

## The power of one

**The framers of our constitution (and of its amendments) did not give complete executive power to the unelected CA, but to the body of eminent members of the society. It is now up to them to show leadership. It is up to them to take the necessary steps required to faithfully execute the decisions that will lay course to our prosperous future. They cannot hide behind the excuse of powerful bureaucracy or Bangabhaban bullies. If someone puts up a roadblock or if someone believes he is above the constitution, it is within the power of the CTG to take that person to task.**

**NAZIM FARHAN CHOUDHURY**

WHEN the President Professor Dr Iajuddin Ahmed appointed himself the head of the non-party caretaker government, many cried foul. No intelligent interpretation of our constitution would put the president at the head of the caretaker government (CTG) without exhausting a bevy of other appropriate alternatives. However convoluted his reasoning may have been, AL showed restraint and gave him the benefit of the doubt.

The nation gave their president a chance to prove himself to be neutral and rise above the petty politics that had gripped the nation. We reasoned that the mild-

mannered educationist would appoint an able body of advisers and they, like their predecessors before, would turn out to be impartial and more so, effective.

The chief advisor of the CTG, as the constitution allows him, appointed 10 respected members of the society as advisors. With the exception of a few, the "wow" factor, it seemed, was missing from the line up. It was widely reported that the advisors were drawn up from a list submitted by the major parties. While the question was raised, about if they met the constitutional provision of being "non-party," the society, and to their credit the main political groups accepted the choice and hoped that this will end most of the contro-

versy in this regard. Unfortunately when we thought it could not get any worse, it did! A few questioned the composition itself. Why did the business community not have a representative? The citizenship of a certain advisor was questioned. And then it got a whole lot more serious.

Common citizens quickly complained that the advisors did not show the energy levels expected from them. Of course they did not have time to do the homework required for the job and therefore took some time to find their "sea legs." But it seemed that they were kept in the dark about many of the decisions that the constitution entrusted to them to take.

The president, it was obvious,

was politically too inexperienced to differentiate his role as head of the nation to that of his duty as the CA. Worse, accusation levelled against the Bangabhaban was that the president's politically appointed minders were calling the shots. They were present at advisory council meetings and refused to heed opposition demands to step aside. Any person even slightly knowledgeable of the workings of the government could easily point out that there was backroom politicking happening in scales that has not seen in our young democracy in many years.

The difference between the CA and rest of his advisors was soon out in the open. Many believe that the advisory council painted themselves into a corner when they openly said that the CEC had to go. While it bought them time from the AL, political manoeuvring by the president's secretaries ensured that this could not be translated into actionable deeds. And then out of the blue came the most damning action of all.

The home secretary without the knowledge of the CTG (it is not clear if the CA was aware of this move) attempted to call in the army.

How could such a bold and potentially course altering decision be taken without consulting the CTG? More so, when they had met that very same day? More than a few questions are raised. Did the president/CA know? Did he comprehend the gravity of the action? Was there someone else calling the shots? And the most worrisome of the questions: was the constitution itself violated?

While I cannot answer the first few of these questions as I am not privy to what goes on in the great mind of the president, I believe the last is easy to dissect. The Article 58B [3] states: "The executive power of the Republic shall, during the period mentioned in clause [1], be exercised, subject to the provisions of article 58D [1], in accordance with this Constitution, by or on the authority of the Chief Adviser and shall be exercised by him in accordance with the advice of the Non Party Caretaker Government."

Basically this clause states that the executive power (i.e. the responsibility of day to day functioning of government) rests with the chief adviser (as opposed to the president) and can only be done with the agreement of the remain-

ing of the advisors.

"[I]n accordance with the advice of the Non Party Care-taker Government." These words are very important. "Advice" in this case is not same as the advice my wife takes when she asks which sari she should wear. This "advice" is not open to acceptance or rejection. This "advice" is the legal wording that says, "must do."

Now I know, some might be thinking: "Hey, the CA is the same as the PM in a normal time. So isn't the PM's wish supreme? Could she not have disagreed with rest of her cabinet on a topic and still come out on top?" Well that logic, though enticing, breaks down in two counts.

In a parliamentary system the PM is *Primus Inter Pares* -- Latin for First Amongst Equals. That means the PM is one of the many ministers of the cabinet, who while having the overall responsibility of the co-ordination of the cabinet does not supersede remaining of the members of that body. It is another matter that in our fragile democracy PM acts as the de facto president of yesteryear with complete authority.

More importantly one needs to look at the clause giving executive

power to the PM during normal time of functioning. Article 55[2] states: "The executive power of the Republic shall, in accordance with this Constitution, be exercised by or on the authority of the Prime Minister." Full Stop!

None of the "advice" of the council of minister business. She has, according to our constitution, the last word on what is correct for her government to take. Of course she has to get it ratified by the parliament, but she, and she alone, bears the ultimate responsibility of any government decision or action. And if her ministers do not like it, she has the liberty of firing them.

That is not the case with the advisors. The president or the CA has no authority to remove them (except in extra-ordinary circumstances). And while the CA is the person who chooses the body of advisors, once they take the oath, their roles are equal.

So here we stand, the CA has to work in accordance with the collective (or at least majority) wisdom of the advisory council of which he is another member. This body is entrusted by the constitution and by the nation to carry out the responsibilities of government. The onus is

now on the non-party caretaker government to take responsibility for their action. As Dr Yunus said, it is time to be strong and hold steady.

The framers of our constitution (and of its amendments) did not give complete executive power to the unelected CA, but to the body of eminent members of the society. It is now up to them to show leadership. It is up to them to take the necessary steps required to faithfully execute the decisions that will lay course to our prosperous future. They cannot hide behind the excuse of powerful bureaucracy or Bangabhaban bullies.

If someone puts up a roadblock or if someone believes he is above the constitution, it is within the power of the CTG to take that person to task. There is no need to be afraid. Hold steady, and no one can move you from the path of righteousness. It reminds me of the Bangla saying: "Doshay milay kori kaaj, har jitee nahi laaj." A rough English equivalent would be: "United we stand..."

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## Who calls the shots?

**Prof Dr Iajuddin Ahmed has got a rare opportunity to serve the nation by holding the positions of the prime minister (CA) and president. He is at the fag end of his life. He has nothing to get from anybody. Now, he can act above all petty interests and party affiliation. And if he really wants to do so, he will first have to remove the sycophants from the ministries and divisions which he is heading. Unless and until he does so, he will face more and more controversies, and the people's aspiration of having a fair election might be shattered.**

**NAZRUL ISLAM**

THE president-cum-chief advisor (CA) to the caretaker government, Prof Dr Iajuddin Ahmed, seems to be encircled by bureaucrats who are apparently misguiding him. Acting on their advice, some of his statements and actions have been controversial.

Prof Iajuddin has appointed 10 advisors to help him in taking decisions. But, as far as press reports say, the advisors could hardly contribute to the decision-making process for creating a level-playing field for holding an acceptable general election.

During the two-week tenure of the government the caretaker chief

did not hold any meaningful discussions with his deputies on the affairs of the country, which is currently going through a critical juncture.

Rather, the administration took some incongruous decisions, on his behalf, that involved the CA in controversy, and definitely tainted his image. Even the President's Office had to make a clarification of his written statement, delivered to the secretaries, about the pattern of the government. The clarification might have defused the debate for a while, but the damage that has been done to the president cannot be repaired. The person, or persons, who wrote and scrutinized the text of the speech should have been made answerable for making

the high office controversial.

The president's address to the armed forces also contained some elements that evoked speculation in the public mind that the president was asking the army to take over power. There were rumours in the city, soon after his meeting with the armed forces, that the army might take over power if the political imbroglio continued.

However, the countrymen expect and believe that the army, which has become highly professional during the last one a half decades, would not enter the country's political arena. Our army has attained international reputation and dignity. Moreover, a large number of armed forces personnel -- from sepoy to officers -- are

getting financial benefit by serving in the UN peacekeeping forces.

Any involvement of the armed forces in the country's politics would not only damage their image but also make uncertain their participation in the peacekeeping missions. One may argue that the armed forces personnel can be used to manage the current crisis, as they did earlier during VGD card distribution or carrying out relief work. But the two things are quite different -- one is linked to politics and other to humanitarian acts.

Therefore, it is absolutely essential for all to deal with the army very carefully. As the chief of the armed forces division, the president will have to be more careful in handling their affairs. Any mistake, or ill-motivated guidance, may push back our army to the state of 70s or 80s. That is why many people were saying that the president should have been more cautious while addressing the army.

The speculation of the people almost turned into reality Sunday night, when the viewers first came to know from TV channels' scrolls that the government had decided to deploy troops in aid of the civil administration. The news evoked

sharp reaction among the members of the public. The most astonishing thing was that the council of advisors was not aware of the decision, which was taken at noon on Sunday.

In the current caretaker system, the advisors, including the chief advisor, are collectively answerable for any government action. Moreover, I think that all our advisors are well experienced, prudent, and giants in their respective fields. The CA can make his task easier by taking their suggestions. We do not know why the chief advisor did not feel it necessary to seek advice from his council of advisors before taking such a crucial decision.

If the CA can take such a delicate decision like deploying troops on his own, or with the aid of his bureaucrats, then, I think, he should also be able to approve other official documents prepared by the secretaries of various ministries headed by other advisors. Otherwise why should the advisors be sitting in the ministries, spending money from the public exchequer?

But, once again, the decision of the government got muddled when the home ministry, which the CA

heads, in the midnight-issued press note gave its own clarification on the official decision that was sent to the deputy commissioners earlier in the day. The press note said: "Troops might be deployed after taking the situation into consideration. Since no such situation has arisen, the decision of deploying the army has not been taken."

Here, the media have been made scapegoats because, allegedly, they were not correctly presenting the office order. But there is a lot of difference between an office order signed by the home secretary and a press note signed by a joint secretary. It can easily be assumed that the sharp reaction among the members of the public and political parties, and perhaps the disapproval of the council of advisors (not officially but morally), finally forced the home ministry to retreat from its position.

A more interesting thing happened the next day, when the council of advisors decided to rescind the official order. Even the CA reportedly expressed his ignorance as to how that order had been issued.

The messy situation centering the CA is inevitable as he is surrounded by a group of bureaucrat-

sycophants of the immediate past government. The top positions of some important ministries and divisions like cabinet, establishment, home, and information are manned by the henchmen of the past government. If the CA sincerely wants to act neutrally, he will not be able to do so until those politically motivated people are removed from those key positions.

They will try to serve the interests of their former masters as long as they get the chance. And while doing so, they will not hesitate to put pressure on the CA and malign the position of the president. The incidents that have happened so far are a testimony to the fact. Moreover, the CA himself has created the situation by taking over the responsibility of so many key portfolios. It is not possible for a 76-year-old person, who underwent a bypass surgery a couple of months back, to go through all the files and scrutinize those. He will definitely have to rely on the officials, who are now out and out partisan persons.

While I was working on the article, BTv came up with a news item that the government had appointed the controversial press secretary to the president, M

Mokhlesur Rahman, as advisor with the status of state minister. The sudden appointment, perhaps violating the constitution as it allows appointment of only 10 advisors, of a highly disputed person to the post of an advisor will deepen the controversies centering on the president.

Prof Dr Iajuddin Ahmed has got a rare opportunity to serve the nation by holding the positions of the prime minister (CA) and president. He is at the fag end of his life. He has nothing to get from anybody. Now, he can act above all petty interests and party affiliation.

And if he really wants to do so, he will first have to remove the sycophants from the ministries and divisions which he is heading. Unless and until he does so, he will face more and more controversies, and the people's aspiration of having a fair election might be shattered. The failure would make Prof Dr Iajuddin Ahmed, a revered university teacher and the number one citizen of the country, a villain in the country's history.

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## The president's agenda?

**However, the time to constitute the Supreme Judicial Council is fast running out, and if the present CTG does not form it before AL and other political parties re-impose country-wide blockade on November 20, the country will suffer irreparable loss. The ordinary citizens are fearful that in case the BNP-led alliance, or the law enforcers, try to break the blockade the country will plunge into total anarchy and President Professor Iajuddin might then invoke the emergency provisions of articles 141A and 141B of the constitution and implement his own agenda, if he has one in mind.**

**GHULAM RAHMAN**

PRESIDENT Professor Iajuddin Ahmed, an unassuming academic, is generally viewed as most unlikely person to have political ambitions. Former Prime Minister Khaleda Zia chose him as the president as he was expected to serve the interests of her party faithfully. He has complied, so far, with her every wish. After he addressed the armed services officers at Senakunja, and the secretaries at the secretariat, the question that has now arisen is

whether he will continue to pursue the course set by the BNP leadership, or step into the political chess game with his own agenda.

In his address at Senakunja he revealed that: "The armed forces were kept on alert for a while to control the evolving situation if the necessity arose, and to prevent any kind of unwarranted chaos" on the eve of transfer of power late last month. He then emphasized: "The armed forces must be ready for the sake of the state and the people." He added "I hope you'll jointly demonstrate your professionalism

for maintaining the democratic process, and discharge your responsibility by rising above all controversies."

In the secretariat, he categorically said that his office: "The highest constitutional institution has to be kept above all debate." He then asserted that: "The present form of government has become a presidential form after reposing the responsibility of caretaker government on the president." Does he mean that the 90 days tenure limitation of caretaker government does not apply to his government?

Sheikh Hasina, the leader of the 14-party combine, has called upon the people once again to impose the road, rail and waterway blockade through out the country if the demands for creating a level playing field for participation of all political parties in the forthcoming election, is not met by November 20. Of all her demands, the most vexing one is reconstitution of the Election Commission.

The council of advisors has unanimously agreed to reconstitute it, and sent no less a person than advisor Hasan Mashhud Chowdhury, former army chief, along with the president's military secretary to the CEC to plead for his resignation. However, it seems that he is a hard nut to crack. He even lied that the advisory council did not ask him to resign. Apparently the CEC is drawing strength from the 4-party alliance's whole-hearted support for the Election Commission. They have already declared the resolve to resist any design to dislodge Justice Aziz and his colleagues. In fact, she has, in

the meantime, rudely lectured the advisory council not to meddle in the affairs of the EC.

Article 58D(2) of the constitution placed on the caretaker government the responsibility to "give the Election Commission all possible aid and assistance that may be required for holding the general election of members of the parliament peacefully, fairly and impartially." Justice Aziz is stubbornly taking advantage of the constitutional provision that "an Election Commissioner shall not be removed from his office except in like manner and the like grounds as a judge of the Supreme Court."

In this scenario, the CTG has hardly any option but to form a Supreme Judicial Council to investigate into allegations of unsound mind, of repeatedly lying publicly and of squandering Tk 400 million of public money, in the face of opposition of his two colleagues and a High Court order, in the preparation of a fresh voters roll that is filled with fake names and excludes real voters.

If they do not remove him, they will fail in their constitutional responsibilities. It would be incompatible with their constitutional responsibility to assist an Election Commission which has already lost their confidence and that of the nation.

However, the time to constitute the Supreme Judicial Council is fast running out, and if the present CTG does not form it before AL and other political parties re-impose country-wide blockade on November 20, the country will suffer irreparable loss. The ordinary citizens are fearful that in case the BNP-led alliance, or the law enforcers, try to break the blockade the country will plunge into total anarchy and President Professor Iajuddin might then invoke the emergency provisions of articles 141A and 141B of the constitution and implement his own agenda, if he has one in mind, to rule the country as an absolute ruler, at least for sometime, with the help of civil and military bureaucracy. That would be really a sad day for the country and its nascent

democracy. Therefore, it would be prudent for all patriotic political parties to act with restraint and foresight.

In this possible scenario, the immediate past prime minister and head of BNP-led alliance, Khaleda Zia, and AL president Sheikh Hasina, also a former prime minister, should now act like true statesmen, rising above their narrow political differences. Of course, if Justice Aziz demonstrates foresight, sagacity, and love for the country, and resigns immediately, like the stepping aside of CA designate Justice KM Hasan, the country will be saved from a political calamity, and the very personal sacrifice of patriotic Justice Hasan would not go in vain.

The CEC and his colleagues in the EC should realize that, after so much doubt in their integrity, and the people's sacrifices, elections will not be possible under them. The question is whether they will leave with grace, or be removed with disgrace during the

present CTG, or a possibly extended presidential rule of Professor Iajuddin Ahmed, who apparently has already made his debut in the country's political chess game.

Finally, I would like to give a word of caution to the president, for whom I have very high esteem as an academic. I would like to remind him that in bygone Pakistan days President Iskandar Mirza entered the political game with the ambition of establishing his absolute rule, but subsequent twists and turns of events went against him, and he had to spend the rest of his life as a hotel manager in Switzerland. Professor Iajuddin should rather endeavour to have an exalted place in history, with the respect that he was the one who steered the nation at a difficult time, by holding a free, fair, neutral, and credible parliamentary election in January 2007.

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## Let our leaders be moved by the wishes of the people

**REVEREND MARTIN ADHIKARY**

THE mayhem, brutalities and political uncertainties that now characterize our life need to come to an end. We, as human beings, and as a society, cannot afford to go on like this. Everyone understands, knows, and experiences every day, indeed every moment, that we as a nation have been passing through a time of great national crisis for quite some time. All this may remind us of what the political scientist John Locke had once said about human life when there was no state, law, and order: "Life is short, nasty and brutish."

This is true not only in the political arena, but also in other aspects of life. All areas in our life are integrated. If things are going badly in one area it affects the whole. The political situation is one thing that touches every aspect of our lives now-a-days.

But there are not many people who have the political power or authority, or even the opportunity, to help lead a country or society to the

path of goodness, and a healthy state of life. Only a very few select people, may be only one man sometimes, have the biggest responsibility. It is they who need to bear that great responsibility with the accountability that goes with it.

We have, at this stage, a caretaker government with the primary mandate of creating and sustaining the right atmosphere for a free, fair and fearless election. Ironically, the situation is such that instead of the care-taking government taking care of the nation, it is now happening the other way round! Still, we nurse the high hope that, in the end, the CTG will remain faithful to its sacred mandate and lead the nation to a much-needed transition. A great deal of the future depends on the decisions that our leaders take every now and then.

We are passing through a time characterized by feuds between rival political parties and alliances of parties. There has been so much bloodshed, enmity, jealousy, and hatred that we are questioned by other people. But these do not seem to move, or appeal to, the hearts of those now in authority. We

are a people whose judges feel embarrassed to give the right verdict, whose judges who lack integrity, we live in a country where, in the name of religion, horrendous crimes are committed, though I hasten to add that our country is not the only one in this respect.

One can mention that ours is a country where millions of religious-minded people live duly ascetic lives during the holy month of Ramadan, while the dishonest people raise the price of almost every commodity so high that about 70% of the people, who live below the poverty line, find it very hard to buy their daily necessities. We are a nation with a record of having been identified as the most corrupt country for five consecutive years. We are a people whose leaders embrace the voters before the election for a public position, but disgrace them after they are elected. One can praise our ordinary people for their patience in spite of their suffering because of the way our political leaders have been leading us. If it were in any western or affluent country the people would have done anything in their power to rectify the situation. Perhaps the

question does not arise.

The president has taken the office of the chief adviser of the caretaker government in a manner that has been questioned by many from the constitutional point of view. Even the Election Commission has been under question ever since its formation. But nobody in authority seems to be bothered over this matter. Is anyone outside the jurisdiction of the constitution of the country? Should the constitution be interpreted without due regard to the will of the people? Certainly not! But we still hear the leaders of some parties insisting that nothing can be done outside the constitutional provisions.

One of our great countrymen, Professor Dr Yunus, can be likened to an oasis of peace in the dry desert of enmity in Bangladesh. He has won the most prestigious Nobel Prize for Peace for his great work. I am sure that when he goes abroad these days, and meets and addresses so many august gatherings, he feels isolated from his country and the people in the circumstances prevailing in his homeland.

He and his organization, Grameen Bank, have done a tre-

mendous amount of work for ensuring justice and peace in our society at large. We ought to encourage each other to create a milieu of socio-economic empowerment of the people of our country so that sustainable peace and progress is not just a dream, but is something that is attainable. But our power-mongering political culture of violence and revenge eats into the vitals of any such concept.

The constitution of the country has been amended several times since its birth, in 1972, to suit the vested interests of some people wielding authority and power, with utter disregard for the masses who have been struggling for a Bangladesh where all people, irrespective of religion, race and political or ideological belief, will live in an exploitation-free society, a society where human rights of every person will be respected, where the fine flowers of democracy will be seen, felt and heard.

The very issue of deployment of the army to maintain peace shows that the president-cum-chief advisor does not have control over the matters that are officially in his

hand. He has taken the responsibility of as many as ten ministries. How ridiculous! And now many things are out of his hands already.

It is true that the president-cum-chief advisor has the supreme authority now vested in him to make decisions. But he is under the constitution of the country. And the constitution is written by people's representatives to mirror the mind and spirit, the hopes and visions of the people as a corporate political will.

So it is also true that the people of the country are those who matter most, above everything else. In the famous definition of democracy given by Abraham Lincoln: "[G]overnment of the people, by the people, for the people," the word "people" is used for no less a reason than to highlight their supreme importance in every political will, thought, decision, and action.

Bangladesh is a republic. The word republic, when used to refer to a state entity, implies that it is the people of the country who are most important. It also implies that some people will be chosen, or elected or appointed, by the people to repre-

sent them, and also be accountable to them for the task and responsibility given to them (the representatives) to perform or bear. We often hear that some political leaders are very vocal about things being done within the parameters of constitutional provisions, and nothing outside. Should not the voice of the people, in such a situation as the nation is now in, be given due consideration?

A constitution is made by man. But people are people; they are not made by man. I am not a political person, but just an ordinary citizen of our country. But I think that I represent the wishes of millions of my countrymen, whose only wish at the moment is that all our leaders, irrespective of any political or ideological affiliations, or position in government, should come to accept the stark reality that we are what we have been made into over the years. So we should respect the voice of the people, and people should be given the opportunity and environment to exercise their suffrage freely and fairly.

If the 4-party alliance thinks that it has done good work for the nation

during their just concluded term then it does need to be afraid. Neither should the 14-party alliance be concerned if it thinks that it really represents the wishes and hopes of the people in general.

In all this, of course, the president-cum-chief advisor and his council of advisers need to take a strong stand and go ahead, following the principles of integrity, justice, and fairness in view of the overall situation.

I am not sermonizing, but one can sense that if things continue this way worse and worse times lie ahead, for, in a culture like ours, violence only begets violence. So let our leaders be moved by the wishes of the people.

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