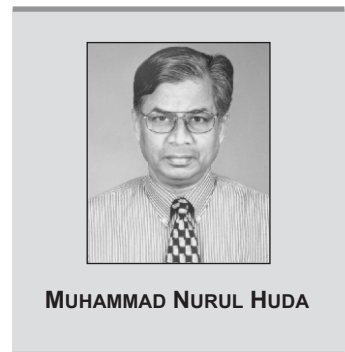


The physics of consent and the premonitions



MUHAMMAD NURUL HUDA

POLITICAL thinkers are of the considered opinion that in terms of a hierarchy of constitutional rights, the right to vote should be placed at the top of the list because it concerns the right to full political participation or what Waldron has termed 'the physics of consent'. According to these thinkers, at the very centre of such human freedoms, the entitlement upon which the utility of the remaining liberties depend and which gives them added zest and meaning, is the right to vote. In saying so one would be pointing to a manifest example of a civil liberty. In fact, that is a key civil liberty which is realisable only through positive state action. Therefore, it follows that the right to vote can not exist in the abstract. It requires a large state machinery to make it work.

The right to vote has been described as civil liberty as distinguished from other human rights because this right is a primary right that ensures political participation and from this right flow additional rights. In other words, the rights of citizens are political rights that are exercised in community with others. Such rights facilitate participation which in turn nourish and sustain a democratic polity. In such a perspective, it is only proper that we venture to appreciate the concerns of our citizens about the exercise of the right to vote in the next general election.

Worries of citizens

What should genuinely worry concerned citizens of Bangladesh is the peaceful and fair holding of the next general election, because the major political parties of the country belonging to the opposition have demanded basic reforms of the Election Commission and the caretaker government, without which they would not participate in the election. The government in its

STRAIGHT LINE

At this moment when we are standing on the escalator of mismanagement and corruption, right-minded citizens cannot afford to stand frozen in disgust and dismay. Honest and knowledgeable persons must devote themselves to the task of educating public opinion and the younger among them should stand for election in large numbers. If people refuse to accept any but the best citizens as candidates, it would usher in the golden age of our republic. Democracy gives, as life gives what we ask of it.

initial response has almost rejected the opposition's demands, adding that some of these may be discussed in parliament if the major opposition party stops its boycott of the law-making body. The opposition in turn have said that they would compel the government, through mass-movement, to accept the demands.

The above positions definitely are not indicative of a positive election scenario, more so in the penultimate months of a political government in Bangladesh where, if past experience is any guide, as the incumbent's tenure nears the end, it behaves in a precariously despotic and insensitive manner, with the opposition displaying fearsome desperation to achieve its goals. So when desperation and despotism counter each other, there is a reasonable possibility of unwanted clashes taking place. Inevitability of such a scenario is encouraged and strengthened by the pathetic lack of sensitiveness to the public good by our political parties.

Insofar as the next general election is concerned, it is a matter of time to see how much of the utterances and threats of both the government and the major opposition, as mentioned hereinbefore, are real policies and strategies, and how much is just posturing. Whatever be the eventuality, there is an imperative need to allay the fears of the citizens with regard to the anticipated violence and mismanagement during the upcoming general election.

Past experience

Most election is independent Bangladesh have experienced various kinds of malpractices. The worrying part, however, is that over the years the nature and intensity of the irregularities and illegalities have assumed such a fearful dimension that there are justifiable

premonitions about the holding of an acceptable and credible national poll. Admittedly, there are causes for concern as the viability of a democratic polity affecting the quality of life of the citizens across our political divide is at stake.

Looking back one may find that small level forgery, forcible closure of voting through muscle flexing by bullies of the party, voting by impersonation in some constituencies were resorted to by a section of the political party, particularly in the sensitive or remote areas of the country. By and large these did not attract serious attention as it most often did not significantly affect the national polls. The situation, however, changed ominously as extra-constitutional rule descended on the body politic and the period from 1982 to 1988 saw some of the worst electoral malpractices that were legally punishable and morally reprehensible, to say the least.

Sadly for the nation, the public services of the country that included subordinate magistracy and the enforcement apparatus, amongst others, played a pathetically enervated and ignominious role in the shameful stage-managed election at the behest of a malevolent autocrat. Expressions like 'Media Coup' became known for the first time in our part of the world where despite the economic adversity the general population and the election managers could be proud of tolerably healthy electoral practices.

The fall of autocratic rule in December 1990 raised hopes about fair election by unfortunately the democratic aspirations got a rude jolt at the irregularities of the now lamented 'Magura-by-election' and the least participated February 1996 national polls. Continuous agitation and 'Hartals' by the then opposition parties shortened the tenure of the government that followed the February 1996 elec-

tion and the concept of a non-partisan and neutral caretaker government was accorded the constitutional recognition. However, this arrangement has not been fully successful in assuaging the fears of a biased and rigged election.

It is pertinent to note that the caretaker government only oversees the national election while subsequent elections like by-elections for parliament and other elections to the local bodies are held during the incumbency of an increasingly overbearing and interfering party government. The recent experience of Dhaka-10 by-election for a parliamentary seat does not bode well for a fair election scenario.

Electoral malpractices

If recent experience is any guide, then one may say with some certitude that the malpractice of false or bogus voting will assume a worrying proportion in the next election which will be contested by two desperate political parties. It would be relevant to recount here that we do not have as yet a central registration of the population and the consequent provision of identity cards for each voter. This is the ground reality although we all know that impersonation and related malpractices seriously mar the credibility of our elections.

The uniformed law-enforcement personnel will not be of much help in detecting the above fraud and how the election officials will handle the problem is not appreciated by many. It appears that a very vital administrative aid to ensure fair conduct of election has not received the appropriate attention. So when in neighbouring India electronic voting system is nearly complete, we are still groping and sitting over the voter ID project. Needless to mention that we have the right to know the details in this

respect, because the constitutional body charged with the onerous duties of holding a credible election cannot perform its function satisfactorily without adequate preparation.

Voters' list and election officials

There is allegation of this list being prepared by manifestly partisan persons or beneficiaries of the present government. Should it so happen then the apprehended motivated deletion, alteration, or addition will lead to serious law and order problem. The recent appointment of 150 election officers, mostly allegedly partisan student and youth leaders belonging to the ruling party, is another problematic dimension of the conduct of election that might lead to serious altercation, resulting in violence. The fact that these persons have been appointed by the Public Service Commission will not mitigate the problem because ground reality and popular perception about the impartiality of public appointments do not appear to be reassuring. Against this background, the cancellation of such appointments as demanded by the opposition further complicates the prospect of fair and peaceful elections. It remains to be seen how the authorities handle this delicate scenario.

Conduct of public servants

All public servants entrusted with election duties come under the control and supervision of the Election Commission during a fixed period. That is the official position. However, posting of loyal and pliable officials in key positions by the party government prior to relinquishing power to the caretaker government has created administrative complications. In 2001, after the dissolution of government, thirteen Secretaries to the govern-

ment were transferred on the very first day the caretaker chief assumed charge of office. Later on, there was large-scale transfer of Deputy Commissioners and Superintendents of Police of districts along with wholesale transfer of all officers-in-charge of the police stations of the country. Whether such massive exercise, entailing huge expenditure of the public exchequer was in the real interests of impartial conduct of national election, has not been established beyond doubt. A particular political party continues to complain that officials hostile to them were deliberately posted to key positions and that such officials acted in a very partisan manner during the election. Many such officials were allegedly rewarded with prize postings after election. Whatever be the merits of such officials, the allegations of the particular political party cannot be brushed aside under the circumstances.

The key question, however, is the criteria of selecting and posting an impartial public official during election time. Officially, all public servants are regulation-bound to act in a neutral and non-partisan manner. The ground reality, however, is that officials appointed and posted by a particular party government are not considered trustworthy by the opposition. So what would be the scenario like during the next election? This issue would be very crucial because public servants in key positions have considerable influence on the election process. Without doubt, there would be demands and counter allegations about the suitability of a particular public official. The Election Commission and the next CTG would have to do serious homework to work out their strategy to face such eventuality and come up with reasonably satisfying solutions. The quality of law enforcement prior to and during the election will depend significantly on the handling of this issue. One has to bear in mind the premature retirement and superseding of a number of public officials by the present government allegedly on grounds of partiality and unreliability. The acrimony amongst public servants, both serving and retired, cannot be wished away. Proper law enforcement would compel a hard look at such unpleasant reality.

Deployment of armed forces personnel

The deployment of armed forces personnel has had without doubt a salutary effect on the election process in Bangladesh. However, there were occasions when the political government was reluctant to deploy armed forces personnel even after repeated requests from the Election Commission. There were differences of opinion even on the manner of their deployment between the two authorities. The Election Commission conducts and manages the national election with the support of caretaker government, but the decision to deploy the armed services personnel for election, including its timing, rests exclusively on the President of the Republic, who, however, will have the benefit of advice of the council of advisers and chiefs of the services. Past experience indicates that while the immediate past opposition political party insists on armed forces personnel deployment one month prior to the actual holding of election, the outgoing political party that wielded power recommends deployment one week prior to the election day. The time and the manner of such deployment will come under intense public scrutiny during the next election. Prudent and efficient handling of this issue will have immense impact on the law enforcement. The Election Commission and the caretaker government will be hard-pressed to make appropriate decision on this sensitive aspect.

We need to emphasise on the corrective actions to be taken with regard to preparation of voters' list, the manning of election commission, the de-politicisation of civil bureaucracy, stoppage of partisan recruitment's and promotion/postings in our concerted efforts to create the right election atmosphere. If situation remains unaltered then competent candidates can still be fielded as proposed but the victors at the polls would mostly be the mafias and the godfathers. In such an eventuality, it would only be proper for the civil society to help facilitate the creation of an honest election environment prior to fielding competent candidates.

If we want to take a long hard look beyond the immediate problems besetting the polity then we

must appreciate that a meaningful democracy -- the objective of honest election -- is almost impossible if politicians can continue to have a vested interest in illiteracy and public ignorance. When a republic comes to birth, it is the leaders who produce the institutions and later it is the institutions which produce the leaders. Hope lies in education by which right conduct, fear of God and love will be developed among the citizens from the childhood.

There is no doubt that our history will apportion the blame and responsibility among a wide spectrum of the elected representatives who have betrayed their trust. However, at this moment when we are standing on the escalator of mismanagement and corruption, right-minded citizens cannot afford to stand frozen in disgust and dismay. We cannot merely look upon the political developments in sorrow and upon our politicians in anger. Honest and knowledgeable persons must devote themselves to the task of educating public opinion and the younger among them should stand for election in large numbers. If people refuse to accept any but the best citizens as candidates, it would usher in the golden age of our republic. Democracy gives, as life gives what we ask of it.

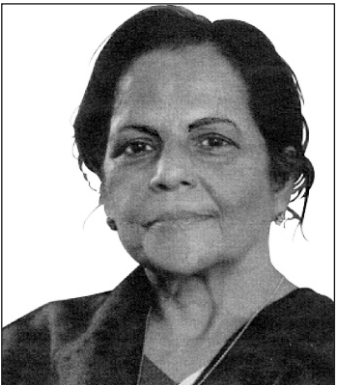
From the above it appears that unless sufficient precautionary and remedial political and administrative actions are taken in time, the election scenario will remain fraught with grave threats to public peace. The major political parties have a do or die mentality in their preparation for the battle at the polls, which undoubtedly does not bode well of a democratic polity. For many, this looks like the last election of their lifetime. Unfortunately, such smaller men and women who somehow have been thrust into positions of national responsibility are unable to look beyond their nose. The myopia of such elements disgraces the inherent goodness of our common folks, whose resilience and patience demand an enlightened management of the affairs of the state, including the election.

Muhammad Nurul Huda is a former Secretary and IGP.

LEST WE FORGET

Begum Noor Jehan Murshid

TAZEEN M. MURSHID



SHE was a ray of sunshine and the centre of our universe. Ever patient and understanding, she was aware of all our needs, even before we could articulate them. She watched over us like a tigress protecting her young, but allowed us space to mature, make decisions, take responsibility for our actions, and thus keep us from rebelling excessively against parental authority. She nurtured us lovingly to be creative and to give of ourselves to society and our country. She passed on to us her values of tolerance, devotion and fortitude, steeped as she was in Tagore, Atul Prasad, Nazrul and Plato.

My mother, Noor Jehan Murshid, born on 22 May 1925, in the Murshidabad district of West Bengal, passed away in September 2003. It seems so long ago and yet so recent. Memories of her optimism, her ever cheerful smile, her sense of fairness, her serene beauty and warm presence, which had surrounded us in our matter of fact world, though remote today, continue to glow for us, and bring us a glimmer of hope.

We take strength in what she stood for, and what she believed in: for against all the odds, the incurable optimist in her believed that a sane society will prevail in Bangladesh. When asked to account for her optimism, she would simply answer that one cannot live without optimism; for in optimism lies hope and the vision of a better life. And in this vision lies the means by which that better life can be realised. Whenever the going gets tough, I remember this life-enhancing motto.

Today, as the national and political landscape is marred by blood, gore and scandal, with every possibility of mounting violence as the next general elections draw near, I look for signs of optimism and hope. Previously, I had found it in the micro-credit revolution, and in rising female participation in national life. Now I look for it in the pool of common sense that our people possess. My mother, I think

would have done the same.

For a woman of her times, and even mine, her achievements are worth recalling: She obtained her Master's degree from Calcutta University; was superintendent of Munujan Hostel during the terrible times of the 1946 Great Calcutta Killings, which she survived quite miraculously due to assistance from Shahid Suhrawardy and Abul Hashim. She was a member of the Legislative Assembly in 1954 under the United Front government, being one of two women to win in direct elections. She addressed the Joint Session of the Indian Lok Sabha and the Rajya Sabha in 1971 to raise support for the liberation of Bangladesh, an appeal which many found deeply moving. She was in the Awami League cabinet in the 1970s as a State Minister for Social Welfare. She was the first Bengali Muslim lady to act on stage in the newly independent East Pakistan opposite the late Munier Chowdhury, who was assassinated in 1971 by the al-Badr. But her greatest achievement was the journal she published from 1985 to 1991, *Edesh Ekal*, which reflects her developing mind, and her thoughts about the problems of women in society.

Today, I remember her with a greater sense of loss, as the moment of her departure three years ago, draws nearer. In reflecting on her life and contributions, I reflect on mine: how far has the apple fallen from the tree?

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Morality in politics

Not a forgotten virtue

Politicians who can establish rule of law at national level, deliver social justice to the community and generate excellence in building character are respected, honoured and eventually elected to power. Any deviation from these norms of societal values must bring disaster to politicians and political parties who disown and disregard the value system still prevailing in Bangladesh.

DHIRAJ KUMAR NATH

POLITICS as an area of study is concerned with enriching knowledge and understanding of government and society. The interactions of people, ideas and institutions provide the focus for realising how values are measured and resources distributed. Thus politics concentrates on the concepts of power, justice, order, conflict, legitimacy, accountability, obligation, sovereignty and decision making vis-a-vis the role of the government and people of the state. Politics is, therefore, a very complex science requiring enough wisdom, intellect and capability to win the confidence of the people to gain power.

The intricacies of politics is as old as the civilisation. In ancient time, there was a great politician named Chanakya [350-275 BC]. He was also known as Kautilya or Vishnugupta. He was born at Pataliputra, Magadha [now Bihar] and later became the professor of political science at Takshashila University [now in Pakistan]. He was responsible for the rapid expansion of Maurya dynasty as a Prime Minister of emperor Chandragupta Maurya. Chanakya is regarded as one of the earliest known political thinkers, economists and king makers. He compiled his political ideas in his book *Arthashastra*, one of the world's earliest treatise on political thought and social order. His philosophy could be understood from his sayings, a few of them are,

"A debt should be paid off till the last penny, an enemy should be destroyed without a trace." "Whores do not live in company of poor men, birds do not build nests on a tree that does not bear fruits and citizens never support a weak administration." "The four greatest enemies of a man are the father who has taken a loan, the characterless mother, the beautiful but promiscuous wife and the stupid child."

Niccolo Machiavelli was a political philosopher and is best known for his work, "The Prince". Machiavelli was born on May 3, 1469 in Florence, Italy. In *The Prince*, Machiavelli offered the advice designed to keep monarchical ruler in power. Machiavelli advised the monarch that he could best preserve his power by the judicious use of violence, by respecting private property and the tradition of subjects and by promoting material prosperity. Machiavelli's political morality is to pursue the means to gain and hold power. Machiavelli reasons that politics is war, no matter which way you cut it. "Thus you must know that there are two kinds of combat: one with laws, the other with force. The first is proper to man, the second to beast; but because the first is often not enough; one must have recourse to the second."

According to Aristotle, the great philosopher, the proper aim of politics is moral virtue. "Politics takes the greatest care in making the citizens to be of a certain sort, namely good and capable of noble actions." Some of the political

philosophers feel that politicians are least trustworthy professionals since they do not have any confidence on ethics and morality. Jonathan Swift, the author of *Gulliver's Travels*, said: "Politics, as the word is commonly understood, nothing but corruption." George Orwell said: "Political language is designed to make lies sound truthful and murder respectable, and to give an appearance of solidarity to pure wind."

The debate on the imperatives of morality and its implications on politics is delicate and dilatable. A political leader might be charismatic or inspirational but must give people a common goal with which they can wholeheartedly identify.

A heritage of political wisdom and cultural virtue has been persisting in Bangladesh with a sense of morality and integrity. Politicians have been honoured as respectable persons to impart justice, resolve problems, remove differences and establish just and equitable society. They are supposed to act as catalyst of development, focal point of governance who organise community in case of any debacle. Even now, public by and large, approach the political leaders even in time of personal needs and to deal with government offices.

But, of late public at large are getting frustrated to observe rapid erosion of this value system among politicians. National level political leaders are gradually becoming more indoctrinated with the ideology of Chanakya or Machiavelli where morality is sacrificed to the flame of power and force of money. Citizens of all strata like to see the philosophy of a political party with commitment on economic front as well as governance issues with honesty, equality, transparency and accountability. Too much of diplomacy, party favouritism, vengeance and violence are disregarded and disdained by the public at large. Voters obviously get irritated when they observe the decay of morality in the leadership making fun with justice. At the same time, some politicians even try to get convicts at large in connivance and glorify autocrats with end motive. Countrymen usually withdraw their confidence on political leaders when they find their little sympathy for landless farmers, hardcore poor, daily wage earners as against the price spiral, munga or natural disaster and rather soft corner for drug traffickers and marauders. Examples are not far to seek of an influential member of the parliament losing his seat in the election due to his known moral turpitude and corruption.

Politicians who can establish rule of law at national level, deliver social justice to the community and generate excellence in building character are respected, honoured and eventually elected to power. Any deviation from these norms of societal values must bring disaster to politicians and political parties who disown and disregard the value system still prevailing in Bangladesh.

Dhiraj Kumar Nath is a former Secretary.

Growth and development of parliamentary government

SYED GIASUDDIN AHMED

NOTWITHSTANDING the reintroduction of constitutional order with distinctive features of parliamentary system of government in 1991, the operation of its political and constitutional process in Bangladesh has been drifting from crisis to crisis. Successive uses of the constitutional document as a political tool with impunity have diluted the integrity of this country's constitutional governance together with widespread concerns and suspicion about its future. In particular, there has been an increasing concern about the loss of power of the legislature and the consequent ascendance of the executive.

A variety of reasons may be attributed to the rise of what seems an omnipotent executive under the parliamentary system of government. These are, among others, the control of legislative agenda by the executive, extremely powerful position of the prime minister, inclusion of anti-defection provisions in the constitution, use of ordinance making power of the president, inadequate debate on policy and legislation in the legislature, regular quorum crisis, and ineffectiveness of legislative committees due mostly to non-cooperation by the executive.

Of few scholarly works published so far on the subject, the book under review written by Professor Mohammad Mohabbat Khan is a welcome addition. Truly speaking, this particular book belongs to a different genre than the usual, in that it follows a well-designed research plan in its bid to probe historical backgrounds and functioning of parliamentary government in Bangladesh. Different chapters have been thematically arranged to provide an insightful picture of a lopsided framework of executive-legislature relations.

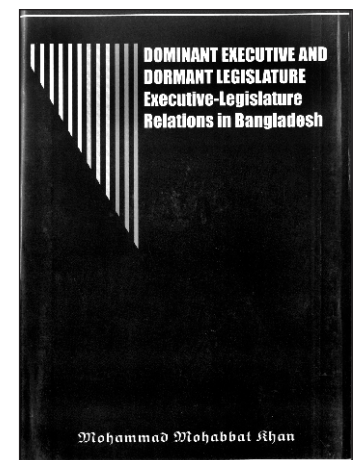
Divided into nine chapters, the book deals with basic tenets of parliamentary government, historical backgrounds of the executive-legislature relations, the nature of such relations in liberated Bangladesh up to 1990, and thereafter since the reintroduction of parliamentary government in 1991. More specifically, in chapter 1 the

Book Review

Dominant Executive and Dormant Legislature: Executive-Legislature Relations in Bangladesh

by Mohammad Mohabbat Khan

Published by South Asian Publishers Private Limited, New Delhi, and A H Development Publishers Private Limited, Dhaka 2006, pp. xiv + 127, price Rupee 295 and Taka 475.



author introduces his plan of study, specifying distinctively the study objectives, including the structural arrangement of his book. Chapter 2 contains discussions on such concepts as constitution, legislature, executive and governance relevant to the functioning of parliamentary government in general. Chapter 3 examines the constitutional elements and dimensions of executive-legislature relations drawing heavily on the experiences of parliamentary systems operating in England and other European countries. In fact, chapters 2 and 3 together amplify the theoretical setting of the rest of the study.

Chapter 4 provides detailed descriptions on the evolution of executive-legislature relations in the pre-liberation years. Chapter 5

analyses the nature of executive-legislature relations between 1972 and 1990. Chapters 6 and 7 include discussions on the 1991 parliamentary elections, reintroduction of parliamentary system of government, installation of Begum Zia's BNP government (1991-1996), Sheikh Hasina's AL government (1996-2001), which provide a background for subsequent developments ushering in a prime ministerial government in Bangladesh.

Chapter 8 contains analyses of the period between 2001 and 2005 which in effect bring into light the current and evolving executive-legislature relationships under the present BNP-led four-party government. The formation and functioning of the third caretaker government and the 2001 parliamentary elections are also discussed in this chapter. Finally, chapter 9 contains findings and observations about the nature of executive dominance of the legislature in Bangladesh. The study concludes with certain policy recommendations to bring about balance and harmony between two important branches of government, i.e. legislature and executive.

However, one may or may not subscribe to the author's recommendations which specify ways towards the goal of bolstering the status of parliament in Bangladesh, but it would indeed be difficult to discard them altogether. He deserves compliments for his painstaking efforts to collect and collate all relevant data, analyse them thoroughly and offer criticisms wherever called for.

On the whole, the book is informative and thought provoking. It makes a valuable contribution to existing knowledge about Bangladesh's parliamentary government in its constitutional, structural and functional contexts. For someone wanting to gather insightful knowledge on the growth and development of parliamentary government in Bangladesh, it is indeed a valuable publication available now at the leading bookstores in Dhaka.

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