

Wake-up Call to Set the Environment Right

A perfectly well-planned anti-pollution measure is surprisingly going down the drain. At least that is how it looks at the moment. Even though the Bangladesh Environmental Lawyers Association (BELA) has sent legal notice to the authorities concerned demanding justice to the people facing an environmental hazard posed by industrial effluents their crusade may be circumscribed by the lack of comprehensive law on protection of environment.

In spite of these very inhibiting circumstances in which we are left in the lurch to be only sighing over a draft environmental bill, not knowing when it will see the light of the day as an act of Parliament we discern a certain resistive outlook developing against pollution. This is a very good sign and needs building on.

Let's give credit where it is due. The Department of Environment (DOE) in its earlier incarnation as the Department of Environment Pollution Control had, in 1986, put on the list 903 mills and factories reneging on whatever protective measures these had agreed to abide by prior to their installation. The list was gazetted by the government which gave the industries three years' time to take the corrective measures or face punitive action. The deadline expiring five years ago, in 1989, these mills and factories have allegedly gone on discharging wastes into water, air and soil, for what adds up to altogether 8 years since after their identification as non-complying units. This should normally render the industries liable for de-licensing, not just because it constitutes a breach of contract but also because this may act as an indirect encouragement for other units to follow suit.

The environmental lawyers and activists deserve credit for keeping a tab on the fate of a move the government had earlier taken and for trying to defend the right of citizens to a minimally safe and friendly environment. The articulation of environmental deterioration from time to time is important for the sake of sensitising the concerned authorities about it, so that they can act with a shade more commitment than merely responding to a call of duty.

It is worth recalling how the many notices served on the vehicle operators to curb the dangerous carbon monoxide emissions from their badly maintained and dilapidated transports have all fallen on deaf ears. The threats of punishment that seemingly awaited them on the expiry of each notice period turned out to be a whimper in the end. Coupled with the demonstrative effect of a pervasive non-compliance, it is the repeatedly flouted directives of the authorities that make a mockery of the whole regulatory exercise. Yes, we need to give teeth to the existing environmental laws but that does not mean resigning to failure even when it comes to maintaining rudimentary standards of health and environment.

All that we need for the transports not to belch that deadly gas so venomously is to order a reconditioning of the old engines and issue a general directive for a purifier to be fitted into each exhaust pipe. Let's begin somewhere, in real earnest, to save our environment.

Work Ethics

If a picture speaks more than a thousand words can do, there was one in The Daily Star of yesterday's issue. A large empty room of the secretariat, but for the three employees, gives the message in no uncertain terms or should we call picture! But this is one of those plain and simple pictures that are carried rather ritualistically twice a year — after the two Eid festivals. The message too is nothing uncommon. We all know by this time that the newspapers will be doing the same thing again and again after each Eid festival.

The question therefore arises if there is any point publishing a picture that has become so commonplace, much less paying attention editorially to that picture. The answer may be both 'yes' and 'no'. Yes, because as long as the offices will be wearing a deserted look after each such occasion, the need will be to bring them to focus. By doing so accusing fingers are pointed not so much to a particular office but to the national habit. The ordinariness of the picture notwithstanding therefore, it should be counted as an attempt to rectify a social flaw deeply ingrained in our national character. The negative part of the answer then concerns the uselessness of the exercise. The meaning of the message seems to have been lost on those for whom it was meant.

In fact, there is nothing wrong with holidays. The problem with us is that we do not know how to meaningfully and pleasurably enjoy them. This is equally true of our work in offices as well. We excuse ourselves from office work on a thousand and one pretexts — a kind of enjoying holiday while at work — and when we are on holidays we miss our offices. In both cases, the exercises cannot go beyond a half-way-house attempt. The happy-go-lucky approach during work-time has its own share of problems in that not enough is done and problems are left to pile up. This also contributes to spoiling the enjoyment of a holiday that is obtained as a reward for hard work.

So what happens is that we lose the pleasures of both work and holidays. The festival holidays are lengthened by choice all right but not in any planned manner as such. Thrills, excitement are simply out of the question. Even most people do not know if the free time can be their own alone. They are a run-of-the-mill sort and thoughtlessly allow themselves to be a servant of time and the circumstances. The important thing is to drink life to its last dreg — be it through work or leisure. We cannot both enjoy and have them at the same time. The motto ought to be: let's be workaholics while we work and fill our life to its brim with pleasures while on holidays.

The Proposition is: Should the Next General Elections be Held under a Caretaker Government?

THE debate centering on the question whether the country should have a non-partisan caretaker government for holding national level elections involves a political issue and not a constitutional one. It is politics more than constitutionalism, which will determine whether or not we will have a neutral government during the time of the next general elections.

But the pieces which have so far appeared on the subject in these columns seemed to be more in a straight-jacket form raising a constitutional debate than dealing with a political question.

It should be made clear at the outset before entering into any argument that to demand an interim neutral government is not aimed at dethroning the present government, but to provide an institutional framework which will be applicable to all the democratically elected future government as well.

So the ruling Bangladesh Nationalist Party (BNP) should not take a partisan point of view or feel hurt that it has to leave its control over the administration before the nation has its next general elections.

We should remember that we are talking about democracy in one of the most impoverished societies of the world where institutions are yet to be developed, and the culture of politics is in an embryonic stage with individuals and their wishes and behaviours playing a more dominant role than any existing institution.

Having earned our freedom only two decades ago — the first in our entire history, the country is still in a state of underdevelopment. Yet the challenge to sustain democracy, though an extremely difficult task, has to be faced with courage and objectivity.

In order to sustain democracy we have to ensure a truly representative government, the essential precondition of which is holding of a free and fair election. If the fairness of the election itself is questioned, then the credibility of the representative government goes and thereby the very democratic order will lose its strength.

So the right to franchise is to be guaranteed. The voters must have a right of choice to be exercised freely and without fear. A voter will have to be given or ensured an environment where he can exercise his right to choose a representative of his own free will.

A candidate aspiring to be a public representative must also feel free and comfortable in conducting his election campaign to seek the confidence of his voters. This is being a fundamental requirement of sustaining a democratic order, the matter has to be looked at from the standpoint of under what conditions a relatively better environment will prevail in which the voters will not be threatened, coerced, influenced or deprived of their right to vote at the time of elections. Our experience has shown that any general election held under a partisan gov-



Barrister Moudud Ahmed, MP, and Leader of Jatiya Party's Parliamentary Wing argues that the general elections should be held under a non-partisan caretaker government.

ernment has had a stigma attached to it. A party in power tends to use various means to influence elections: the huge state wealth and the largesse at the disposal of government, the fear that it can instil in the minds of people, the favours it may distribute like wheat, sheets of tin, and other forms of patronage.

The officials down below who are actually responsible for conducting the elections remain under constant fear and threat of ruling party candidates which debars them from discharging their duties freely and independently. These are the hard realities

In 1990, when the opposition parties had raised this question, the erstwhile ruling Jatiya Party (JP) leaders used the same language as the present BNP leaders are using: that the demand for an interim government is unconstitutional.

But ultimately it is politics which decided the issue and the JP government showed respect to the wishes of the people by handing over power although there was no provision for such an interim government in the constitution. The present governing party leaders try to argue that the situation is not the same because, according to them, the JP government was an illegal one. This argument is a very feeble one and would not stand constitutionally. Because, (a) it was a government very much under the constitution and the elections both in 1986 and 1988 were also held under the constitution, notwithstanding the fact that two major political parties did take part in the 1988 elections; (b) if that government was illegal, the handing over of state power to the Chief Justice and all his subsequent acts including the holding of elections in 1991 and formation of the new parliament will suffer from illegality, or lack of constitutional sanction.

which should not and can not be ignored.

Those who are against having an interim government have put forward three main points:

1. There is no provision in the constitution for an interim government.

2. A non-elected interim government can not be a substitute for the present elected government.

3. Strengthening the power and function of the Election Commission (EC) and improvement of the present system of voting hold the answer — not an interim government.

The first point that there is no provision in the Constitution for such an interim administration, is very naive. I have already said that what we face is a political issue. Once we can decide politically that it would be good for the country to have general elections under a neutral caretaker government, the amendment to the Constitution required for the purpose will take no time to be in place. If our aim is to sustain a democratic order and consolidate and institutionalise democracy which I think should enjoy our highest consideration and priority, then the Constitution can be amended by an all-party consensus. There may not be a

provision for an interim government in the constitution at the moment, but there is no prohibition against it either.

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anytime and the parliament also may be dissolved at any stage. Whether it is desirable or not is a difficult question.

Now the third point, on which the ruling party leaders are in a chorus opposed to an interim government is that the EC could instead be strengthened with more power and the voting system can also be changed.

The fear of losing power or the temptation of staying in power are prompting them to take the present stand, which the JP leaders took in 1990, and dissuading them to accept the logic that only free and free elections allowing the ordinary people to exercise their right of choice in electing public representative, can produce a meaningful and effective democratic government.

However, none is opposed to further strengthening the EC and bringing improvement to the electoral system. But power alone can not make an institution independent unless the system and the environment are such that, given such powers, the commission can

act independently. The same EC acted courageously and independently during the elections held in February 1991, because a non-partisan interim government was in power.

The Election Commission has already a great amount of power, but we have seen it has not been able to exercise those powers with the BNP running the affairs of the state. We have seen the episode of Feni Paurasava elections where voting was stopped because the ruling party candidate was losing in the polls. What happened during the time of Mirpur by-elections is known to all. During the city corporation polls too, we have seen how the elections rules were violated by the ruling party activists and how the ministers used state-owned vehicles in day-light in the campaigns for their candidates. The Magura experience is still fresh. The EC felt so helpless that its chief had to leave his place of duty in order to avoid an embarrassment both to himself and the institution he represents. The over-kill by hawks in the ruling party at Magura has only given an indication of what can happen in the general elections under the present government, despite the power and independence the

fact that two major political parties did take part in the 1988 elections; (b) if that government was illegal, the handing over of state power to the chief justice and all his subsequent acts including the holding of elections in 1991 and formation of the new parliament will suffer from illegality, or lack of constitutional sanction.

Then the question whether we will be undermining the position of an interim government by way of having a non-elected caretaker government temporarily, is again untenable in the sense that the proposed interim government is claimed by none to be a substitute for an elected government. It will exist for, say, 60 to 90 days only to enable another elected government to come in its place. In a parliamentary system of government, there should not be any false notion that any government is elected for five years. This is a very wrong assumption.

The constitution only lays down a maximum tenure of five years. It does not necessarily suggest that the Parliament can not be dissolved before the expiry of the five-year tenure. The essential ingredient of a parliamentary system is that the government may change at

est than having one under a government with electoral political interest. One should not underestimate the public opinion which is very much in favour of having general elections under a caretaker government. While all the opposition parties of the country are in favour of the interim government, we will have to assume that this is the view of the vast majority of the population. The ruling BNP secured only 31 per cent of the votes cast while 69 per cent went into the opposition and the entire opposition is now demanding the interim government.

Did or could the EC even register a protest when two officers-in-charge (OCs) were transferred at the behest of the government a few days before the Magura polls? Was the EC able to take any actions against ministers who used government vehicles, distributed money or promised doles and donations during the election campaigns? The answer is — 'no'.

After the Magura by-elections the Chief Election Commissioner made a public statement, by way of an order passed by him, stating that in centres where ninety to ninety five per cent votes were cast, the EC could not do anything as long as the presiding officer concerned had signed the result sheets from the respective polling centres. Such matters could only be resolved, according to the EC, by the election tribunal.

But the question is that, every one knows it is impossible that ninety to ninety five per cent votes could be cast at a particular centre. Admittedly

there was rigging. But did the EC take any action against the presiding officer when we know that all-government officials remain under the control and authority of the EC during the election period?

So the EC does not or can not function in an isolated manner from the office they have in Sher-E-Bangla Nagar of the city. It not only appears, but is also a common knowledge that it is not possible for the district and thana level official involved during the time of elections to act independently in the face of pressure from the local level ruling party leaders and candidates.

So it is not the power, it is more the system and the environment which will not allow the EC and thousands of officials working down the line belonging to the mainstream administration under political control and influence to act independently so long a partisan government is in existence during the time of elections. It is thus more a question of trust and confidence of the people and the voters.

Our experiences since 1973, including those of the recent past, have led our people to believe that an election will be more free and fair under a neutral type of government having no political inter-

est than having one under a government with electoral political interest. One should not underestimate the public opinion which is very much in favour of having general elections under a caretaker government. While all the opposition parties of the country are in favour of the interim government, we will have to assume that this is the view of the vast majority of the population. The ruling BNP secured only 31 per cent of the votes cast while 69 per cent went into the opposition and the entire opposition is now demanding the interim government.

The government may have the legal majority in parliament to govern the country, but when it comes to the question of public opinion on an issue like this, the democratic norms and traditions have so far been to respect and respond to such an opinion. Judging by the sheer arithmetic of public opinion, it goes without saying that the demand for an interim government has turned into a national demand representing the vast majority of the population. The interim government will be a very temporary arrangement performing the day-to-day functions of the government but primarily it will operate to ensure a free and fair election.

Moreover, the idea is not a new one, already we have had a precedent in our own country which has produced fruits: the existence of the present government has come into being by virtue of an election held under an interim government in 1991. We have seen the same happening recently in Pakistan as well. It is not a question of whether a government is democratically elected or not, it is more a question of whether it will be better for the people or not to have an interim government for holding a general election. Since the right to govern emanates from the confidence of the people and, the ruling party is so sure of its popularity, what then is the fear of resigning before the elections with a view to enabling the voters to make a free choice? I am sure, the ruling party will have the courage to do so and the sooner they show it, the better will be for them and for the nation.

If the issue can not be resolved peacefully and constitutionally, it will be assumed by the people that the government has chosen a path of confrontation, which will make the existence of the government more vulnerable than ever before.

This piece has been prepared, on the basis of Barrister Moudud Ahmed's deliberations, by our Senior Reporter Nurul Kabir.

Tomorrow, Begum Farida Rahman MP, Vice Chairman, Bangladesh Nationalist Party argues against the proposition.

The Blinkered Akali Dal

AKALI Dal leaders have learnt nothing, forgotten nothing. They took a wrong turn in the beginning of the eighties (or was it earlier?) and landed in the wilderness. Instead of making efforts to retrieve themselves, they seem in danger of getting lost for ever.

Fundamentalism has been their polestar; no wonder, they have found no way out of dark, deep fanaticism in which they are groping. In a democratic society where people decide a nation's fate, factionalism does not carry a party too far. Prakash Singh Badal, the only viable Akali leader, has realised it after sizing the country's mood and got out of their grip and that of religious syndrome.

Others continue to live in the world of priesthood and politics. True, among them are former chief minister 'Surjit Singh Barnala and Amrinder Singh of Patiala school, by no means rabid. But they have no base. Their desire for power has had the better of them and they have joined the ranks of communalists and secessionists. Religion is the chariot they will now ride to travel through the desert of frustration where they have been stuck.

Their new companions, who never had even a pretence of liberalism, have retailed

religious sentiments. They have dragged even Akali Takht, the supreme religious authority of Sikhs, in to their personal struggle for supremacy. Ambition has so much blinded Barnala and Amrinder, brother-in-law of secessionist Simmaranjit Singh Mann, that they have not objected to what is sought to be done in the name of Sikhism.

Badal saw through the game and wrote last month to Manjit Singh, acting jathedar of Akali Takht, not to interfere into the affairs of Akali factions. But Gurcharan Singh Tbhra, chief of Shiromani Gurdwara Prabandhak Committee (SGPC), which appoints the Akali Takht jathedar, had his way and had Badal summoned before Akali Takht to make him join his Akali Dal.

But his plea to go it alone could not have been faulted. Manjit Singh had to accept it. But he did not do it from his heart. This is apparent from the way he has been saying from the gurdwara podiums that Akali Takht has blessed the Akali Dal of Tbhra and his likes. Who is he to claim that? He and Akali Takht are not synonymous. Akali Takht belongs to all Sikhs, even to

those who have nothing to do with any of the Akali Dals.

Fired with ambition to be Punjab's chief minister, Tbhra has always used religion to cover his designs. The office, which has been occupied for almost two decades, has given him importance but not popularity. In the eyes of Sikh masses he is miles behind Badal.

And there are reasons for that. Tbhra has seldom acted above board. It was he who al-

lowed the misuse of Akali Takht — the accumulation of arms at a place of religious authority — before Operation Bluestar. Again it is he who blessed the militancy, which brought no relief to the community and kept Punjab at tenterhooks.

Now he has primed the Amritsar resolution which goes even beyond the controversial Anandpur Sahib resolution. For the first time, words like 'confederation' and 'homeland' have been used; they smack of

secession.

The Anandpur Sahib resolution, as initiated and explained by the late Harcharan Singh Longowal, then the Akali Dal chief, demanded a federal structure in the country. It envisaged only four to five subjects for the Centre, namely, defence, foreign affairs, communications and finance, and the rest for the states.

There is nothing objectionable to the demand for federalising the polity. It needs to be

the worst is expected from it. There is also a feeling that there is nothing final about what the party says.

For example, the party gave an undertaking to the Government of India that once the Punjab Subha was conceded, the Sikhs' aspiration would have been met. But then came the Anandpur Sahib resolution. And now it is the Amritsar resolution.

Its proviso lets the cat out of the bag: 'If the Hindustan government does not accept the demand for the creation of a confederation, then the Shiromani Akali Dal will be left with no option but to announce their demand for a separate and independent Sikh state.' Once again the same bluff, the same bluster.

The word 'Hindustan' (conveying that India is a place of Hindus) has been purposely juxtaposed against the Sikhs to create bad blood between the two communities. The word 'Punjab' has been used along with the Sikhs lest someone points out what happens to the 38 per cent Hindus living in the state.

In the process, the Tbhra Akali Dal has come a cropper. By mentioning the Sikhs and the Punjab separately, it has given the impression as if the two are different. Probably, the new Akali Dal did not want to use the word Hindu. When you try to be too clever, you commit silly mistakes.

between the lines

Kuldip Nayar writes from New Delhi

decentralised and further democratised so that people at the grassroots are able to participate in the country's governance. This is also the best way to safeguard democracy and unity.

Akali leaders made a mess of the resolution by their acts of omission and commission. The Congress party was able to spread the impression that the resolution was the means and the secession was the end. So reprehensible has been the track record of Akali Dal that

once again proved that the Akali Dal has never been able to differentiate the government from the country. The first is returned to power for a fixed term; and it can be re-elected or thrown out if the voters so decide. The country is permanent, not changed ei-

ther by the polls or by the fall or rise of a ruling party. Suppose the Narasimha Rao government were forced to accept the Amritsar resolution, what sanction would it have until the country accepted it? That means a constitutional amendment and one does not know whether such an amendment will be considered by the Supreme Court in consonance with the letter and spirit of the constitution.

The tragedy with the Akali Dal is that it has always issued flats from gurdwara precincts. By mixing religion with politics it has been able to confuse the Sikh masses at least in the countryside. Lately, the community is beginning to see through the games of Tbhra and his compatriots.

It is welcome that Badal has parted company with them and has come into the open to save the community from further ignominy. He will have to face many odds. But the way he has stood his ground indicates that he is prepared for it.

His task would have been easier if the central government had removed the impression that it did not treat the Sikhs squarely. Those who murdered 3,000 Sikhs in Delhi, some in Kanpur, Jamshepur and elsewhere in the wake of Indira Gandhi's assassination in 1984, should have been brought to book long ago.

And what about the package which Narasimha Rao has been promising from day one? His credibility cannot be restored until the demands are met. Punjab chief minister Beant Singh has acted as a dutiful Congressman but not as the custodian of Punjab's interests. Non-implementation of demands is the dark side of the Rao government. But an irresponsible resolution like the Amritsar one lets it off the hook, not pins it down.

To the Editor...

Baby girl debased!

Sir, The incident of debasing a baby girl about which we came to learn through newspapers is so vile that I feel deep revulsion even to mention it. It was stated that recently a 14 months old baby girl was molested by a young man aged 19 years in Gaibandha. We are appalled by this

unspeakable crime and afraid that may be this sort of offences are happening outside our knowledge.

I feel, those who are guilty of such evil act should be given maximum punishment so that fear will check unnatural behaviour in others.

Nur Jahan
East Nazimabad, Chittagong

Blessing in disguise

Sir, Forced retirements/dismissals of Govt servants since 1991 till date often are a blessing in disguise and open escape routes to a Disneyland of oblivion. Ershad's cronies, private and other secretaries, ministers and so-called JP members had their houses built in the posh areas of

Dhaka. These now fetch, say, a lakh Taka monthly rental from foreign missions as they live in other places. Signing a file for a 'company' or phone call to evade crores of Taka in taxes or otherwise had earned them posh cars. They have everything that they had.

Ghulam Murshid
Dhaka