

Discriminatory land policy Set it right to boost development

THE disorder and discrimination prevailing in the land policy are contributing to the process of marginalisation of the poor in the country. The magnitude of inequity in the land distribution system can be well gauged from the deliberations of experts in a seminar held in the city, which revealed that only 6.2 per cent of the families are owners of 40 per cent of the total land of the country. We believe, this fact goes right into the root of poverty and the exponents of poverty alleviation programmes would get useful cues in this report to prepare their strategy.

The keynote paper 'Political Economy of the Agrarian and Land Reforms in Bangladesh: New Horizon of Development' by Dr. Abul Barakat of the department of economics of Dhaka University says that the number of landless families has increased three-folds in the last five decades. But notably if the government takes up the policy of distributing the khas land (government land) among the landless people then every family would get more than one acre land.

The seminar organised by Bangladesh Economic Association (BEA) further came up with hard facts concerning the creation of a dual-economy in the country in which one million powerful people represent one economy and the rest of 139 million represent the other. The speakers made a clear reference to the faulty development programmes undertaken so far resulting in for the creation of the glaring disparity.

Faulty land distribution system has been exploited by vested quarters to grab khas land since the independence of the country. The complicated and ancient record-keeping system also makes it easy for the unscrupulous people to cheat the poor and the ignorant in land purchase deals. And there are corrupt staff in the relevant offices to help the powerful people in robbing the poor of their land.

We strongly feel the land policy of the country has to be modernised and made people-friendly so that we can address poverty with due seriousness. Before the rest of the khas land goes to the grabbers through illegal means, policy planners should consider the proposal of distributing it among the marginalised poor in society. Simultaneously, we would urge the government to take steps to recover the expropriated khas land from the grabbers however powerful they may be.

Housing project irregularity The matter needs to be gone into

THE controversial construction of residences of Speaker and Deputy Speaker of the parliament has been tainted by another brush which is that certain irregularities have been detected in the implementation of the project.

The Implementation, Monitoring, and Evaluation Department (IMED) of the Planning Ministry has found out various irregularities in regard to the implementation of the project itself. To add to the mess of the controversial structures it is alleged that the costs of the construction have been jacked up despite the fact that the overall size of the original plan for construction was reduced. The expenditure having been incurred needs to be further audited as a follow-up on the finding of the IMED of the Planning Ministry.

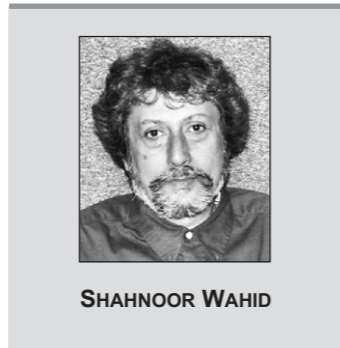
Despite various objections by specialised organisations for environmental protection like Bangladesh Paribesh Andolon and the Institute of Architects, Bangladesh, the project for construction of the residences for the Speaker and the Deputy Speaker of the National Parliament progressed thick and fast at the compound of the Jatiya Sangsad Complex.

The initial works on the construction of these first began in 1998 when the then Prime Minister ordered the cessation of the construction work down the line. It is also of significance that an order was passed by the High Court during the tenure of the previous government to stop the construction work.

These structures were being erected within the unique complex where we have the imposing structure our Parliament Bhaban, an architectural splendor, a masterpiece designed by world renowned architect Louis Kahn.

We urge that the whole matter of the controversial construction along with the high expenditure incurred needs to be thoroughly gone into as those responsible are made to account.

Now more thieves and thugs can become MPs



SHAHNOOR WAHID

IN Bangladesh, merry bands of thieves and thugs are now jumping up and down in happiness since the major obstacles for them in contesting the election has been removed. No, these merry bands of thieves and thugs are not what the merry bands of Robin Hood were in the legendary tale. Robin's men robbed the rich to pay the poor. But our men of the merry band rob the poor to pay themselves. They not only rob, they also kill. And for power and money they do not even hesitate to shoot their own brothers. For them, the more the merrier (money and dead adversaries).

Ah, we can sense what you are thinking, readers. You are thinking, no ... it cannot be ... it's preposterous! How can thieves, thugs, black marketers, robbers, rapists, smugglers, syndicate members, land and water grabbers, graveyard grabbers, toll

SENSE & INSENSIBILITY

What an outrageous and unheard of demand by the Nagorik Committee! Why shouldn't the thieves and thugs be allowed to become MPs? Haven't they amassed wealth after years of hard work? It was not an easy task, mind you. They have been mercilessly hounded all these years by the police, BDR, army, DB, SB and hordes of other intelligence agency members.

collectors, owners of black money, high-class prostitutes and pimps and professional killers get the green signal to contest the upcoming election? How can these people be allowed to sit in the sacred parliament house as legislators?

Dear readers, please do not get too upset about it. Now-a-days anything and everything is possible in Bangladesh. You see, we are a free-for-all-country and also remember that this is the Victory month. The valiant freedom fighters gave their blood to snatch victory this month for "them." So they must be elected to power and be given the national flag to fly in their cars.

Do you still want to know how the thugs got the green signal? Through a clever machination of the judicial system by some clever barristers of the country, what else?

The righteous and virtuous judge found no harm in letting the thieves and murderers contest

the election and become members of parliament. In his judgement, those people were worthy sons of the soil.

And the wise judge did everything allegedly in the presence of a former minister who became famous for his dilly-dally method of working while in office. Readers will remember how the dilly-dally minister kept a carrot hanging before our nose for five years with the promise of separating the judiciary from the executive. You remember it was their election promise, don't you? So, the magnum minister told us stories of how he had created committees and sub-committees and sub-sub-committees and how he had consulted nearly a million books and reference files to do a perfect job for the nation. But, alas! He did not have time at the end to place it before parliament! Imagine all the good work going to such a waste! Down the drain, literally. What a pity! What a pity! It is indeed our bad luck,

what else?

What is the big fuss about the eight pieces of personal information regarding the candidates that the EC was supposed to have on record and provide to the citizens on demand? Well, according to the recommendations of the Nagorik Committee-2006 Citizens' Dialogues, each candidate was to provide information concerning his/her educational status, source of income and assets, assets of near relations, whether there was any criminal case pending against them, whether they were bank loan defaulters, whether they cleared their electricity and telephone bills and so on. Political parties were requested to give their nomination on the basis of the information so that honest and deserving people could get elected in the next general election. The attempt was to resist owners of black money, smugglers, unscrupulous people, murderers, and black marketers



in the next election.

What an outrageous and unheard of demand by the Nagorik Committee! Why shouldn't the thieves and thugs be allowed to become MPs? Haven't they amassed wealth after years of hard work? It was not an easy task, mind you. They have been mercilessly hounded all these years by the police, BDR, army, DB, SB and hordes of other intelligence agency members.

Today they have become eligible to be members of all the clubs in the country and ride expensive cars and wear gold chains around

their necks. They are now seen in photographs with political leaders and religious leaders. Therefore, there is no way the Nagorik Committee can stop them from contesting the election.

So, brother thieves and thugs, rally round the former magnum minister who acted as your saviour. Strengthen his hands this time around and gratify the parliament house with your august presence. This nation deserves you as its leaders.

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Diplomatic candour



KAZI ANWARUL MASUD

STRANGELY, a debate has been started about the limit of concern and anxiety diplomats can express about the increasingly volatile political situation in Bangladesh on grounds of diplomatic behaviour prescribed by the Vienna Convention on Diplomatic Immunities and Privileges.

It is argued that diplomatic agents who are sent to observe, negotiate on behalf of their respective governments, and report to the sending states should not interfere in the internal affairs of the receiving state.

Most countries have more or less followed this model of diplomatic conduct since the Treaty of Westphalia (1648) and the Treaty of Utrecht that laid down limits of aberration hitherto practiced by many European monarchs and other global leaders till the end of the twentieth century. Aggressive behaviour resulting in two Great Wars were checked at great cost and the victors in both tried to lay down code of international conduct through establishment of short lived League of Nations and the United Nations which still survives despite its decimation on several occasions during the

Cold War by then super powers and now by the Bush doctrine of preemption.

These aberrant behaviours have considerably changed the concept of sovereignty so nobly pontificated by the UN Charter because the Walzerian concept was successfully disregarded by the mightier powers in total disregard of global disapproval. The world needs to be reminded of President Bush's announcement that "America has and intends to keep military strength beyond challenge thereby making the destabilizing arms race of other eras pointless, and limiting rivalries to trade and other pursuits."

One may wonder about the causal relationship between the critical comments made by some resident diplomats in Bangladesh and visiting delegations and pronouncements relating to the war on terror. The two events are not so far apart as one may wish these to believe. The Western countries strongly believe that democracy deficit they had allowed to exist in the past in many developing countries ultimately went against their interest because despotism nursed seeds of terrorism that affected both the nursery and the interna-

GOING DEEPER

The critical comments of Ambassador Patricia Butenis on December 17 should not be regarded as interference in our sovereignty, which is being dissipated every day anyway through commercial, economic and other international contracts that the country gets into, but as an envoy of the US looking out for the security of her own country, which is an integral part of any ambassadorial assignment.

tional community.

Harvard historian Niall Ferguson's drawing of a frightening scene of islands of prosperity living amidst vast multitude of poverty and desolation unless the US listened to the call of history to relieve the world threatened with terror cannot constitute a defense against incipient terrorism against the West in the present day globalized world.

Bangladesh, as a populous Muslim country and a recent victim of Islamic extremism allegedly fomented by the erstwhile people in power but still regarded as a moderate Muslim country and hence able to contribute to inter-faith peaceful co-existence, cannot be left to a fate of turmoil that could directly affect the neighbourhood, and, by extension, the prosperous part of the world.

The critical comments of Ambassador Patricia Butenis on December 17 about the caretaker government not always having conducted itself neutrally, and warning that imposition of any extra-constitutional arrangement such as military intervention "would not address the basic weakness afflicting the current political process," should not be

regarded as interference in our sovereignty, which is being dissipated every day anyway through commercial, economic and other international contracts that the country gets into, but as an envoy of the US looking out for the security of her own country, which is an integral part of any ambassadorial assignment.

Besides, if one were to look at the European Union and its recent expansion with former East European countries as members, one cannot but wonder at the anxious willingness of the newly-inducted member states to give up their sovereignty that they had so zealously guarded against Western encroachment for more than fifty years. Sovereignty, therefore, is not chipped away if people like Tom Daschle, former Majority and Minority Leader in the US Senate and Mike Moore, former Prime Minister of New Zealand as members of NDI delegation visiting Bangladesh refuse to choose "that point of reference does not assume that either the domestic or international communities should be complacent about the future of genuine democracy in Bangladesh."

This concern tallies with

Francis Fukuyama's observation that "even if you have an election or a democratic transition, whether that will be sustainable in a society that is close to subsistence, that does not have any kind of resource, where you have low levels of education, very severe ethnic and other kind of cleavages."

In addition, the NDI delegation stressed the need to remove the barriers to women and minorities to full participation in the electoral and political process, felt that the then government should have been more sensitive to political reaction at the time of raising the retirement age of High Court judges, about disproportionate violent reaction of the police to public demonstrations, about the "incredible difference" between the size of the new voter list of about 90 million voters and the Bangladesh Bureau of Statistics' report that based on 2001 census the voting age population was approximately 80 million; and identified "a perception of incompetence and bias" on the part of the CEC.

Ambassador Butenis's opinion that the forthcoming elections to be held after enabling conditions have been created "will be the most observed election in Bangladesh's history, with tens of thousands of Bangladeshi monitors and hundreds of foreign monitors blanketing the country" is not oracular but is a distinct and welcome possibility.

The holding of a fair and free election will present Bangladesh the peace that is sorely needed to attain further socio-economic development. Machinations put

in place to deny the people the chance to select their representatives is war against the people of Bangladesh. Liberty is indivisible. It cannot be compartmentalized into a command economy and denial of freedom.

Debate abounds whether countries like South Korea and Taiwan, who had achieved impressive economic growth under command economies, would not have fared better if market forces had not been distorted and an egalitarian distribution of resources would not have brought about better social cohesion.

After all, it has now been proved beyond doubt that disparate income distribution does not lead to a more efficient economic management. Corrupt as we have been proved to be time and again, foreign concern should not have been regarded as beyond the call of duty of those individuals but as a wake up call to us to mend our ways.

In these days of abridged sovereignty and intense international cooperation it would be prudent to listen to the wise without being overly sensitive about interference in internal affairs. On the domestic front the CTG, his advisors, and the Election Commission would be well advised to realize that they have been caught with their hands in the till and that the people of Bangladesh have vowed not to go back home without participation in a truly free and fair election on the basis of a flawless vote.

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The 90-day constitutional confine



ANM NURUL HAQUE

BY THE NUMBERS

Evidence shows that the government has violated or ignored constitutional provisions for separating the judiciary as per Article 22 of the Constitution: "The State shall ensure the separation of the judiciary from the executive organs of the State." The government has failed for establishment of the office of Ombudsman in accordance with Article 77 and also violated Article 59 for formation of elected local governments in every administrative unit.

THE grand electoral alliance led by AL has announced from the grand rally held in the capital on December 18 that they will boycott and resist any election under the current poll schedule, as the pre-requisites for holding a free and fair election have not yet been fulfilled.

Sharply opposing her arch-rival Sheikh Hasina's demand to defer election fixed on January 22, BNP chairperson Khaleda Zia demanded election within the stipulated 90-day time-frame and continuity of constitutional democracy.

The AL asked the Election Commission (EC) on December 13 to defer the election date by 46 days wasted by "one person" and advised the EC to go to the Supreme Court for seeking the additional time beyond the 90-day constitutional confines. But the BNP suggested the EC for moving the date forward by a day or two because of Sarawati Puja. EC secretary, however, said there is little scope to hold election beyond the constitution stipulated time of 90 days for the caretaker government (CG) even if all political parties reach a consensus in this regard.

Shujan, a citizens' group for

good governance, organized a round-table in the capital on December 13, seeking the way of coming from the exiting political impasse. The eminent citizens of the country who attended the roundtable titled "Having a belated election is better than a farcical election" observed that the CG has lost its credibility and an election participated by the major political parties is better than a farcical election in the present confusing political circumstances.

On the other hand Jatiya Nagoik Forum, a pro-BNP civil society organization, organized a dialogue titled "Present

Bangladesh: Responsibility to Flag and Map" at the Press Club on December 18. The speakers at the dialogue said the next general election must be held within 90 days in order to safe-guard the national flag and map. Otherwise the country would be plunged into deep constitutional crisis.

Articles 123(3) of the Constitution stipulates: "A general election of members of Parliament shall be held within ninety days after Parliament is dissolved, whether by reason of the expiration of its term or otherwise than by reason of such expiration." But this article is not the only constitutional provision

for holding an election, and Article 119(1) (b) and Article 58D (2) also have relevance.

Article 119(1) (b) empowers the EC for holding parliamentary election preparing electoral rolls for the purpose of elections. The Article 58D(2) states: "The Non-Party Caretaker Government shall give the EC all possible aid and assistance that may be required for holding the general election of members of Parliament peacefully, fairly and impartially."

Article 123(4), which deals with the time frame for by-elections, reads: "An election to fill the seat of a Member of Parliament which falls vacant otherwise than by reason of the dissolution of Parliament shall be held within ninety days of the occurrence of the vacancy. Provided that in a case where, in the opinion of the Chief Election Commissioner, it is not possible, for reasons of an act of God, to hold such election within the period specified in this clause, such election shall be held within ninety days following

next after the last day of such period."

We have observed at least three instances in the 8th Parliament where by-elections were not held within 90 days, not for reasons of an Act of God. These by-elections were held in Dhaka-10 constituency which fell vacant due resignation by Major A Mannan (Rtd) from BNP, Comilla-8 constituency vacated due to demise of Col. Akbar Hossain (Rtd), and Dinajpur-3 constituency vacated due to demise of Mrs Khurshid Jahan Haque.

Evidence shows that the government has violated or ignored constitutional provisions for separating the judiciary as per Article 22 of the Constitution: "The State shall ensure the separation of the judiciary from the executive organs of the State." The government has failed for establishment of the office of Ombudsman in accordance with Article 77 and also violated Article 59 for formation of elected local governments in every administrative unit.

The crucial factor in conducting a credible election is the credibility of the EC and the CTG. But unfortunately, the credibility of both the CTG and EC has been undermined in a series of events. Politicization of the EC has created suspicion and misgiving in the public minds about its ability to hold free and fair national elections. An undisputed voter list is the most important prerequisite for holding a fair election and the highly controversial EC has miserably failed so far to accomplish the task amidst widespread allegations that the updated voter list contains over one crore fake voters.

Considering the much-talked about report of the NDI, the EC launched a door-to-door visit program from December 8, to identify the erasable names of voters enrolled in the voter list. But accuracy of the voter list still remains questionable even after the latest 10-day drive of the EC for its correction. According to the media reports, thousands of people, who are eligible to be

voters, still have been left out, as the EC official failed to cover most houses in the capital and elsewhere in the country. A credible or meaningful election is impossible with such a dubious voter list.

The pertinent question that encompasses all of the above is, who is the constitution for, the government or the people? If the Constitution is for the people, the constitutional right of the people to exercise their voting power in a free, fair and peaceful manner must be ensured. Holding of election within the 90-days time-frame is a constitutional confine, which is apt to be dominated by the ground reality.

The CTG as well as the EC is yet to convince the nation that the election for which it is so eagerly waiting will be free, fair and meaningful. The claim of the AL-led grand alliance for compensation of loss of 45 days time cannot be ignored. It is therefore incumbent on the CTG to find a compromise formula acceptable to all to overcome the constitutional inadequacy for the paucity of time.

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