

# Commonwealth and Democracy: Bangladesh perspective



MUHAMMAD HABIBUR RAHMAN

**We are to remember that if the will of the people is not reflected in the governance, if corruption overtakes legitimate honest practices, if conflict and confrontation replace accommodation and tolerance, even large majority in elections may not protect or save the government. It is unfortunate the elected government aped the military tactics of revising the age limit and increasing the number of constitutional incumbents who are supposed to preserve, protect and defend the constitution for upholding the freedom of the people and independence of the country.**

WE had been going through rough waters for some time but the recent 'dialogue', many people believe, may bring a wind of change. We do firmly believe that democracy would be able to weather these stormy waters and sail again towards the calm waters of the good of the people in general.

Lord Acton had said that a democratic government in a plural society has two conditions: There is the supremacy of the civil authority over the military, and that the government is conducted with the consent of the governed.

I need not dwell on the urgency, the necessity and the essentiality of those two conditions. We all know what happens when the opposite occurs. We move away from democratic norms and we gradually lose the qualities of a pluralistic society. The worst suffers then are the poor and the needy, whose interests are not often reflected in the priorities of governance.

We shall all endeavour that democracy prevails at all tiers of administration and governance to provide opportunities to all individuals — irrespective of caste, creed, religion, or social standing — to blossom themselves into their best selves. Democracy would then permeate all levels of society and work for the overall benefit and well being of the people of Bangladesh.

In 1971 the Singapore Declaration of the Heads of Governments of the Commonwealth proclaimed that the

people in every society had the inalienable right to organise themselves in a free and democratic manner. In 1989 in Kuala Lumpur the same principles were reiterated. In 1991 in Harare it was unanimously agreed to aid and assist the electoral and constitutional processes and proposed to send observers. For furthering these objectives, in 1995 in New Zealand the Millbrook Action Programme was adopted.

The Commonwealth has succeeded in helping South Africa and other member countries for fostering representative and democratic process. The Commonwealth's attempt to mediate in the constitutional imbroglio of Bangladesh through the good offices of Sir Niniyan failed. The Commonwealth observers came to this country in 1991, 1996 and 2001. Commonwealth Observer Group is organised always at the request of the government of the country concerned. It is sent to observe relevant aspects of the organisation and conduct of the general election in accordance with the laws of the country. It is to consider the various facts impinging on the credibility of the electoral process as a whole and to find out whether the conditions exist for a free expression of will by the electors and if the results of the elections reflect the will of the people.

The group is to act impartially and independently. It has no executive role. Its function is not to supervise but to observe the process as a whole. It may propose to the authorities concerned such action on institutional, procedural and other matters as would assist the holding

of election. I was in the group that saw the election in Papua New Guinea in 1997. I was the leader of the group that observed the election in Antigua and Barbuda in 1999. I was also the leader of the South Asian Group that observed the general election in Pakistan in 1997. Fortunately I faced no problem. My colleagues were excellent and the administrations of the countries I visited were very helpful and hospitable. Things were not the same in some other cases.

In every election the question of voter education arises. It is primarily the job of political parties. The question of educational qualification of voters is often debated. Rabindranath Tagore was not unenthusiastic of participation of uneducated people. Forty years back in Lahore I saw Mulk Raj Anand the great novelist of 'Two Leaves and a Bud'-fame and Manjur Qader, Foreign Minister, a former Chief Justice and one of the men behind the 1962 Constitution of Pakistan, debating on the advisability of participation of uninitiated people in election. Mr Qader expressed his disapproval by saying that he was sure that his cook would not understand deficit financing. Mr Anand parried and said 'You may not know, your cook may throw a flood of light on the problems of deficit financing from his own experience.' May I refer to the wondering of George Bernard Shaw: 'Despotism failed only for want of a capable benevolent despot, what chance has democracy, which requires a whole population of capable voters.'

Plato was never enthusiastic about democracy, he grudgingly gave a backhanded compliment when he said "democracy... is a charming form of government, full of variety and disorder, and dispensing a sort of equality to equals and unequals alike."

EM Forster in his Two Cheers for Democracy said "Two Cheers for Democracy: one because it admits variety and two because it permits criticism. Two cheers are quite enough: there is no occasion to give three."

You are all aware of the famous aphorism of Sir Winston Churchill: "It has been said that Democracy is the worst form of government except all those other forms that have been tried from time to time".

No government is perfect. No electoral process is perfect. The main redeeming feature of a democracy, however, is that its defects are visible and talked about and under democratic processes can be pointed out and corrected. That is why Amartya Sen is urging us to believe that famine may not occur in a real democratic society.

Alexis de Tocqueville in his classic treatise on Democracy in America said long ago in January 1835 that "though a democracy is more liable to error than a monarch or a body of nobles, the chances of its regaining the right path when once it has acknowledged its mistake are greater also; because it is rarely embarrassed by interests that conflict with those of the majority and resist the authority of reason. But a democracy can obtain truth only as the result of experience; and many nations may perish while they are awaiting the consequences of their errors. The great privilege of the Americans does not consist in being more enlightened than other

nations, but in being able to repair the faults they may commit. It must be added that a democracy cannot profit by past experience unless it has arrived at a certain pitch of knowledge and civilisation".

Noam Chomski and many others like him in and outside USA may be wondering whether Alexis de Tocqueville's words are still reassuring in the post-Iraq World. Alexis de Tocqueville said something more. Did he foreshadow countries like ours? He said "there are nations whose first education has been so vicious and whose character presents so strange a mixture of passions, ignorance, and erroneous notions upon all subjects that they are unable to discern the causes of their own wretchedness, and they fall a sacrifice to ills of which they are ignorant."

By 2000 there were around 100 democracies — almost twice the number in 1989 and about three times as many there were just after World War II. Still today only slightly more than 50 percent of all sovereign states have a democratically constituted government. A substantial number of today's democracies are not performing well. Democratic practices appear fragile in some of the countries of the former Soviet Union and in Latin America. And they remain elusive in most of Sub-Saharan Africa and in the Western Asia. We were still far away from the imagined happy and contented, shall I say smugly, end of the history situation.

Just with data of a few hundred years we often pontificate on the future of human society. There were times when Catholicism was condemned and considered to be unfit

for democracy. These days they may talk about Islam. Since the days of Pharaohs, mind-boggling changes have been taking place. Thanks to the scientific inventions, we can now dream of seemingly unachievable objectives like equality of men. Thanks to the birth control devices we can think of equality of both men and women. Twenty-first century has started badly, there is no magic in the Millennium celebrations. And I have no talent for forecasting.

Our country, though not its name can easily be identified in Ptolemy's map drawn about 150 AD. Since the age of discoveries the importance of this country along with other countries of South Asia and Southeast Asia has steadily grown. After nearly two hundred years we became free from the British rule. For twenty-three years from its inception, no general election was held in Pakistan. The first one was held on 6 December 1970 and the country did not survive and it got asunder.

The emergence of Bangladesh evoked a great support and sympathy among the freedom loving people of the world from Allen Ginsberg to Andre Malraux. Unfortunately that valuable goodwill was soon lost. Andre Malraux the great novelist wanted to launch a tank brigade in support of the Bangladesh freedom fighters. He came to Bangladesh on 20 April 1973 and was conferred an honorary D Litt degree by the Rajshahi University. Malraux was amazed at the impatience obtaining in this country. He found the lean and hungry looking intelligentsia utterly discontented. The makers of public opinion looked more miserable than their miseries. He had a foreboding that the impatient Bangladeshis who had not been sufficiently hardened or steeled by the war of nine months might liquidate their leader.

His foreboding came to be true within less than three years. Bangladesh was then called the land of Sheikh Mujib, the leader in whose name the liberation war was fought and won, despite his non-

involvement in the process of the war itself. His absence was a misfortune and called for painful adjustments. Mujib was murdered with shocking ferocity. The country witnessed several military upheavals and hiccups. Within a little more than five years after the assassination of the founder of the country, the two of our heroes, the Bir Uttams, were killed again with shocking frenzy and ferocity. A country which was committed to democracy had suffered two military strokes.

After a series of loss of lives and a few frontdes, the military rule came to an end on 6 December 1990. With the Eleventh and Twelfth amendments, Parliamentary Democracy was restored. Our teething problems were not over. The constitution was amended for the thirteenth time for facilitating the formation of the Caretaker Government. For last sixteen years we are ruled by the successors of Sheikh Mujibur Rahman and Ziaur Rahman. High hopes were raised. Alas! very few of them were realised.

The members of the United Front were at least partly true to their promises. They passed the law in 1957 for the independence of the Magistracy. Our pussyfooted legislators did not, however, publish a two-line notification mentioning the date of the coming into effect of that law.

Nearly fifty years have elapsed. Some of the SAARC countries have separated the judiciary from the executive. The sky did not fall. Their governments did not topple down by a judicial fiat. It is a pity that none of the elected governments cared for the separation of the judiciary from the executive, the sine qua non for the rule of law. Again, it is a pity that none of elected governments cared to follow the constitutional provisions for setting up local governments, the founding schools for self-government and democracy for aspiring politicians. There should be a meaningful devolution of power at the local level.

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takes legitimate honest practices, if conflict and confrontation replace accommodation and tolerance, even large majority in elections may not protect or save the government. It is unfortunate the elected government aped the military tactics of revising the age limit and increasing the number of constitutional incumbents who are supposed to preserve, protect and defend the constitution for upholding the freedom of the people and independence of the country.

An election is a great uncertainty. It can give lie to all kinds of forecasts. Aristides the Good was a great administrator. Soon people got tired of him. One man waited for casting his oyster shell, the ballot of those days. He was asked 'why do you want to ostracise Aristides?' He said quietly 'I am fed up having Aristides the Good! Adulation of any leader, however high so ever, is a dangerous pastime. After some time people may not savour the diet.'

You may look around and see the walls. They have long tongues and spewing up virtuous assertions and venomous allegations. One Nilakantha Mahadeva, may not be able to swallow all the poisons that may be generated by the election processes. One ruling party came to power on a manifesto of lentil and rice. The people were curious, when another party talked about fish and rice. The people raised their brows. And if you talked about milk and rice, that our mothers cherished for their children, they would have burst in laughter. On their behalf may I say:

"I do not know what the four freedoms are.  
I have not heard of either  
Four square meals or four sandwiches a day.  
I am more than happy if I get rice.  
Not twice,  
Just twice a day."

Muhammad Habibur Rahman is former Chief Justice, Bangladesh Supreme Court and Chief Adviser, Caretaker Government 1996.

## US election scenario

The war in Iraq may be the dominant issue in the election as can be seen from the primary elections, but the voters have not forgotten about the lobbying scandals, runaway spending, the highest budget deficit coupled with trade deficit in US history, and Congress's abandonment of overseeing of the executive branch by becoming a rubber stamp of the Republican party.

### MOHAMMAD AMJAD HOSSAIN

THE primary election season, for selection of candidates of the Republican and Democratic Parties for the Congress which comprises of the House of Representatives and the Senate, is over. The campaign for mid-term election for the Congress has further been geared up as the days for election are approaching.

There are hardly four weeks left for the election which is considered to be very significant in the history of the Congress. The present Congress has been termed as an ineffective rubber stamp. According to Washington Post and ABC news polls, approval of Congress has plunged to its lowest level in more than a decade (Washington Post of October 10).

Presently, the Republican party enjoys a majority in the House of Representatives and the Senate. The Republicans have 231 seats while the Democrats hold 201 seats in the 435-seat House of Representatives.

The Republicans occupy 55 seats while the Democrats have 44 in the 100-seat Senate. 33 seats will be contested for in the Senate. By controlling the majority, the

Republican president has made the Congress irrelevant. The Congress needs to be revived for the effective overseeing of the executive branch, and to apply the checks and balances as per the constitution.

With President Bush's approval rating dwindling to below 40 percent, and with the people becoming increasingly dissatisfied with the handling of the war in Iraq, analysts are of the opinion that the Republican party might lose control of the Congress. On the other hand, the Democratic party has been encouraged by the recent polls, and is expected to win 15 seats to recapture the House of Representatives.

In view of the unpopular war in Iraq, scandal in the congress involving lobbyists and Republican lawmakers, high oil prices during summer, callous response of the government towards Katrina affected areas in the Gulf coast last year and runaway spending the Democratic Party has hopes for winning majority seats in the Senate also.

This being the scenario, the Republican strategists, however, are not sleeping. In fact, they have embarked on a dirty game by blaming the Democratic Party for not capturing Osama bin Laden during Bill Clinton's presidency. In spite of strong protest by the Democratic

Party, ABC TV showed a film on this episode a couple of days ago. Bill Clinton, through his attorney, rebuked ABC for producing "a factually and incontrovertibly inaccurate" mini-series.

It is known to the Americans that President Bush declared in the joint session of the Congress in September 2001 that Osama would either be killed or captured alive. Since then the President did not much about Osama until the observation of the 9/11 episode in September 2006. Osama is at large, while President Bush has focused his attention on Iraq which does not have any link with Osama or the al-Qaeda group. President Bush invaded Iraq unilaterally in May, 2003, violating international law.

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In elections in America there is a tendency to spend millions of dollars to promote candidates through negative



Anti-Iraq war demonstration.

TV ads against the opponent. This is exactly what George Allen, the incumbent senator from the Republican Party, did in the campaign against Jim Webb, a candidate from the Democratic Party. This time the Republican offers the fear mongering campaign.

Another area of concern is that the new electronic voting machines, which were designed to make it easier for more people to vote, are failing as reported from Maryland, California and Georgia. Polls work-

ers, as reported, have not been trained to handle the new technology. This has resulted in the turning away of thousands of voters in the primary elections last month. The voting problems that plagued some states led to calls for investigation, and the submission of a bill in the House to rectify the system. It was co-sponsored by 219 members, which is a majority in the House. The bill will remain in cold storage as the Senate has gone into recess until the elections on November 7.

Both parties are gearing up their campaigns as the elections take place in only 4 weeks time. Latest polls indicate that 54 percent of the registered voters have said that they would vote for the Democrats. Since voters are fed up with the ineffective and scandal prone Congress they want to see a sea change.

Mohammad Amjad Hossain, a former diplomat, writes from Virginia.

### TRIBUTE

## Dr Zohra Begum Kazi

### NIRANJAN CHAKRAVARTY

THE women who endeavoured to break through the foggy atmosphere of the then Muslim society, we must agree, are now regarded as pioneers of female education and gallant soldiers of salvation of the women. Professor Zohra Begum Kazi is one of them.

Towards the end of the 19th and beginning of the 20th centuries in the conservative Muslim society women had to live within the four walls of their houses behind the curtain and education for them was, so to speak, almost impossible and quite out of imagination. By pushing on all obstructions and shattering all barriers came the two bright sisters, Professor Zohra Begum Kazi and Dr Shirin Kazi, who were able to bring light to the society.

Professor Zohra Begum Kazi hails from an aristocratic Muslim family of Gopalpur under Kalkini upazila in the district of Madaripur. She was born on 15th October 1912. Her father, Dr Kazi Abdus Sattar, was a renowned physician who rendered his invaluable service throughout his life as Surgeon of India. He had a very good relation with Mr MK Gandhi, the father of the nation of India. Dr Sattar also came in close touch with other great leaders of India and himself too became a popular leader of the National Congress. The two daughters also inherited his quality. The opportunity and encouragement from their spirited father then ahead to the fruition of their high ambition. Their elder brother, Kazi Ashraf Mahmud was a good poet in Hindi language and a professor of Dhaka University. The younger sister was a renowned physician as well as a poetess.

Professor Zohra Begum Kazi passed the Matriculation Examination from Muslim Girls' Collegiate High School, Aligarh in 1928. She passed the ISC Examination in 1930. She got her MBBS degree from lady Hardinge Medical College for women in Delhi in 1935 and was awarded viceroys medal as she occupied the first place in her MBBS examination. In 1955 she obtained DRCOG degree from London. She also earned her FCPS degree from Pakistan, MRCOG and FRCOG degrees from London.

During her first service life, Professor Zohra Begum Kazi had been Asst Surgeon in several hospitals under the Government of India. She sometimes also served in Gandhiji's Sevagram.

After partition the two sisters with their brother had to respond to the call of the country when the Hindu lady physicians left for India and there were no lady physicians. So Professor Zohra became the first and Dr Shirin Kazi, the second Muslim lady physicians of Bangladesh.

Dr Zohra Begum Kazi had been Professor and Head of the Department of Obstetrics and Gynaecology, DMCH up to 1969. She adorned the posts of Honorary Consultant of Aarogya Niketon Clinic and Hospital, Dhaka, Honorary Professor of Bangladesh Medical College, Consultant to the CMH,



Dhaka with the rank of Honorary Lt Col. She was Honorary Consultant of the Holy Family Hospital, Dhaka, as well as of other major hospitals. She was decorated with Tamgha-e-Pakistan in 1967 as a recognition for her sincere and active service.

The two sisters came down with a flood of light which began to overflow the Bengali Muslim society causing a sort of evolution. When they were admitted to Medical College, even their nearest relatives rebuked them and commented that these daughters of Dr Sattar would be Christians. In reply the high minded father said, "May daughters will be pure Muslims."

After partition those relatives invited them to come to their own land as they felt the necessity of lady physicians. So after 1947 came these two sisters to their beloved land with the message of salvation for the women folks of this land in the sectors of education and treatment.

Professor Zohra's classmate was Dr Sushila Nayyar who was once the Central Minister for Health in India. Her other mates were Dr Shila Halder and Dr Usha Halder. Dr Zohra topped the list in the result sheet of the MBBS examination. Dr Zohra won the scholarships throughout her bright educational career starting from primary school. In those days this academic career was very rare, surprising and beyond imagination for a woman and this is Dr. Zohra who could show that.

Prof Zohra Begum Kazi always likes simple dress. She is free and frank in her behaviour. Her generous heart is full of true love for her friends and relatives. At the demise of her bosom mate Dr. Sushila Nayyar, she had been overwhelmed with grief. In an overwhelmingly choked voice she said, "Sushila has left me alone."

Dr Zohra Begum Kazi married the famous zaminder and a famous social worker of Hatidia, Mr Rajiuddin Bhuiyan, MLC and MP. She has no issue but she is the mother of thousands of sons and daughters of Bangladesh and also India. Prof Zohra had good relations with Sher-e-Bangla, Maulana Bhasani and Bangabandhu Sheikh Mujibur Rahman. Once she had been the house physician of Bangabandhu's family.

This great lady is now 95-years old. She should be accorded with national honour for her great service of humanity.

Niranjan Chakravarty is an educationist.

## An act of social responsibility

### MOHAMMAD ENAYET HOSSAIN

DRUGS have become today a very crucial problem all over the world. There is hardly any nation free from the menace. It disturbs individual, familial and social life. It poses a big threat to economy, culture and politics. It jeopardises the situation to a dismal frustration. Though it demands much awareness, no effective measure could yet be taken to fight this problem out for good.

Hopefully enough, Muzibur Rahman Howlader extensively deals with this problem and writes a very comprehensive book titled Narcotic Drugs Control and Crime Prevention. Through this book he provides us with a vista to scan whole drug-affected world — Asia, Europe, Africa, Oceania and America — at a glimpse. Supported with various charts and tables, he describes the things vividly, attracts the attention of readers towards the gravity of the crisis, and finally creates in them a conscious feeling as to the urgency of its prevention.

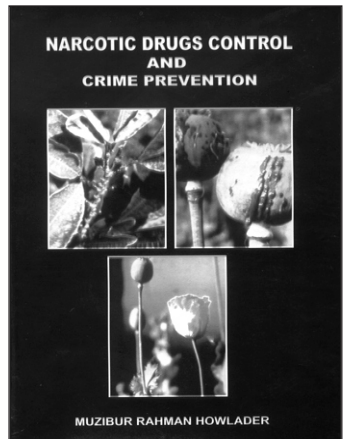
The book, though grew out of

### Book Review

## Narcotic Drugs Control and Crime Prevention

by Muzibur Rahman Howlader

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make the readers aware of the whole drug situation at home and abroad. Besides these comprehensive details, the author further enriches his work with the inclusion of two very important things — narcotic control act, rules and ordinances; and various convention reports, declarations and statements on narcotic crimes and abuse.

Much to the credit of the author, a minute study of the book exposes a dismal world beyond the periphery

of normal affairs of life, and makes us feel how the hydra-headed drug monster works with its octopodic tentacles. As the world witnessed earlier the fatal effects of narcoterrorism, we do earnestly desire an effective way to prevent wars and insurgencies that might be cropped up out of it. And with a view to preventing all these, the necessity of this type of publication is simply great.

The state of drugs problem in Bangladesh should no more be considered small. No doubt, we are none of the Golden Triangle or the Golden Crescent countries, and our country is not a narcotic producing one either. Only cannabis, country liquor and C-class drugs are being traditionally made and used here by some ethnic groups and disadvantaged population. Yet it is a matter of much concern that Bangladesh has been increasingly used as transit route for easy drug trafficking to many European and American markets. If this situation continues, we apprehend a catastrophic disaster may befall us any time.

Reading the book we are taken by sheer awe seeing a very long list of drugs often used by addict.

Besides heroin, cocaine, charash, opium and cannabis, various precursor chemicals like toluene, methyl ethyl ketone, potassium permanganate, acetic anhydride, pseudo-ephedrine, sulphuric acid, hydrochloric acid, phensidyl, pethidine, morphine etc are being used in the most illicit way. It is quite threatening that 185 million people of the world are illegal drug consumers, of them majority belong to young age group, 15 million injecting drug users have reportedly HIV/AIDS infection, 44 percent of the drug users are directly or indirectly related to crimes.

Drug is deeply related to terrorism. The author strikes upon it and clearly shows how fatally illicit drug trafficking gives birth to organised crimes, corruption, money laundering, arms trade, insurgencies etc both nationally and internationally. Moral or religious scruples are little effective in this connection. Although the Quran prohibits intoxication, even then the Afghan Mujahideen guerrillas were found ordering the peasants to grow opium as a revolutionary tax. However, the author throws much light on all these crises and inspires us to brood over.