

Dhaka, Friday, April 26, 1991

**One More Step (in the Offing)
Towards Democracy**

We would have been happier if the PM had declared yesterday that she was taking immediate steps to repeal the hated Special Powers Act (SPA). In its place we have to be content with the expression of an intention that her government is actively considering such a move. Even that is a significant step forward in restoring fundamental rights of the people which have been usurped since the promulgation of this act in 1974. This journal commends Begum Zia for initiating the process and urges her to expedite it.

Making an election pledge and then keeping it are two different things. This is especially true for legal instruments that give extraordinary power to the Executive branch. Lurking in the back of our minds was a suspicion that once having got elected, the new leadership would see the tremendous power that the SPA gives and may be tempted to retain it or at least postpone its annulment for the obvious advantages that its retention extends. Begum Zia, however, opted for what is right and reflected the wishes of the people rather than for what would have been expedient — at least in the short run.

The media had a special interest in seeing the demise of the SPA because of the stringent anti-press-freedom thrust of the Act. Its articles 16, 17 and 18 relating closure of newspapers, censorship and the need to reveal news sources if asked for by the government played havoc with our press. The SPA can be held mainly responsible for preventing the development of a healthy, vibrant, responsible and independent press in our country. By selective closure of iritant newspapers or periodicals or by holding the threat of such closures, the government of the day — and it applies to all the regimes since the promulgation of the act — would ensure compliance of the press in ways that an otherwise free press would never do. To the credit of the interim-president, Justice Shahabuddin repealed the above mentioned articles of the SPA.

The urge of governments to take recourse to Acts such as the SPA is based on the fear that democratic or normal legal methods do not provide them with sufficient power to act in face of conspiracy against the State or against attempts to destabilise established authority. This brings in the arguments for laws permitting preventive detention with all the risks of abuse of such laws that go with it.

Though in very exceptional circumstances such laws may prove to be useful, yet more often than not they were instruments of coercion in the hands of the government of the day. The experience is particularly bitter in our case where this law was almost always used to harass political opponents and victimise or break the back of a potential rival.

Of special concern to us was section three of the SPA which empowered the government to detain anybody without trial or without being presented before the court. Such laws are fundamentally against basic human rights and should never be incorporated into any legislation in the future.

The intended annulment of SPA fits in well with Bangladesh's historic transition towards democracy. However we must remember that the annulment of a bad act is no guarantee against recurrence of similar laws at a later stage. The only and a durable guarantee is inculcating genuine respect for human and civic rights in our politics and the commitment of our people for a democratic system of government. This requires a widespread respect for law and more so for the Constitution. A true democratic transition will have to incorporate all of this.

Gambling at Fairs

The Prime Minister has said in Parliament that "the members of the law enforcing agencies were always to stop gambling and the consumption of liquor at village fairs". Replying to a question she also informed the members of the House that these fairs were held subject to the conditions laid down by the Ministry of Home Affairs. Judging by her calling those evil practices as vitiating the life of our people we take her answer as a confirmation of the government's resolve to rid village fairs of gambling and bouts of exhibitionistic alcoholism. And we welcome her meaning.

However, it is difficult to accept the observation that the nation's executives and their big-stick of an arm — the police, were always alert to stop gambling etc. at village fairs. This is a certificate the police themselves can accept only with a blush. For the reality of the village fairs speaks of a different situation. But villages had always been fairy-tale things, and in Bangladesh it continues to be so in spite of hunger and disease and death stalking every soul over there. The city-dwelling elite doesn't have any inkling of what goes on there and of the magic by which village people sustain themselves. To test the observation of the Prime Minister let us think of events verifiably nearer to us. Say the so-called district level exhibitions held every winter at the direct patronage and even the supervision of district administration, particularly police. It is very easy to get a true picture of these.

These are no places hiding dens of covert criminality. Everything is very frank and open. Jatra — the folk theatre having a wonderfully rich artistic tradition that has dwindled into lurid shows of titillating performance, is the queen of these. Jatra and the so-called variety shows with the dancer celebrated as this or that 'princess' are the main crowd pullers.

This is a truer and more universal picture of fairs at the town level. And this cannot be cured overnight. For generally it is the gambling mafia's money that underwrites the finances of such fairs and exhibitions. What goes on deep into the interior should better be left to imagination.

We have taken the Prime Minister's meaning — that the present government will not allow these vile things to continue. We are wholeheartedly with her.

In Defence of a Parliamentary System of Government

by A. S. H. K. Sadique

THE debate on the appropriate system of government for Bangladesh is polarizing the political forces in the country which is a bad omen for the future of democracy. In order to bring stability to the democratic institutions, it is very important that we develop a national consensus.

Truly a presidential form is not necessarily an undemocratic system so long it is elective and representative. I also do not subscribe to the view that this system helps military takeovers. The military can surely overthrow a prime minister as it can a president. In 1958 in Pakistan Major General Iskander Mirza and General (later Field Marshal) Ayub Khan showed that it was possible. Whenever the personal greed and lust for power of a General Ayub or of a Sergeant Doe (of Liberia) outgrow his boots, he will do it on one pretext or another, regardless of the form of Government.

Presidential election is an expensive proposition for a candidate. It deprives otherwise competent persons with leadership qualities to become the chief executive of a country without being personally extremely wealthy or dependant on other persons having money and power. Repaying the obligations thus incurred becomes a major cause for breeding corruption in future.

The disadvantage of a presidential system does not rest here. A president, in a country like Bangladesh, is easier to manipulate by interested nationals and by foreigners for their own gains. In a system where the locus of decision making rests on an individual, he or she tends to build around him or her an economic elite who mainly benefit from the resources raised domestically or imported from abroad. Even foreign governments may take advantage of the system. We recently saw the spectacle of Bangladesh sending army contingents to Saudi Arabia regardless of the popular sentiment in the country. On the other hand Malaysia, an Islamic state, refused to do so, while at once and rightly condemning the morally and legally indefensible action of Iraq for its armed conquest of the independent state of Kuwait.

In arguments for the democratic character of a presidential system, often the examples of USA and France are given. But this is comparing the incomparable. The US system is based on complete separation of powers. The legislature and

the presidency function independently of each other. The President does not exercise any authority over the Congress. He can not prorogue or dissolve the Congress. The American Constitution in fact goes beyond it. The Congress has a fixed period of life. It can not be dissolved. The present constitution of Bangladesh does not give parliament that kind of privileged independence.

Here the question of political morality is also involved. In November 1990 the democratic forces had agreed to establish a sovereign parliament. Currently interpretations differ on the meaning of the word "sovereign". Some parties are arguing that sovereign parliament means a parliamentary system of government. Although the Bangladesh Nationalist Party (BNP) leadership is maintaining strict silence on the issue,

It is obviously advisable to establish a system where powers as well as responsibilities are legally, morally and in the public eye, shared by several persons collectively, to avoid a situation where the public ire is drawn to one focal point, the presidency.

hopefully to keep their options open, there are voices which are publicly advocating a contrary view. These people do not think that sovereign parliament necessarily means a parliamentary system. But they are not explaining what then the word "sovereign" should stand for. It can not be a mere slogan. It must have a tangible meaning. If we agree for the sake of argument that the expression does not connote a parliamentary system of governance, I should think that it means that the president as the chief executive exercises no control whatsoever over it. In effect it should and must mean that the President should not have the powers prorogue or dissolve it. Parliament must have total control (sovereignty) over itself. This is a democratic safeguard against possible autocracy, as also embodied in the American Constitution.

The question is: can such safeguards be prescribed in our Constitution to make parliament really sovereign? What happens if then the presidency and parliament are controlled by opposing political parties? Can a government function in Bangladesh in such a situation? Given our present political environment I should think not. The system works in the USA because of political maturity of the polity, because the

other way interfering with the working of the parliament. Only then can parliament be called sovereign.

Between these two alternatives, I feel that a parliamentary system will be politically advantageous to BNP for several reasons. Firstly, a true democratic presidential system with complete separation of powers, is inherently unstable, as it may create an impasse in government which we can ill afford. Even a modified system where president and parliament share powers, where the president retains the prerogative to dissolve parliament, there will occur instability as a president will be prone to dissolve one parliament after another, as often as the opposition gets control. Alternatively, a president will try to influence the electoral process; thus the seed of autocracy and political corruption is sown.

Secondly, assuming BNP wins the coming presidential election, will it be strategically good politics for the BNP-President to assume total responsibility for all the actions of the government that is inherent in the present presidential system? The problems facing the country is enormous. The economy is in ruins; the financial system needs basic reorientation; the society is in a firmament; and the

administration is in doldrums. Moreover, is the present government sure of full cooperation from the bureaucracy? The toppling of General Ershad from power has bred frustration among many in the secretariat, the departments, the field offices, public corporations, and other government agencies. There are persons, although small in numbers, in crucial governmental positions, who are smarting under the changed circumstances of lost power and prestige that they enjoyed during the last nine years. They are not going to forgive the democratic forces, including BNP. Although they will, and are currently trying to sneak into the good graces of BNP and other democratic parties, but knowing the people in government and the process, I have no hesitation to believe that they will try to subvert the government and may even succeed. The vast majority of the bureaucracy is no doubt neutral, but only passively so. They

democratic system is not confined to the superstructure (parliament and president) as in Bangladesh. There is a functioning democracy at every level, from local upwards. The society will not accept for long political irresponsibility of opposition for the sake of opposition.

democratic system is not confined to the superstructure (parliament and president) as in Bangladesh. There is a functioning democracy at every level, from local upwards. The society will not accept for long political irresponsibility of opposition for the sake of opposition.

initially inducted. The prime minister so appointed by the President must be the officially elected leader of a parliamentary party.

Another safeguard could be introduced in the Constitution to provide that, if after a vote of confidence is obtained, the leader i.e., the prime minister is changed by the party, without his/her voluntarily resigning or retiring or losing membership of the parliament or otherwise being legally disabled, the prime minister may give an obligatory advice to the President to dissolve the parliament and hold fresh elections. This provision can also be made effective for the first two years of a new parliament. This will hopefully stop in-house political coups and strengthen the hands of a prime minister to effectively administer the country.

The President will be allowed only one term, will be fully symbolic with no constitutional prerogatives to interfere in the functioning of the government.

A prime minister's tenure should also be limited to two consecutive terms and not more than ten years in all.

I propose a rethinking on the present system of election of members of parliament. It could continue to be on single constituency basis, but the winning candidate must be required to obtain a clear (50% plus) majority of votes cast. If none does, there will be a run-off election between the two highest vote getting candidates. This will eliminate minor and non-serious parties and independents who might contest to divide votes or take chance. They may even be discouraged to file nomination papers. Although it is expensive, it is advisable in the political context of Bangladesh. This will lead to stability after a period. The reelection must be held within 15 days to stop another round of expensive campaigning.

It is possible that these provisions can be misused. But then all democratic institutions can be misused by unscrupulous persons. This is no political system which can fully guarantee against the rise of autocracy. Only that the people should be alert against it.

The author is a former Secretary (Industry, Defense, etc.) to the Government of Bangladesh and a former UNIDO advisor on industrial development for the Asia and Pacific region. He also served as the Principal Secretary to the President, Mr. Justice Abu Sayeed Choudhury.

Robinson Faces Tough Fight to Keep in Power

Lindsay Mackoon writes from Port of Spain

Trinidad had one of the strongest economies in the Caribbean until oil prices fell and the party that had held power for 30 years finally ran out of steam. The new alliance that took over inherited an empty Treasury and took tough measures that involved going to the IMF. Prime Minister Ray Robinson, who survived a coup attempt last year, has become increasingly unpopular. Soon he faces a general election.



RAY ROBINSON
Prime Minister under fire

radical black Muslim group, during which Robinson was held hostage in the parliament

building. When the NAR took office four years ago with a crushing 33-3 seat win over the People's National Movement (PNM) it faced a stagnant economy due to depressed oil prices and an empty Treasury. As a result election promises remained largely unfulfilled. Until 1986 the PNM had held uninterrupted power for 30 years. The NAR motto "One Love" represented the coming together of the country's two major races — Indians and Africans — as well as the many social and economic classes in this cosmopolitan island of 1.2 million people. Robinson, of African extraction, was ably assisted by Basdeo Panday, leader of the NAR's East Indian bloc, and John Humphrey, a firebrand white architect and activist. Differences between the conservative Robinson and the populist Panday and his followers erupted into a public quarrel. Panday and three other ministers were expelled from the government. As a result Robinson lost the support of many East Indians, who are based in the central farming belt where Panday is most popular. Those expelled formed the United National Congress (UNC), with Panday as leader, which is perceived as a party run by East Indians for East Indians. It, too, is plagued by internal conflicts. Panday and his lieutenants, former energy minister Kelvin Rammath and former junior finance minister Trevor Sudama, find themselves having to fight the racial exclusiveness that has troubled po-

litical parties in Trinidad since universal franchise was granted in 1946.

The PNM has been slowly recovering from its 1986 mauling under the experienced but bland former energy minister Patrick Manning. Many people have returned to the PNM fold, but Manning is in conflict with many ex-ministers and a lingering cloud of corruption and mismanagement makes the party a shadow of the force it once was under the leadership of Dr Eric Williams.

Unemployment stands today at 22.3 per cent against 10 per cent a decade ago. Robinson says he had no alternative but to resort to the IMF. Cutting wages in the public sector and deregulation of the economy was the price. Efforts to turn round the

economy are beginning to pay off, says Finance Minister Selby Wilson. He sees a growth rate of 0.7 per cent this year following seven years of negative growth. Wilson believes the country could have benefited by \$70.5 million over the last six months as a result of rising oil prices.

Commentators say that unless there is a new alliance between the NAR and those expelled three years ago, Robinson faces certain defeat. Elections must take place by next March.

Political scientist Dr Selwyn Ryan says the population is disillusioned. He adds: "They are fed up with the polices of a middle class party whose government they perceive as uncaring."

Constitutional expert Dr Hamid Ghany says the NAR deserves another term to complete the job of restructuring the economy. He adds: "The result could be a hung parliament. A large number of undecided voters means the situation is extremely fluid."

— GEMINI NEWS.

To the Editor...

Letters for publication in these columns should be addressed to the Editor and legibly written or typed with double space. For reasons of space, short letters are preferred, and all are subject to editing and cuts. Pseudonyms are accepted. However, all communications must bear the writer's real name, signature and address.

Recruitments

Sir, Since independence of Bangladesh, many irregular appointments and promotions have been made in different government offices. Of course, during the regime of the ousted autocratic government, the rate of irregular appointment, promotion increased alarmingly. Even in certain important national services, the concerned authorities were reportedly compelled to recruit unfit persons against certain job on the telephonic orders. And this seems to have contributed to our

presentday inefficiency and corruption in various govt. departments.

Now it's rather difficult to contain the ugly situation because irregularities have been successfully implanted in our total system. In my view, the government may constitute a commission to review the overall situation. It is a matter of great regret that honest and dedicated employees in the govt. offices are rapidly disappearing for want of protection, recognition and affiliation. While recruiting fresh personnel for any service or post, I feel, the incumbent's antecedent, character and

Slum fire

Sir, Recently there was a news item in the press about a fire which broke out in a slum in Paribagh. As it is, life in a slum is next to impossible, not having the minimum facilities for living.

We do not know yet, what started the fire, but the homeless people from the village who have made 'bustees' their residence, become victims of this incidence. They hardly have any belongings in the real sense of the word, and thus this unfortunate incident

made them lose whatever little they had.

We do hope that in future such tragedies are avoided, and innocent people are not victimised.

The newspapers said that the fire apparently started from an oven or 'chula'. In that case the dwellers must be more cautious. Some community workers may kindly visit them and enlighten about.

Ahmed Hossain,
Eskaton, Dhaka.

Novel way of advertising

Sir, We all know that this is an age of rapid industrialisation and extensive marketing of products. This is more common in the developed countries than in the Third World Countries where the pace of industrial development is still slow.

Thus often and on we observe that due to competition faced by the various companies in marketing, they often have to find new and innovative ways of selling their products.

Recently, a very interesting news item as well as a photograph, caught the attention of many. A company producing shoes have found a new way of transporting their product from one place to another. They have made a large model of their shoe, inside which a vehicle carrying the products can lie hidden. Now, while the shoe is roaming around the city delivering the products, it is also helping in advertisement of the product. Indeed this is a novel method chosen by the owner of the company.

This took place in Belgium. We do hope that

others do take hint from this, and also try interesting way of popularising their wares. On one hand, it is good for business, on the other, it is entertaining to the onlookers and at the same time it creates interest among the buyers for the particular product.

This is more important in a country like ours where there is a big gap of imagination in the area of advertising. Our advertisements are so drab and commonplace that watching them on the mini-screen makes one want to go to sleep. Other methods, except some bill boards and hoardings or posters are still quite unknown to us.

We hope we can learn something from such news items.

Sharif Ahmed
Motiheel C/A, Dhaka.