are at least quasi-judicial in nature, their conduct and attitude significantly affects the election results. The Returning Officers are expected to keep them selves discreetly insulated from the effect of power politics, political controversies and their unholy influences. The EC, as the appointing authority, would do well, in the larger public interest and that of a democratic policy to

keep these important considerations in mind. An EC that is concerned about the implication of such appointments and the consequent result will surely display the appropriate sensitivity. The election offences, penalty and procedure to be followed have been described in Chapter VI (Section 73-90 of the Representation of the People's Order, 1972). Without going into the details of such offences and the penalties thereof, it may be impressed that timely detection of such offences by an activated outfit and speedy award of punishments will doubtless have a positive impact on the outcome of election results. The EC has to be proactive and show its teeth at the appropriate moment.

Specific attention is drawn to Section 91 of the Representation of the People's Order, 1972, wherein the EC has been empowered to 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 the law due to malpractices including coercion, intimidation and pressures prevailing at the elec-

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# The challenge of containing drug abuse by 2008

DHIRAJ KUMAR NATH

UNITED Nations General Assembly decided in 1987 to observe every year the International Day against Drug Abuse and Illicit Trafficking June 26 to express its determination to eliminate the drug abuse from the world. World leaders met in New York during June 8-10, 1998, in a special session of UN General Assembly to adopt a world wide plan to substantially reduce demand and supply of drugs by the year 2008. Now all countries are taking major initiatives by adopting different strategies to reach the goal within the stipulated time of 2008.

It is not easy to reduce the supply and demand of drugs substantially since it is a global problem. More than 200 million people abuse drugs worldwide. Drug use is responsible for lost wages, soaring health-care costs, broken families and deteriorating communities. There is a direct link between drugs and an increase in crime and violence. Drug cartels undermine governments and corrupt legitimate businesses. Illicit trafficking of drugs result in money laundering. Laundering dirty drug money through international financial system prompted different nations to be deterrent against drug abuse. Bangladesh is no exception to the same.

Bangladesh government has enacted the necessary laws and rules to encounter drug trafficking and drug trades namely Narcotic Control Act 1990 with the penalty of death to the offenders. Narcotic Control Rules, 1999 was framed to introduce the licensing system to control illicit drugs and precursor chemicals. Narcotic Control (Amendment) Act, 2000 incorporating the relevant provisions of the UN Drug Convention of 1988 and limiting the time period for investigation of drug cases; and Narcotic Control (Amendment) Act 2004 redefining 'alcohol' were also adopted. Bangladesh is the signatory to three UN Conventions to control the production and supply of narcotics and psychotropic substances.

The import of opium was banned in 1984 and production of cannabis (ganja) in Noagaon district and elsewhere was stopped in 1987. Besides, restrictions were imposed on at least 22 types of chemicals used for the production of narcotic drugs. In reality, Bangladesh is situated near the golden triangle areas of Myanmar, Thailand, Laos and also connected with poppy producing golden crescent areas of Afghanistan, Pakistan and Iran. It was, therefore, felt imperative to conclude bilateral treaties with Myanmar in 1994, Iran in 1995 and India in 2006. The major objectives

During the last 15 years since the promulgation of Narcotics Control Act in Bangladesh, substantial investments have been made in this sector. Lots of improvement have been made in communication, enforcement, preventive education and treatment and rehabilitation. But that is not enough. The days ahead are more critical that necessitate more attention and resource mobilisation to save the youth from the scourge of drug abuse.



of these treaties were to ensure that Bangladesh should in no way be used as route of international drug trafficking.

In spite of all these measures, it was not possible to reduce the trafficking of drugs in Bangladesh substantially. Almost 73.29 Kg of Heroin, 37,500 Kg of Opium, 9,000 Kg of Cannabis were recovered in the country while trafficking or marketing. About 7,600 criminal cases were instituted and 8,450 persons were prosecuted for their involvement with illicit trafficking. The number of users has also increased. More than 1.12 lakh drug addicted patients were given treatment and rehabilitated in normal life. From the trend of increased number of addicts, it becomes hard to believe that major gains could be achieved by 2008.

All measures taken so far could not make major headway in reducing the demand of drugs in the country. The more the demand, larger the supply, greater the trafficking. Thus, the best answer to control the drug trafficking is the reduction of demand

of drug. Mr. Kofi Annan, Secretary General of UN emphasised in his message, "Too many people in the world are badly informed about the potentially devastating effects of drugs. That is why we need to work for better education and greater awareness to prevent drug abuse. We need more consistent leadership from governments".

There should be comprehensive guiding principles to reduce the demand for drugs. The result oriented strategy for reduction of drug and achievement of target by 2008 should comprise diversified initiatives of which behaviour change communication programmes are major interventions. There should be massive campaign to spread the understanding that use of drug is illegal because drugs cause health and mental problems. Repeated use of drug generates addiction which can spell misery for users and when taken intractably, it can spread deadly disease like HIV/AIDS. Adequate information and

education can change the behaviour of users and prevent them from drug addiction.

The participation of civil society organisations, community leaders, parents is vital to promote social integration of drug abusing offenders. The role of media to enhance the understanding of the consequences of drug abuse is crucial to establish a drug-free society. Electronic and print media, posters, leaflets, interpersonal communications are very useful and effective to generate awareness for the prevention of drug abuse.

Bangladesh is an attractive transshipment point for Asian heroin destined for international market. Bangladesh has a long and porous border and existence of cross-border smuggling. The availability of international air and sea links, combined with a modest detection and interdiction capability, creates the potential for large scale trafficking activities. There are reports of transshipment of acetic anhydride (AA) from India to mobile heroin laboratories along the border areas inside Myanmar.

During the last 15 years since the promulgation of Narcotics Control Act in Bangladesh, substantial investments have been made in this sector. Lots of improvement have been made in communication, enforcement, preventive education and treatment and rehabilitation. But that is not enough. The days ahead are more critical that necessitate more attention and resource mobilisation to save the youth from the scourge of drug abuse. The deteriorating law and order situation also encourages drug addiction. The initiatives to combat the drug abuse should be visible and transparent.

The consideration of drug abuse problem as a simple matter of law and order and policing is unfortunate. It is a big challenge for the nation to eliminate the trafficking of heroin, charash, opium, phensidyl, pathedine or other psychotropic substances like methamphetamine and precursor chemicals like acetic anhydride. Political commitment supported by the social resistance and enforcement might result in achievement of the target. The reduction of domestic demand through preventive education programmes and active participation of people at large is crying need of the hour. The year 2008 is not far away, our commitment to the comity of nations is irrevocable and the responsibility to the citizens is absolute.

Dhiraj Kumar Nath is a former Secretary.

# Making governance work for the poor NGO efforts

Md ABDUL KADER and SOHEL IBN ALI

THE UK government's new white paper on international development, 'Eliminating world poverty: Making governance work for the poor' launched on 13 July, 2006 by the Secretary of State for International Development Hilary Benn, details what they will do to reduce poverty significantly over the next five years, based on the promises made by the G8 and international community in 2005. The paper covers four themes: (i) improving governance; (ii) providing security for incomes and basic services; (iii) tackling climate change and; (iv) reforming the international development system. However, it gives significant importance to effective states and better governance for reducing poverty and achieving Millennium Development Goals (MDGs): Effective states are central to development. They protect people's rights and provide security, economic growth and services like education and health care.

Good governance is not just about government, it is also about political parties, parliament, the judiciary, the media and civil society. It is about how citizens, leaders and public institutions relate each other in order to make change happen. Election and democracy are an important part of the equation, but equally important is the way government goes about the business of governing. Good governance requires three things: (i) state capability, (ii) responsiveness, and (iii) accountability. This means citizens, civil society and government need to work together to build effective state and provide better governance to reduce poverty.

In the preface of the white paper, Mr. Hilary Benn says, "What makes the biggest difference to the quality of governance is active involvement by citizens -- the thing we know as politics. Good governance and development are about the people and governments of developing countries working out this deal for themselves. Each country needs to decide its own economic and social priorities, and the best people to hold governments to account are those who live in the country and are most affected by its decisions".

People want to be governed well, and to have a say in what happens in their lives. They want to be safe. They want the chance to earn a decent living for themselves and their families. And they want to be treated fairly by their government and public officials. These aspirations are enshrined in the Universal Declaration of Human Rights, and the Millennium Declaration of 2000. But the reality for many people in poor countries is very different.

Effective states and better governance are essential to combat poverty. States which respect civil liberties and are accountable to their citizens are more stable.

Our government's Poverty Reduction Strategy Paper (PRSP) also gives significant importance and accords high priority to improve governance in the country. Major points stated in the PRSP for improving governance include: establishing good governance in all spheres of administration, expediting separation of the judiciary from the executive, appointing an ombudsman, making attempts to raise the police force as a neutral institution, keeping the administration free from undue influences, ensuring transparency and accountability and undertaking proper measures to provide appropriate clientele service and reduce corruption in government offices. But not much so far could have been done.

The PRSP, however, also identified some constraints to have good governance in the country. The first is the primordial imperative of maintaining political capacity vis-a-vis contenders. Such preoccupations leave little room for active engagement in governance issues. The second is the pressure for responding to the electorate's demand for "development". There is a real problem here of how society itself understands and appreciates "development". The third critical constraint is an inherited bureaucratic culture which tends to emphasise "administering" (meaning, control the capacity to punish) rather than "governing" (meaning, foster rules and norms to deepen good governance). Promoting a good governance agenda against such deep-seated constraints is easier said than done.

Meanwhile some NGOs have tried to reduce poverty through their efforts and in the process helped to have good governance at local level and further. Their success or failure is, however, relative. But it is certain that they could bring some worthwhile changes in society, specially in the lives of its poorer section, through their respective programmes, thus reducing poverty of a significant section of people at least. However most of them believe that without improving governance by establishing transparent, accountable and pro-people government poverty cannot be reduced sustainably. Samata, one such NGO specifically working for the landless poor as prices and has been working to have better governance from grassroots to national level in which the landless and the marginalised people can have active participation and a say in decision making. It has already become very much successful in enabling the poor, marginalised and landless people to organise, make

their voice heard, exercise rights and develop knowledge and skills which not only lead to an improvement in their livelihoods and well-being, but also improve governance at village, Union and district level.

Chronic poverty people have been heavily dependent on networks of patronage to secure access to land, employment opportunities and development benefits. But these networks have been rarely to their advantage, with benefits heavily skewed in favour of more powerful patrons. However, through the organisation, landless men and women could create a space for themselves which both challenges existing power relations and provides a platform to make claims and seek redress to rights violations and misgovernance.

Over time, Samata has moved away from an approach based primarily on increasing people's ability to demand accountability, to one which encourages greater linkages between citizens and the offices of authority. It places emphasis on including local government and other authorities and power holders as "partners" in the development and reform process. It actively implements a policy of supporting members for election to the Union Parishad, Gram Sarkar and other socio-political-economic decision-making committees. Presently, 6,168 landless males and females are members in different decision making committees, 2216 landless males and females are members of Gram Sarkar and 458 landless males and females are members of Union Parishad.

In this way, the poor and marginalised people have representative voice in local decision-making and can ensure that issues which affect poor people's lives are constantly on the agenda. This is also important because it contributes to a process of more equitable decision-making. And this way Samata could pull out 1,53,859 landless households with 8,00,067 people from extreme poverty through recovery and distri-

bution of 78,468.19 acres of khas land and khas water bodies.

In addition, it could also make progress in growing further support for pro-poor development and influence of the landless poor people is apparent in decision making with regard to changes in policy and practice. Three government acts and one national policy have been amended as a result of its advocacy. It has been creating awareness on different policy issues such as the need for the repeal of existing char land laws, establishing a separate land commission for the indigenous people living in plain lands, and changes in the sugar cane grinding ordinance.

In order to make governance work for the poor there is a need to have intensive and integrated effort of government, political parties, NGOs, private sector, civil society, media and citizens. Building better governance takes time and has to come from within country, although international partners can help. Some development partners have already played a significant role in strengthening CSOs, NGOs and government which needs to be continued. On July 04 last Samata's two-member delegation (Executive Director and Director Advocacy) met with Mr. Hilary Benn, at DFID Headquarters and requested to continue international supports for the NGOs and civil society organisations which are working to make governance work for the poor.

They see the problem of poverty as primarily structural so there is a need to focus on policy reform, establish good governance and build the capacity of government to respond to the poor. The works which the rights based NGOs and civil society organisations are doing in the country needs to be strengthened and extended across its length and breadth.

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Two-member Samata delegation meeting Hilary Benn at DFID Headquarters: Advocacy for NGOs working to make governance work for the poor.