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# People power



Considering the recent developments in Bangladesh one has got every reason to feel confident about the fact that democracy, meant for people, has started working at the behest of people power.

To clarify the point all that we've to do is analyse the recent political past that was all dark about it and the recent developments over the demands of the AL-led 14-party alliance in different important aspects for creat-

brought all to the point that democracy is indeed for the people, by the people and of the people.

This is indeed a happy note that CG chief has finally been made to pay attention to the legal points that were raised by the opposition for a free, fair and credible polls. And it is the same Prof. Iajuddin who deserves praise for his attempt to help create a situation for our two top leaders Begum Khaleda Zia and Sheikh Hasnia to sit for a talk with him-- the gesture that has undoubtedly helped us to believe in us!

The assurance that was given by the efficient advisors to the CG as to the reshuffling of the controversial CEC commissioners was indeed commendable. And it is again a happier note that the caretaker chief is having continuous meeting and consultation with its advisors to come to some viable solutions.

Last but not the least, the darkness that is enveloping the holy place like court, we hope, will soon go.

History has got many cunning passages and it has time and again reflected the point that none can escape the power of people, however powerful the oppressors are.

Finally, I feel like sharing the point that one thing unique about the caretaker government is that during this time we happen to see a set of good efficient and neutral people like the advisers in the government.

**Rafiqul Islam Rime**  
Agrabad, Chittagong

## Combating AIDS

Every year on December 1, AIDS Day is observed around the globe. Fortunately, even in the countries blacklisted for corruption, lack of law and order etc, governmental or non-governmental organisations do not ever forget to celebrate the day sincerely. Though some of us around the community were greeted to know about AIDS and its prevention, I believe the way the steps have been taken so far to prevent AIDS cannot address the issue effectively. Let us think about one separate area, having 100 sq. meter of land in any urban or rural setting having the same facilities as schools--electricity and communication.

If we look deeper observing this particular "area" we would rather find teenagers or young adults in schools/collages being provided brief information about sexually transmitted diseases which could be only found in one chapter of the biology book. Another possible source to inform them is the media. It certainly is a fair idea to let them know more, but does it work exclusively? A teenager may view a

television advertisement of an AIDS campaign but it does not really help when he/she switches to any other channel forgetting about that advertisement in future.

I'm not criticising anyone's idea to create awareness among children and let them know more about AIDS, but why can't they organise awareness campaigns in schools? A 15-year old named "Junior" may feel a bit uncomfortable asking about AIDS and STDs to teachers or parents, but there should not be any possible reason why he/she should feel the same talking with a 16-year old named "Senior." I believe parents must feel free and understand about their children's behaviour in a fast changing society.

**Tahsin Hyder**  
Kalabagan, Dhaka

## Constitutional guidelines

There is so much talk about the constitutional guidelines on parliamentary election. Let's have a look at the provisions of the Bangladesh constitution. Regarding the time for holding election of members of

parliament, the constitution provides detailed guidelines. Article 123(3) of the constitution states: "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." It means that the Election Commission is constitutionally bound to hold elections of the members of parliament within 90 days after the parliament is dissolved.

However, according to the paragraph 2 of the Article 123 (4) the bi-election might be delayed for another 90 days, only if it is not possible to conduct the election for reasons of an act of God. It says, "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."

So under this clause, there is no way to delay the election except for reasons of an act of God, e.g.

Natural Calamities. Any attempt to delay the election might be contradictory with the Article 7 (2) of the Constitution, which says, "This Constitution is, as the solemn expression of the will of the people, the supreme law of the Republic, and if any other law is inconsistent with this Constitution the other law shall, to the extent of the inconsistency, be void."

However, there are two indirect alternatives to delay the election at this moment. First, according to Article 106, the President of Bangladesh might ask for the advice of the Appellate Division in this matter. It says, "If at any time it appears to the President that a question of law has arisen, or is likely to arise, which is of such a nature and of such public importance that it is expedient to obtain the opinion of the Supreme Court upon it, he may refer the question to the Appellate Division for consideration and the division may, after such hearing as it thinks fit, report its opinion thereon to the President." If the Appellate Division suggests in favour of delaying the election, only then election could be delayed. However, we have to

remember that the Appellate division might also suggest the President not to delay the election according to the Constitution.

The second alternative is to issue a proclamation of emergency under the provision of Articles 141A and 58E. The President of Bangladesh might declare state of emergency if he is satisfied that a grave emergency exists in which the security or economic life of Bangladesh, or any part thereof, is threatened by war or external aggression or internal disturbance.

However, we must consider the fact that, according to Articles 141B and 141C, during the state of emergency certain fundamental rights (guaranteed under Articles 36, 37, 38, 39, 40, and 42) remain ineffective. As the constitution of Bangladesh, according to the Article 123, is clear and provides straightforward guidelines, the Election Commission is constitutionally bound to hold election within 90 days after the parliament is dissolved.

It is worthwhile for the people of Bangladesh to strictly follow the provisions of the constitution. Otherwise, the fundamental princi-

ples of the Republic of Bangladesh and fundamental rights guaranteed under the constitution might be challenged in future on the ground that respecting the constitutional provisions is not obligatory.

**Muhammad Mizanur Rahaman**  
Vantaa, Finland

## Failed government

The caretaker government (CG) is acting much like a Funeral Director. The unlucky victim getting the burial service is none other than the unfortunate Bangladesh. The institutional fabric of nationhood is being undermined mercilessly in every sector. Important national institutions are being disabled and turned dysfunctional. In its bid to reshuffle the administration, the CG has only created confusion that does little to enhance the administration's efficiency.

The events happening in the country if summed together indicate clearly that some from within the government are trying to subvert it. The chief adviser should take stock of the mistakes and rectify them before permanent and irreversible damage is done to

our society.

**Sadia Hassan**  
On e-mail

## Closeup contest

The closeup contest on ntv raised lots of questions among the people of the country. We saw many talented contestants getting eliminated from the competition in spite of practicing classical music for more than 10 years. And they were the victims of poor marking of the judges. The judges have been telling us that they are looking for talents who could be proper representatives of Bengali music.

But, unfortunately, we have to conclude that the judges have failed to find out the very best.

**Amir Mohammad Khan**  
Dhaka University

## Déjà vu

Bombarded with perplexing experiences of present day Bangladesh, my restless soul has frequent bouts of déjà vu.

1. I have the vision of impatient Napoleon Bonaparte snatching the crown from the hands of the Pope (who had been brought in for this

specific purpose) and crowning himself the emperor in the Notre Dame. The picture gets uncannily mixed up with the President taking over as Chief Adviser to the caretaker government.

2. In Berlin Paul von Hindenburg dies on 02 August, 1934. Rather than holding an election for a new president, Hitler manipulates to hold that post in abeyance and makes himself Fuehrer und Reichskanzler (Leader and Chancellor) to usurp the power of the head of the Armed Forces and thereby becoming the overlord --- legally, politically and militarily. Think how it compares with the present situation in Bangladesh.

3. In Stalingrad fighting "rattenkrieg", the bloodiest battle ever, Friedrich Paulus loses and surrenders. Hitler promotes him to Field Marshal (the only Field Marshal in captivity) and urges him to fight on. At home, the EC was instructed to go ahead with the election schedule while the whole country was in turmoil.

Strange apparitions my mind portrays!  
**Bilou Gaharpoure**  
On e-mail



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# Complacency in cricket

# Political impasse

Machiavelli, the 16th century political thinker, would have understood the current political impasse in Bangladesh. Machiavelli thought that politics was about how to gain power and to retain it. Still he would have only contempt for most of the political leaders of Bangladesh because they have failed to understand that political power cannot be retained by destroying the values and institutions that nurture it. Indeed, it is essential that a leader have strong principles to guide him if he is to hold power.

Machiavelli emphasised that the main duty of every prince is to protect himself from being hated and despised. He knew that a good leader must always appear to be good. In times of conflict, the leader must appear tough but generous. If this is true to royalty, it is even more so in a liberal democracy. Liberal democracy is predicated on the idea of public participation in politics. And to achieve public participation, leaders must know how to connect with popular aspirations. In a democracy, the leaders must constantly seek to communicate with the public and when the line of communication between the public and the leader is broken, the whole democratic structure is in the danger of collapsing.

Democracy was invented by the ancient Greeks who believed that free citizens must have the final say in all decisions affecting their lives. They wanted to prevent the rise of tyrants and to ensure that aristocrats by virtue of their birth didn't rule them. So they developed a system where all free male citizens (slaves and women were excluded) were allowed to participate in the debates about issues relating to government.

But the Athenians soon found out that most ordinary citizens didn't have the time and energy to participate in political deliberations. So they installed a Committee of Hundred -- hundred individuals chosen through lottery -- to represent ordinary people. But in course of time, the Committee of Hundred developed a vested interest in



retaining their hold on power and used bribes and other unsavoury means to retain the memberships. Corruptions became endemic and ultimately, oligarchs overthrew democracy and tyranny returned.

When democracy was resurrected by the British many centuries later, it was formalised in a representative form based on election. Although initially only property-holding men (all women and landless poor were excluded) were allowed to vote, parliamentary democracy evolved into full electoral participation of all citizens. But the problem of corruption and fraud, that bedevilled the Greek democracy, surfaced in more elaborate forms. Voters are now dependent on the authorities for the conduct of free and fair elections and the governments can misuse its hold on power to rig elections in its favour. Even in the United States, which is called the world's greatest democracy, voting fraud has been widespread since its inception. In the presidential election of 2000, partisan

Republican electoral officials were responsible for many African-American voters in Florida losing their voting right because they supported the Democratic candidate. As a result, President George W. Bush won a highly controversial election through the intervention of partisan Supreme Court judges. Voting fraud in the United States is partly the result of a partisan Election Commission. With partisan Republican officials in Florida controlling the state Election Commission, it is not surprising that there would be so many voting irregularities.

Bangladesh seemed to be on the verge of a civil war on the issue of a partisan and biased Election Commission. The opposition AL fears that the partisan Election Commission set up by the BNP will rig the election in favour of the BNP. But this should not be used to foment civil strife and violence. As for conducting a "free and fair" election, a citizens' committee composed of prominent and respected citizens should be set up to supervise the election. The United Nations should also send electoral officials who will scrutinise the ballots and the voter list. Mr. Brahimi, Algerian diplomat who as UN official supervised the first democratic election in Afghanistan, can be invited to oversee the election in Bangladesh. Nobel laureate Prof. Muhammad Yunus should be requested to oversee the election. The strikes and protests should be called off, allowing the people to carry on their normal activities. The political unrest in Bangladesh will affect even the most affluent class, not to speak of the poor. Political leaders in Bangladesh may do well to remember the dictum of Machiavelli that they must appear to be good even during the time of crisis and conflict and must not be despised by the people.

Otherwise, oligarchy and autocratic rule will return.

**Mahmood Elahi**  
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