

Research and Development

A Malaysian communication expert has repeated an obvious fact which is unlikely to raise any controversy, but which, sadly enough, is rarely acted upon with the seriousness it deserves. During an interview to this paper on Sunday, Chin Saik Yoon who works for the Canadian International Development Research Centre (IDRC) emphasised the importance of "research as a key to development" and supported his statement with concrete examples of the application of this principle to the socio-economic scenario in many developing countries.

An expert associated with an international organisation whose network covers virtually all the continents would be naturally keen on the sharing of research findings by developing countries facing similar problems. Thus, a forest department in Bangladesh can find out more about a successful experiment in China on a tree called paulownia which grows far more quickly than other plants and helps in improving the ecological system. In another example, Mr Chin mentions about plastic-made hand pump, developed by a teacher in the University of Malaya, which is said to be cost-effective and easy to operate.

All these experiments belong to the field of appropriate indigenous technology, to which Bangladesh too has made its modest contribution. So, it would not be an one-sided affair when this country joins other developing countries in sharing their experiences and research findings on subjects ranging from rice cultivation and small scale irrigation to the recycling of used paper and purification of drinking water. What hinders the process of sharing the expertise is the lack of an effective mechanism that provides interested developing countries with information and data relevant to their socio-economic progress. True, in this respect, publications by IDRC, some UN agencies and the Singapore-based Asian Mass Communication Research and Information Centre (AMIC) partially fill the gap. However, a great deal remains to be done at the regional level.

The problem exists in a different—perhaps in a more serious—form at our national level. Over the years, research activities of non-governmental organisations have increased considerably. We like to think that many of the issues and problems they work on are of immense importance to the country. Since a majority of these studies do not reach the general public, our assumption about their importance remains untested. Again, a number of research studies are funded by aid-giving foreign organisations which, in many cases, would like such activities to fit in with their own perspectives and special needs as donors. While it is a good thing that Bangladeshi experts are being increasingly used in studies which were once commissioned to foreign consultants, the educated public—and indeed the press—should be more curious about what goes on in our field of research, in the universities, in NGOs and in autonomous organisations. Some studies may well be confidential or only for restricted circulation, but we should try to discard the principle of secrecy as far as possible and reaffirm our commitment to an open society, especially in our academic activities.

If the sharing of research studies starts at home, as indeed it should, we may, at some point, think of setting up a clearing house of information that will serve not only interested academic circles but also people involved in the development process. Since Bangladesh has already entered the world of computer technology, the proposed clearing house should have no problem in being linked to similar information banks operating at regional and international levels.

A Closed University

Chittagong University remains closed. A decision to re-open it after 121 days on Tuesday was reversed by the university syndicate within hours of the scheduled opening, apparently on instructions from Dhaka. Evidently, a feeling of insecurity still persists on the campus, a fact amply demonstrated by the return of only one female student to residential halls.

The violence of December 22 last, in which a leader of All-Party Students Unity (APSU) was murdered, was a brutal affair by most accounts, and the resultant closure of the university did not come as a surprise. Tension between a section of students led by the Islami Chhatra Shibir and the rest under the APSU banner remains high under the surface. Yet it was hoped that the prevailing mood of renewal in the country would help to create a new atmosphere on the Chittagong campus, one that would be conducive to the pursuit of education and knowledge. Unfortunately, the past four months do not seem to have caused any movement away from the attitude of confrontation. As a result, thousands of students continue to pass uncertain days, without the slightest idea about when they might be able to attend classes again.

We may recall that soon after the December 22 violence, Acting President Justice Shahabuddin Ahmed appointed a one-man enquiry commission to investigate the incident and make recommendations. Report of the commission was presented to the government quite a while back. But it has not been made public, even though the arena of education is of the utmost public interest. The public does not know what the commission found, what course of action it recommended, nor if any of those recommendations was acted upon. How long can the situation be allowed to carry on like this? How is it possible that a major educational institution of the country can remain closed for months on end, without any serious public outcry?

Chittagong university syndicate should also recognise that any more prevarication on its part will cost the student community, and ultimately the nation, dearly. The demand by a minority section of students and teachers for the removal of the Vice-Chancellor cannot be accepted as legitimate as there are procedures for elections of VCs which must be maintained. Nor should the student community be allowed to be held hostage by a minority, moved by its narrow self-interest. The government, instead of instructing the syndicate, should help it restore normalcy. To begin with, the education ministry should publish the enquiry commission's report without any further delay, and let the syndicate act upon its recommendations.

Differences Shouldn't Deter Democracy

by Naeela K. Sattar

THIS is the time for all conscious citizens to ponder at the dawn of democracy, whether, as a nation, are capable of nurturing democracy from its cradle upto maturity. This is not the first time since the inception of Bangladesh as a sovereign nation that birth has been given to democracy but before it could make its presence felt, it was stifled to death by different elements. Then again, many times it had been reintroduced in crippled and maimed forms. The Parliament is now in session. It is time for the legislators to select a suitable form of Government and to decide whether to let democracy survive.

The latest issue of conflict keeps on changing. Instead of spending much valuable session time on debating insignificant issues, the law makers should directly come to the point of deciding the form of Government. While the opposition Awami League is launching strong programmes in support of a "sovereign parliament" even to the extent of stimulating another mass movement, the present majority party BNP is not very vocal about the issue. In fact, for the normal citizen it is difficult to fathom which way they are heading. With mechanisms and activities closely resembling the parliamentary system, Begum Zia is moving very cautiously before making any commitments. If the former President H. M. Ershad's trial has anything to do with this delay, we don't know. Begum Zia would definitely benefit if the former President is convicted with a heavy sentence whereas, a lighter sentence may enable him to run for Presidency. Does this signify that Khaleda Zia's dilemma in selecting a national policy on the form of Government is based on the aspiration for

power? Again, the Awami League's bid for a sovereign parliament may also be seen as a bid for power. A Parliament is sovereign when its legislative power is devoid of any interference or overbearing from any other institution of the country. Basically there exists no such parliament. The U.K. Parliament which is acknowledged as a sovereign parliament because of its supreme power to enact any law is also not without any restraints. Beneath the guise of supremacy lies an undercurrent of checks and balances

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which is why the legislators do not act arbitrarily, nor do they promulgate any law which has not been duly debated upon and which is detrimental to the interest of the state. The checks are externally the fear of revolution and internally the nature of the sovereign power, the ideas, characters and the charisma of the members. Other limits are imposed by the electorates, leagues and associations consisting of trade unions, employer's associations, press and public opinions, judicial interpretations, etc. Hence the sovereign Parliament bides by their conscience and moral obligations to their nation. The question is, how far can the Members of the Parliament be entrusted with these moral obligations. In a multipartite system, political opportunism (as seen in India) and frequent floor crossing may also be prevalent. Rifts among members of the same party, the policy of self above party and competition for juicy posts in the government are indicative of autocratic tendencies. The result of an autocratic

The other suggested form is the Presidential form. The present constitution is based on this form. This form at its worst could emerge as a dictatorship as it did in the Ershad regime. If the Presidential form is to be retained, checks must be imposed on the power of the President so that he does not emerge as a dictator. Let us look at two Presidential forms of Government: (1) of U.S.A. and (2) of France.

(1) U.S.A.: The power of the Government are separated into 3 organs. The Cabinet, headed by the President, performs the Executive functions of the nation. The Congress is the legislative body which consists of the senate and the House of Representative, and an independent judiciary. Neither the President nor the Cabinet are responsible to the Congress, the Congress is also not led by the President nor can be dissolved by him. This does not mean that there are no interconnections. The President as the executive head has the right of veto over the laws of the Congress. The consent of the Senate is

essential for the appointment of judges and other high officials and also for approving treaties negotiated by the President. The Senate has the power of impeachment of the President and other high officials on grounds of treason, bribery or higher crimes on two-third vote of the same.

Our Constitution in the present form lacks this check and balance. There is no accountability of the President in the Constitution. Though the Parliament is constituted by

can exercise their powers arbitrarily. (2) France: A good balance of both the forms is seen in the French Constitution. This is a fractionalized Parliamentary form. The intention of the framers was to constitute the authority of a strong executive and a Parliament with limited political and legislative authority. This system is appropriate where the Parliamentary system cannot produce stable majority parties as in Bangladesh. The perennial dilemma of multipartism, shifting loyalties and

Government. He can dissolve National Assembly where the latter can overthrow the Government by absolute majority. So each is at the mercy of the other.

It is not possible for any written Constitution to enumerate all the powers of the President or the Parliament. Some powers have to be exercised under discretion. Even with adequate checks on both the organs there has to be tolerance and mutual confidence on the counterparts for the smooth operation of the Government. Our Constitution cannot be a complete imitation of any particular form as practised in other countries. It has to suit our needs and temperaments.

Two points are clear from the above discussion: first, the substance and not the form is of vital importance. An autocratic President is an bad as an arbitrary Parliament. Whatever may be the form, one organ should be strong enough to penetrate the arbitrariness of the other. Secondly, as a nation we must realize our priorities. As a poor developing nation, our country can ill-afford frequent changing of Government, holding of elections and bye elections. Stability is a prerequisite for development. Constitutional exercises should not be wasted with the exchange of pleasantries and should be devoted to mature and serious debates on this problem with attitudes of tolerance and compromise. The time has come to settle the issue of the basis of patriotic duties and not stick to obstinate principles. If we fail to do so, would it not signify that it is not democracy that we really want...Will the bloods of the martyrs again go in vain?

In this system, like that of U.S.A., the Ministers are not Members of Parliament. The Prime Minister is the head of the state but not of the Government. The appoints and dismisses his colleagues and directs the policies of the government and he along with his members is responsible to the National Assembly. The legislature legislates only on domains enumerated in the constitution. A Minister introduces, pilots and defends a Bill. Though not a member of the Parliament, he is empowered to take part in debates. The Prime Minister can dissolve parliament. The President, elected by universal, direct suffrage is the head of the

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After 27 Years Exiles Still Wait to Get Home

Fred Chela writes from Lusaka

EVERY day now anxious members of the African National Congress crowd the repatriation centre in the industrial area of Lusaka to check if their names have turned up on the lists received from Pretoria.

Young and old, men and women, they are nearly all eager to set foot in their homeland again as quickly as possible. Among the old some have been away for 27 years; among the younger ones are those who left in 1976 when the student uprising in Soweto sent columns of young people fleeing overseas.

At least 20,000 and perhaps as many as 40,000 exiles are scattered all over the world and of these 3,000 are in Zambia. They are returning as a result of the agreement reached between President F.W. de Klerk and Nelson Mandela, ANC Vice-President, which is part of the package ending apartheid.

The exiles are due to be back home by April 30—coinciding with the passing through the South African parliament of key legislation abolishing apartheid.

The moods of those returning vary. Some are euphoric and cannot wait to get home. Others are frustrated by what they consider unnecessary delays by Pretoria in making the arrangements.

Yet others are doubtful and sceptical, unbelieving that the South African government is really going to be true to its word and transform the apartheid system.

David Motshab's name has just turned up on the list and he has been away from home for 27 years. He says: "Nothing can keep me from. I am not

The repatriation of South African exiles, said to number 20-40,000, has begun, but the target date of April 30 for completion of the process seems most unlikely to be achieved. Serious hitches arose because the South African government was reluctant to deal through the UN refugee body, which it believed biased towards the African National Congress. Meantime, men separated from their families for up to 27 years still wait for word that they can go back.

excited, but you must understand that I have a family there—wife, children and grandchildren."

Hilary Nyaku Mahlatzi feels the same: "I am ready to go back home so that I can see my family for the first time in 26 years. South Africa is my home and nobody can stop me from going there."

"This doesn't mean the Zambians have not treated us well. We have been very happy here. This is our second home."

And Raymond Mokoena said: "I feel tense. I don't know if and when everything will be finalised for me. I am very anxious to get home. As they say, East or West, home is best."

ANC spokesman Tom Sebina is annoyed by the delays: "By putting petty and vexing obstacles in the way Pretoria has inadvertently torpedoed the early mass trek home."

"But I will definitely go back. You must remember that everyone wants to see their kith and kin they left so many years ago."

Hein Grosskopf, acting secretary of the organisation committee for the return of exiles, says delays are not all Pretoria's fault. Lack of administrative in the ANC was a major handicap.

He explained: "There is no

structure in the ANC to initiate logistically the task of repatriation because we don't have the administration experience."

The other problem is that the governments which have pledged to help the ANC have said they must do so through the United Nations High Commission for Refugees (UNHCR) because only it could ensure that all South Africans were repatriated impartially irrespective of political affiliation.

Governments could have done something on their own, says Grosskopf, but their insistence on going through the UNHCR means "we are in a dilemma."

Pretoria was unwilling to cooperate with the UNHCR because it considered the UN body would be biased in favour of the ANC. Then it relented and the South Africans are now in consultation with the UNHCR. So far only 1,500 exiles have been given both indemnity and the extraordinary travel documents they require, although these do not give them not foolproof legal protection.

Grosskopf says the first exiles to return have not been harassed "but it must be noted people have no legal guarantee from arrest because apartheid is still in place."

The delays have caused some exiles to question

Pretoria's good faith. A member of the ANC security wing known through the code name Thabo Dlamini says:

"Before I consider returning home I would like to see real peace established because I can't entertain the nonsense of marriage of convenience cre-

ated because by the South African regime. It is fanning the black-on-black violence there."

"I am sceptical of de Klerk's intentions. I don't think he has created adequate guarantees and safety for the exiles since people are still being ar-

rested."

Another intelligence officer code-named Castro agreed. Until violence was stopped "there is no safety guarantee that I will not be put back behind bars."

"I want to go back when de Klerk can guarantee my safety. Everything sounds cosmetic—why can't the government quell the rampant violence. Pretoria must be sincere and give indemnity to all." — GEMINI NEWS

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OPINION Chain of Ideas : Form of Government

How ideas float. In an interview to The Daily Star (Sunday, February 24, 1991; Special issue on Parliament Election-1991), Syed Ishtiaque Ahmed termed the November 19, 1990 declaration of the three alliances as a constitutional document sanctified by the people's desire. He pleaded for a drastic reformation of the Constitution to establish a government accountable to the Parliament as per the declaration which could make the parliament sovereign. He pleaded for amendment to the Constitution for introduction of parliamentary form of government.

In the same issue Justice Badrul Haider Chowdhury, former Chief Justice of Bangladesh, pointed out the constitutional barrier under Art. 142 (IA) that requires holding of referendum for converting the Presidential form (Art. 142) into a Parliamentary form. Justice Chowdhury further pointed out that it is the people what is sovereign, and not any organ of the state. Justice Chowdhury is a party to the famous judgment popularly known as 8th Amendment case that laid down for the first time in judicial history of Bangladesh that Parliament has its limitation.

This was followed by a front-page story in The Bangladesh Observer (Sunday, March 17, 1991) under the heading 'Basic Structure theory to block bill for parliamentary govt.'

Mr. M.I. Farooqui, a lawyer brought into limelight (as Supreme Court correspondent of the Bangladesh Observer—March 17, 1991) the deviation of the exponents of the theory of basic structures, when they publicly call upon the legislature to go ahead to change the present form of government. To quote him: "The doctrine appears to have been made disputed by those who once propounded it to uphold the Constitution's basic characters. The theory is now on the threshold floor of public debate initiated on the interpretation of the three alliances' declaration of 19 November, 1990. The declaration speaks of a sovereign parliament to which the interim government

will hand over power. According to one view, this cannot be achieved unless the present Presidential form of government is replaced by a Parliamentary form. This requires amendment. The Constitution provides two barriers to cross over—two-thirds majority and referendum. But the judge-made law says that the Parliament has no constitutional authority to alter the basic characters of the Constitution. It is made more rigid by implied limitation. Will this doctrine block the passage of bill for parliamentary form of government?"

Mr. Sadiq Khan, a noted columnist, in his comment (the Weekly Holiday, March 22, 1991) appears to have supported Mr. M.I. Farooqui. He said that beyond holding free and fair elections, the Acting President has no mandate. The Acting President, Mr. Sadiq said, ought to forget about the three alliances of the pre-election scenario and take a hard look at the post-election Parliament. Therein lies his duty, and any initiative for "structural changes" in the Constitution beyond transitional requirements without a clear mandate from the people is certainly not for him to urge on the Parliament or the leadership of the three alliances to decide in a hurry irrespective of conflicting interpretation of their joint declaration before his coming to office. His own recorded judgment on the Eighth Amendment case bears testimony to judicial doubts about the competency of the Parliament to effect such "structural changes" without specific popular mandate.

Syed Ishtiaque Ahmed in his obvious defence stated in an interview with the Weekly Dhaka Courier (March 22-29, 1991) dispelled a fear that the proposed amendment will alter the basic structures of the Constitution. He said, "This is not a justified fear." He further said that the parliamentary system of government was part of the original Constitution, and "it was, if at all, the basic structure, that structure will be restored to its original position, if the necessary amendments are made. Such

amendments cannot be constitutionally objectionable". This was followed by his another story ("AL prepares draft for amendments to Constitution", the Bangladesh Observer, April 4, 1991). To quote: "This constitutional lawyers close to Awami League have dispelled the fear that the proposed amendments will alter the basic structures of the Constitution. Terming it to be unjustified fear they hold the view that things introduced by amendments in the Constitution cannot be basic. The Presidential form of government introduced by amendment replacing the Parliamentary form cannot be the basic and fundamental and so the other amended articles of the Constitution."

This view is disputed by another group of lawyers. The structures to hold the constitutional edifice is basic. No matter who introduced it. They hold the view that the constitutionalists close to Awami League are seemingly discarding the doctrine of basic structures propounded in the 8th Amendment case.

An interesting portion from the minority view of A.T.M. Afzal is cited: "Today a basic feature in our Constitution is the Presidential form of government. We can take judicial notice that there is a demand by some political parties to restore Parliamentary form of government as it originally obtained. Why should a road-block be created by the Court if people choose to send the members of those political parties to the Parliament against amending the Constitution providing for Parliamentary system?" (From a story by Mr. M.I. Farooqui).

Of late on April 5, Justice Shahabuddin Ahmed, while addressing the Jatiya Sangsad, discarded the joint declaration of three alliances as a Constitutional document but termed it as a political document of great significance. He also referred, though incidentally, to the judgment in 8th Amendment case. What is next?

M. Hafiz Ullah Tejgaon, Dhaka.

To the Editor...

Newspaper industry

Sir, For the last few years our newspaper industry has been passing through serious crisis. Some newspapers are experiencing economic hardship while others facing management problems. Two main parties are involved in the newspaper business, viz. (i) the newspaper owner plus management and (ii) the newspaper employees including editors, journalists and other staff.

The core of the crisis, as I feel, centred around the existing unpleasant relationship between the two parties. Seemingly the owners group is trying to establish their overlordship over the employees group while the employees group is struggling to realize their just dues. The owners have their hard points and the employees their legal rights. The communication gap between the two groups is widening day by day. We feel that the exist-

ing crisis in the newspaper industry can easily be overcome if the newspaper owner/management group undertakes some initiative to re-establish good relationship with their employees by solving the latter group's basic problems relating to service security, salary and other professional benefits. A good employee-owner relationship will definitely contribute in turning the newspaper industry into a highly profitable enterprise.

Meanwhile, the government has also some role to play in resolving the problems of the newspaper industry. The govt. can reduce the prices of newsprint and other essentials of the newspaper industry, if necessary, through providing some subsidies. Timely and regular payment of advertisement bills has also to be ensured by the government. It is encouraging that the new govt. has already

taken some urgent step to clear the newspapers' ad dues.

We sincerely wish a better management climate inside our newspaper industry.

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Restrictions on motor-cyclists

Sir, Miscreants who commit crime using motor bike usually travel in pair; accompanied by an accomplice. It is very rare for a single person to undertake such missions, due to the operational hazard and risk involved.

Therefore it is proposed that the authorities might consider the imposition of a temporary law prohibiting the use of motor bikes by two adult males for a period of six months; which might be extended if successful.

A. Mawaz, Dhaka.