

## 1.22 crore excess voters!

*It's not too late to rectify*

THE NDI has reinforced what the media and the civil society had been persistently trying to attract the Election Commission's (EC) attention to since the voter list was 'updated' in August this year. It is strange that it had to be an US institute to rub the matter in when all this while the EC had turned its deaf ears to our calls to address the issue of excess voters.

What is beyond one's comprehension is the EC's inexplicable indifference to the reports that had appeared in the media since the 'updated' voter list was first made public, and its reluctance to correct the anomaly.

Now that the fact has been further strengthened through the revelation of a foreign organisation it is clear that going to the polls with 1.22 crore names which are either duplicate or excess will only be a farce. Statistics show that there are as many as hundred parliamentary seats where the margin of victory has been around only 5000 votes while there are several dozen seats where it has been between 100 and 1000 votes only. Thus, when the margin had been so fine, ghost voters to the tune of more than ten million will certainly distort the result as the NDI has rightly pointed out, and which we had been so unsuccessfully trying to call the EC's attention to.

We are also aware of the constitutional constraints. However, we feel that 'time' should not be a shield to hide behind and an excuse for inaction. Here again Justice Aziz's failure to take note of the public outcry in this matter has been puzzling to say the least, and this is what made him a controversial figure. His inaction has wasted valuable time. This is inexcusable.

We suggest that the EC calls upon individuals with experience in handling election matters like voter list, such as ex-members of the EC. A brainstorming exercise with them could be undertaken to come up with ways and means of rectifying the error within the time frame.

We strongly feel that there is still time to correct the anomaly and conduct the election within the stipulated time. But for that to be possible the EC must act without any further waste of time

## CHT Agreement

*Unfulfilled commitment*

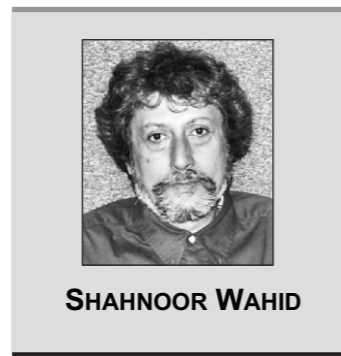
WE are disappointed by the lack of progress in implementation of the CHT Agreement of 1997. Over the past nine years no serious effort has been made in putting the various terms of the agreement into effect. This issue has been one patent case of apathy and unwarranted negligence on the part of the government. It is a pity that the agreement has been put in the back burner, left to languish. We do certainly owe an apology to the peoples of the CHT for the abject failure.

What the government seems to have overlooked is the fact that the agreement has been signed on behalf of the state and no matter who is in power it has an obligation to fulfill it or take measures to remove any hurdle that might crop up in the process of its implementation. Admittedly, there may exist certain issues in the terms of the agreement that may require renegotiation, but nothing has been done in this regard either. Has the government felt the need to approach the other signatory to discuss ways and means to remove any impediment? Can the people of the CHT be faulted for questioning the government's intention and for losing confidence in it?

The people of the Hill Tracts are very much a part of the nation and they too should have equal rights and privileges just as any other citizen of the country. As it is the country is passing through a political crisis and discord. Surely, we do not need yet another one to linger and stagnate.

Complicated as it may appear, it is our belief that given the will and sincerity, we should be able to overcome any real or perceived bottlenecks that exist in the agreement through mutual discussion. Let us also remember that doing nothing about the implementation is not an option. Keeping the treaty in limbo does not help the country in any way. On the contrary, if anything, it is bound to damage the good image of the country. Let us stop treating the agreement as mere piece of literature.

## When judges do injustice ...



SHAHNOOR WAHID

REMEMBER that icon? The goddess of justice is blindfolded and the two weighing scales in her hand are evenly poised. That is the symbol of a just and a civilised society. Does that symbol carry any meaning in our judicial system at the moment? A million-dollar question.

In our society we have always held judges in highest esteem. They received utmost reverence and admiration, not only from the common people, even from respectable people of other equally exalted professions. Judges, by virtue of their honesty, uprightiness, wisdom and neutrality, created an aura of holiness around them that stayed until they retired from the service. Even in retirement they carried the myth with them.

The reasons being, judges used to come from the best stock of learned people having the required academic background and experience and all other mandated qualities to sit on the chair as deliverer of justice, with malice or prejudice or favour to none, upholding the truth, the only truth, and nothing but the truth. And after the Providence, judges are the ones who are legally empowered to decide the fate of a man -- whether he would live or die.

In Bangladesh, judges and common people or people of other

professions have always maintained a respectable distance from one another lest familiarity worked as a deterrent in executing their verdicts. A judge was not to be seen merrymaking in public. A judge was not supposed to walk the path of the commoners. A judge was to stay one rung above others in the social ladder. A judge was to be the last refuge of a helpless person. A judge was a custodian of the constitution.

But when judges waver; when judges are indecisive; when judges are irresolute; when judges falter and when judges become partisan -- politically or otherwise -- they begin to slide downward from the high moral ground and begin to lose their respectability in society. If this happens to a judge then that would be considered only one step short of a sad demise of the iconic aura he once enjoyed.

And that is what we have been witnessing in Bangladesh in recent days. Yes, it is with a heavy heart and bewilderment that we note that in Bangladesh some judges are out to do great injustice to their exalted profession by unnecessarily getting mired in controversial political issues when they were expected to

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remain above such commonplace affairs.

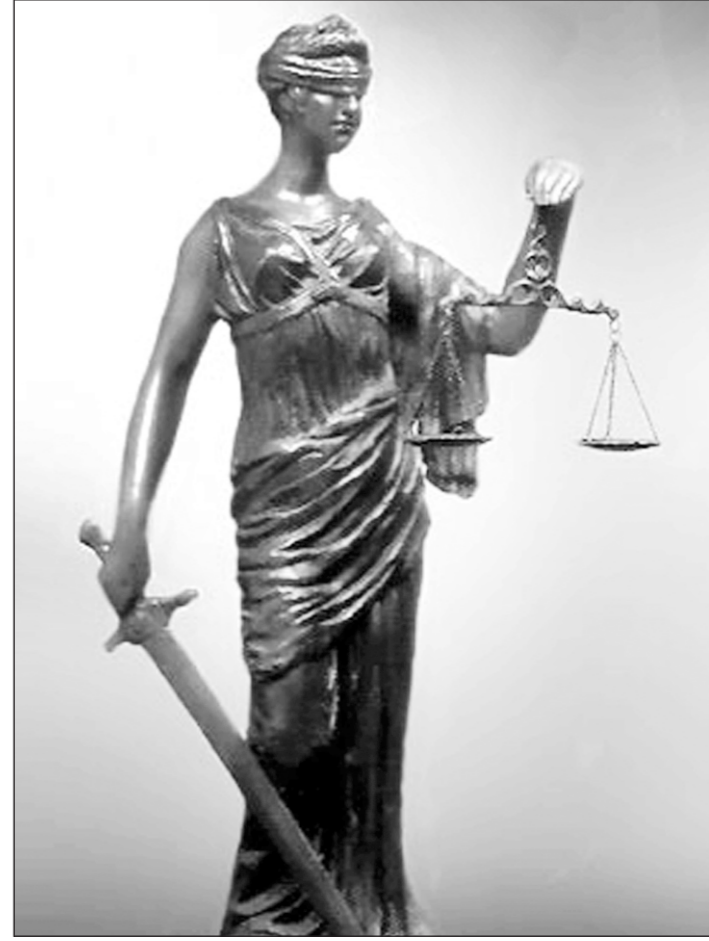
Politics has become the profession of the thugs in this country. So, why should some judges with good track record get involved in this? What has gotten into them? Do politicians enjoy more power and respect than the judges do? Surely they do not. Then why become their agents and offer your office to let them manipulate the legal proceedings and thereby destroy the image of the sacred precinct of law? Isn't it like throttling your throat with your own hands? It is bizarre indeed that some judges are violating codes of conduct one after another with impunity, and we have to watch such ludicrous moral plunge on our TV sets on a daily basis.

It gave us much pain to see the entire nation mocking at a once respectable judge when he began to toy with people's right to vote and be enlisted as a genuine voter. This particular judge has no record of personal dishonesty and he had entered the last part of an illustrious career. Then something got into his head and he indelicately walked into a vicious trap that was cleverly set for him by the vested quarters.

From then on, this respectable judge began to act like a man possessed. He not only discarded a valuable data base of voters, he began to create a new voter list despite a High Court ruling that prevented him from throwing away the existing voter list. He was to upgrade it only by including the genuine names of the new voters.

His work was stopped when the Supreme Court upheld the HC ruling. But as this particular judge went on with the work of upgrading the voter list, he eventually ended up including names of more than one crore new voters. Even though the entire nation questioned the authenticity of such result, he opted to remain tight lipped. Then began a hide and seek game with the people and media. By his acts, the judge went against the will of the people; went against the dictates of the constitution and he obstructed the people from having information, thereby violating their basic right. Is this expected of a judge?

But it was nothing when compared with what the chief justice did the other day. He has done something in his own domain that will go down as the darkest period in the



annals of justice in Bangladesh. By his acts, the chief justice has exposed his leaning towards one side, which is most unbecoming of a person sitting on that exalted chair.

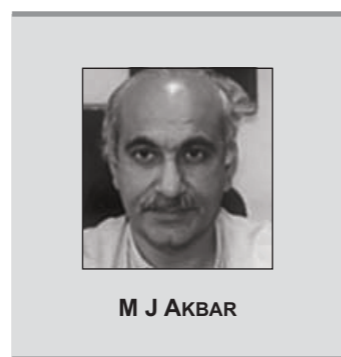
Our question is: Had the verdict gone against the chief adviser of the caretaker government would that have affected him or the legal system of the land in any way? Then why did he do that? Is he empowered to protect any person from trial before the hearing of the case has been completed? Didn't

the nation expect him, and most rightly so, to be neutral as a judge? Has he lived up to his oath?

Be it fish or tree or human, once the rot spreads to the head, the chances of survival become nil. When the office of the chief justice becomes partisan, can we expect unadulterated justice? A million-dollar question, again.

Shahnoor Wahid is a Senior Assistant Editor of The Daily Star.

## A London diary



M J AKBAR

THE red edge of dawn woke me up at 15,000 feet above Zurich. We had risen through a floor of thick, dark grey cloud that was both still and undulating, a sky-sea of waves at 10,000 feet. To my left an astonishing architecture of Alps rose above this sea, the top of the highest peaks jagged, rough-cut, utterly beautiful skyscrapers, slowly beginning to absorb into their pristine white the warm colours of a sun emerging out of a high horizon to start another day. Every horizon is relative to the eye. The blood red softened, and the Alps took on a pastel hue before suddenly becoming part of the dazzle of sunlight. Those five minutes of nature's magic will last a lifetime in memory.

It was a relief to land in London and discover that this month's panic about sudden death had nothing to do with the circumcised. Instead the Cold War was back in business, on-screen and off-screen. The latest James Bond is a spectacular smash in Casino Royale and on the front pages of the newspapers is a story about a space-age murder in a sushi bar that Ian Fleming might have had difficulty inventing.

On November 1 an ex-KGB spy -- you can always get asylum in Britain if you claim to be "ex" -- called Alexander Litvinenko had lunch in Piccadilly with Mario Scaramella, an Italian "security consultant," which is a pompous term for the same profession. The Russian ate fish, the Italian, more circumspect, drank only water. Both ingested a radioactive isotope called Polonium 210, derivable from radium and apparently available on the internet. But you have to be rich if you want to kill ex-KGB spies. Less than a pinhead is needed to destroy the cells in your liver, kidney, and bone marrow, but the Russian had enough to kill him a hundred times. The cost of his dose has been estimated at over 20 million pounds. The Italian is also contaminated, but not lethally. Among other things the Italian is said to believe that his prime minister, Romano Prodi, is or was a KGB agent. I don't know who did it, but every columnist in Britain thinks it is the current version of the KGB which is poisoning Vladimir's enemies everywhere.

I am here as a guest of the Guardian and the British Museum to participate in a discussion on Faith, Nation, Culture: What

Bengal's History tells us about Living with Multiple Identities. There is a serious level of eminence on the podium: Amartya Sen, Neil MacGregor, director of the British Museum since August 2002, Joya Chatterji, the fine historian now teaching international history at LSE, and the young and very bright Tufyal Choudhury, who lectures in international human rights law at Durham. In the chair was Jon Snow, who personifies Channel 4 news.

Amartya Sen, a great liberal in the finest traditions of his region, led the discussions with a well-considered and even impassioned analysis of the great virtues of Bengali humanism. Not everyone was equally sanguine about Bengal's past, although its present under the secular Marxists has done a great deal to erase memories. Without trying too hard to be contrarian, I did suggest that Bengali Muslims, now in Bangladesh, were victims of a double irony. Bengali Hindus did not consider them Bengali enough, and other Muslims did not think them Muslim enough. At the nodal moments of history, it was all Bhadrakol versus Chotokol and

Ashraf versus Atrap. Perceptions of class proved more relevant than faith or culture. The Muslim ashraf came in 1204 but conversion in eastern Bengal was not by the sword. The Mughals actually forbade forced conversions when they conquered Bengal during Akbar's time.

East Bengal became Muslim because of the turn of a river: the Ganga migrated east and opened up forest lands for cultivation with her silt. That is a story that requires more space than a column. But this much is relevant and can be said here. The three great political formations of the last two centuries were the province of Bengal in the British empire, India, and Pakistan. None of the three could survive the explosive overlap between culture, faith, identity, and the dream of power that partitioned Bengal, India, and Pakistan. The Bengali Muslim was censured as a traitor thrice, in 1905, in 1847, and 1971; but the plain fact is that all three were unable to contain the tensions of the social history of one people: Bengalis.

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BYLINE

**The idea of India defeated the British empire. The idea of Pakistan defeated India. The idea of Bangladesh defeated Pakistan. I am delighted that all three ideas, or idealisms, won their geography and independence, otherwise reality would never have been able to bear the burden of fantasy. Bangladeshis now cannot blame Pakistanis; Pakistanis can't blame Indians; and Indians, thank God, can't blame the British for the fact that 500 million of us still sleep each night with stomachs that are only half-fed or worse.**

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Apology, or even "deep sorrow", about the past is a limited virtue, particularly when there is so much more to apologise for in the present. Even sincerity about the sins of your ancestors is only a variable balm. Tony Blair has set the mood for the 200th anniversary of the abolition of slave trade in Britain (doubtless an occasion for much self-congratulation next year) with an expression of "deep sorrow" about this "shameful" past.

Not quite an apology, which the right wing press is fiercely resisting, saying that slavery should be considered within the context of its times. That is why Blair added: "It is hard to believe that what would now be a crime against humanity was legal at that time." As a descendant of the first slave trader shrewdly told the Guardian, no one uses the excuse of contemporary mores to justify Hitler's barbaric atrocities.

Britain was responsible for carting around 2.5 million slaves in its trade ships, second only to Portugal. That the City should participate in profiteering out of human misery seems more understandable than the fact that the Church of England used slaves on its Caribbean sugar plantations and opposed abolition in Parliament. (The Church apolo-

gised earlier this year.) It needs to be stressed that there was nothing specifically Christian about this atrocity: Muslim Arab traders were equally guilty, and someone from there should consider an apology as well.

However, I would urge Blair and Britain to postpone the 200th anniversary by about ninety years to 2115. That would mark the genuine end of the slave trade by Britain. How? The Empire still needed slave labour for its sugar, cotton, and tobacco plantations in remote, far-flung corners of the world. When it could not ravage Africa by law, it simply turned to its existing brown colonies.

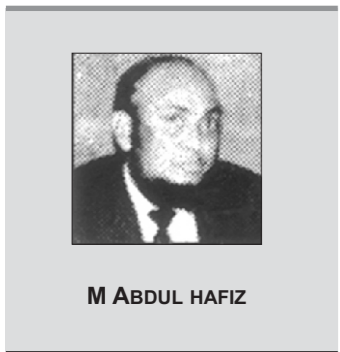
The new slaves were not called slaves; they were described as "indentured labour." Slavery by any other name still stinks. And so Bihar and Uttar Pradesh were shanghaied off across the "seven seas" to West Indies, Mauritius, Fiji. Where do you think a quarter of the present West Indies cricket team comes from, whether Hindu (Chanderpaul) or Muslim (Dave Mohammad). Or where Mauritius's prime ministers come from. India is going to get a base in the Indian Ocean on one of the Mauritian islands at least partly because of bonds that make Bhojpuri an integral part of the patois that is spoken in Mauritius.

When Blair's successor in 2115 issues his semi-apology, he should thank a man called Mohandas Karamchand Gandhi. The abolition of indentured labour was Gandhi's first notable success against the British Empire.

In the meantime, could Tony Blair please apologise for Iraq?

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## A travesty of the caretaker concept



M ABDUL HAFIZ

WHEN, after a protracted movement, the 14-party alliance garnered some success for the electoral reforms it has been seeking, a bizarre series of events tilted the balance and the election engineering already taken by the BNP-Jamaat combine received a fresh boost.

Those who thought those events to be merely the election stratagems of the latter are now convinced of a deep-seated conspiracy to rig the election for the ninth



PERSPECTIVES

**However, the BNP-Jamaat's dwindling electoral fortunes will catalyse more and more intrigues and plots, because that is the only recourse that it will be left with. The Uttara episode is a pointer. In a democracy, election is usually accompanied by festivity. We are unfortunately witnessing the gloom of a midnight horror show with election only a month away, thanks to BNP-Jamaat's endless string of machinations. But if we can rise to the occasion with courage and fortitude a bright, redolent dawn may not be far away.**

Jatiya Sangsad due early next year in their favour. Apart from how the election mechanism was manipulated during the last five years -- the way things have unraveled since Khaleda Zia, the former prime minister, demitted her office in the last week of October, confirm the validity of the erstwhile opposition's oft-repeated allegation of engineering the next election.

The doubts to this effect were reinforced when the partisan President Dr Iajuddin Ahmed set aside all precedents and swiftly

swore himself in late last month as the head of a neutral caretaker government -- thus becoming both ceremonial and executive head of the country.

The view taken of it by an AL-led 14-party alliance was rather lenient. When it was time to resist such an adventure in violation of the constitutional provisions, surprisingly the alliance accepted the arrangement only on a vague condition of its neutral conduct.

It appears, in hindsight, that the alliance led by Sheikh Hasina,

much maligned for her combative politics, perhaps wanted to be seen as giving President Iajuddin a chance to keep his promise of conducting a free and fair election -- participation in which has been always been the stated objective of the alliance.

The AL's main electoral reforms proposals focused on reconstituting the Election Commission headed by Justice MA Aziz, conducting fresh electoral census to update the electoral rolls, and issuing tamper-proof identity card,

that would thwart the alleged plan by BNP-Jamaat to stuff the ballot boxes with several million dummy voters. Hasina's gestures were not reciprocated by President Iajuddin; neither were her demands for free and fair election fulfilled since his assumption of office as the head of the interim government.

With regard to reconstituting the Election Commission -- the president, both in disposing of Justice MA Aziz, the chief election commissioner, and appointment two additional election commissioners, took position hostile to all political forces of the country except BNP-Jamaat combine -- with whom his sympathy evidently lies.

His motives were suspect in sending Aziz only on three months' leave with an attractive package instead of permanently getting rid of him as demanded by the people. His self-appointed successor, Justice Mahfuz, is in collusion with his cohorts in the commission, dutifully promoting the election agenda of BNP-Jamaat.

Without creating an environment for free and fair election, they have already declared the election schedule as wanted by the BNP chairperson. The whole nation looks askance at this -- is it for this that people agitated for last two years and made so many sacrifices? It is again the president -- already in the thrall of BNP-Jamaat -- who has made EC affairs more messy than before. The two newly-inducted commissioners in the EC -- it is learnt -- are birds of same feather.

Obviously, emboldened by the AL's relative passivity, the president has been running roughshod in upholding his party's interests while bulldozing genuine demands of the 14-party alliance so that it does not participate in the election or get into the trap of a doctored election to be held according to the script already prepared. In the meantime, the Brussels-based think-tank, the International Crisis Group, has warned that any tinkering

with the system that negates Bangladesh's democracy could spiral out of control.

The senior members of the BNP, already reeling from a body blow as it lost several high-ranking party leaders who had earlier co-founded the party along with late Ziaur Rahman, candidly admit that their own internal assessment has found if an election were held now 14-party alliance could sweep to victory. Yet doubts abound if the AL would participate in the election unless right conditions are created to hold free and fair election. But if the president, who is simultaneously also the head of the interim government, has himself been considered a hurdle for holding a free and fair election -- as indicated by growing public demand for his resignation -- a deadlock is looming.

With a bitter legacy of BNP-Jamaat's rule and after having bluffed the people in the last election for eradicating corruption and terrorism, lashed them with worst

ever price hike, and plundered public money and property, the alliance does not have a clean face to go before the people for begging vote. So it keeps parroting the mantra of development (unnayan) and its continuity. But the people exactly know that it is the continuity of plunder.

However, the BNP-Jamaat's dwindling electoral fortunes will catalyse more and more intrigues and plots, because that is the only recourse that it will be left with. The Uttara episode is a pointer. In a democracy, election is usually accompanied by festivity. We are unfortunately witnessing the gloom of a midnight horror show with election only a month away, thanks to BNP-Jamaat's endless string of machinations. But if we can rise to the occasion with courage and fortitude a bright, redolent dawn may not be far away.

Big (ret'd) Hafiz is former DG of BIISS.