

ADPs Needn't be so Notional

Government's announcement of its plans for investments in the coming year has come in the shape of an Annual Development Programme. Like the budget, this also is an annual event which attracts wide notice. The programme itself has come to be better known by its acronym — ADP. All the same, the programme is now-a-days viewed by all concerned as merely an approximation, an exercise in probabilities. It is taken more or less for granted that the ADP will miss its targets.

First about the size of the programme. Each year's ADP is bigger than the last one. Programmes seem to work under a compulsion to increase the size of each successive year's ADP irrespective of the performance in the past. The coming year's ADP for Tk. 11,000 crore fits the pattern alright. Nor is it a coincidence this time to that the planners announced a cut-back in the current programme in the same breath as they dished out a bigger ADP for the next year. One wonders how it would have looked if for once, the planners had drawn up a realistic programme and then announce at the end of the year that the ADP realization rate has exceeded the target. Credibility would have scored higher marks perhaps.

The reality is that the size of the current ADP has been revised downward. Overall allocation for the original programme has been scaled down. This admission of failure to attain the overall target set in the original ADP, comes despite an array of new measures having been taken to speed up implementation. ADP monitoring had been further intensified this year. Flexible planning had been introduced — transferring funds from slow moving projects to those performing better. Efforts were made to tone up project management. Projects were to be administered by officials who would be able to devote all their time to it. In other words, the same official would not be running several projects simultaneously. Frequent transfers of key project staff were to be avoided. To speed up the procurement process, financial powers of the project authorities were enhanced substantially. There were even talks of recruiting experts directly from the private sector to run development projects. However, apparently nothing concrete came out of this particular move.

In point of fact, government looks determined to continue to implement the ADP with its own personnel readily available at hand. Yet, the government appears none too eager to tackle the key issue of administrative reforms. Procedural improvements have so far failed to yield desired dividends mainly because these are seldom, if ever, applied earnestly by the people charged with ADP implementation. It may look well on paper that project authorities have been vested with adequate powers to take decisions on spot to speed up implementation. However, it is widely suspected that they are not all that keen to exercise the authority delegated to them. Decisions continue to be deferred or delayed. Papers are shuffled and then sent up the ladder for a decision.

It is said that considerable work has already been done on the subject of administrative reforms. Several reports have been readied by local experts as well as foreign consultants. Quite a bit of money also had gone into the compilation of these reports. The findings have to be analysed, weighed and acted upon. Among other things, ADP implementation also will otherwise remain in doldrums. Government has to give up dithering over the administrative reforms issue.

Return Stalled

It was with a justified flourish of trumpets that all parties concerned greeted the return of 1845 tribal refugees to Chittagong Hill Tracts from their camps in India, in the month of February. Although the number is a trickle of the nearly 50,000 who have been staying as refugees in India, its significance lay in the fact that an impasse seemed to be broken unlocking the possibility of further repatriation to Bangladesh.

But this expectation seems to be somewhat belied by news that return of the chakmas may have been stalled. It is obviously premature to say so because the agreement to proceed with repatriation is there and that only a little more than three months have elapsed since the first batch of the refugees returned to their hearths and homes. That the repatriation is subject to periodic reviews seemed to be the case when the Tripura Governor Ramesh Bhandari and the Tribal Leader Upendra Lal Chakma came to see at first-hand the condition of the rehabilitated refugees last month makes further repatriation a bit conditional. We find two versions of the impressions the visitors had carried back home. The governor of Tripura state Mr Ramesh Bhandari has in a letter expressed satisfaction over the rehabilitation measures the Bangladesh government has taking for the tribal returnees in CHT. But Upendra Lal Chakma has reportedly said the situation was not favourable in the hill districts of Bangladesh for repatriation of the refugees. Obviously there is a dissent among the tribal refugees in India on the issue of return, something which needs further persuasion to be overcome if the repatriation process is not to be impeded. Tripura government can take a role there. That there has been refuse fatigue borne out by reports of refugees trekking back home, of their own free will. It would certainly be ideal if the refugees returned under the tripartite agreement through the normal course for that would save embarrassment for both the governments of Bangladesh and India.

The agreement to initiate the repatriation was reached after protracted negotiations between the parties concerned and a lot of political input had gone into it judging by the fact that an all-party parliamentary committee was party to the understanding.

So, after the return and rehabilitation of the tribal refugees, whatever other safeguards their leaders need to protect their indigenous status, under the purview of Bangladesh constitution, can be subject-matter of further discussion. Desperation hardly solves such an issue.

The Daily Star Public Debate: What do Our Readers Think?

A Caretaker Government is Not an In-built Component of a Democratic Order

by Nazmul Islam

THE on-going debate initiated by The Daily Star on this subject of national importance is both timely and purposeful. The next general elections in the country are less than two years away. If the current debate across the national spectrum succeeds in establishing event the outline of a national consensus, it would go down in the records of our constitutional history as a landmark achievement. Even if it just helps in narrowing differences and synthesising ideas, it would have the effect of ensuring a smoother transition, and albeit, less bickering when the time comes.

The question that arises right at the outset is: Why a Caretaker Government is advocated or demanded when the constitutional process in the country has not broken down to yield a politico-constitutional vacuum? Are our experiences of December, 1990 and its immediate aftermath and those of the present time simi-

lar or comparable? The nine year or so of despotic rule which preceded the pro-democracy movement leading finally to the ouster of the despot, had witnessed the dismantling of the democratic institutions in the country. In the absence of provisions in the Constitution providing for a Caretaker Government in the circumstances obtaining in December, 1990, a political arrangement became necessary for an interim period which brought the Caretaker Government of that time in the saddle. That Government had the mandate to carry out the exercises necessary for re-starting the democratic process in the country. It was not intended to make a model of it to be repeated every five years.

What went wrong meanwhile that the Opposition political parties' demand for a Caretaker Government is becoming louder with the next General Elections drawing nearer? Their fear that the elections held under the elec-

tion would not be free and fair. They cite the Magura-2 by-election recently held accusing the Government of massive vote rigging. Rigging is rigging — massive or marginal. The stigma attached to it is one of degree, not of kind. If rigging takes place in any scale, it only makes an election exercise less than free and fair.

What were the elections like held in February, 1991 under a Caretaker Government? The Jatiyo Party conceded that these were fair but not free. They probably had a point in that all their candidates could not campaign freely. But they too would be required to understand that the anti-Ershad sentiment throughout the country being what it was, their candidates' freedom as well as personal safety could have been guaranteed everywhere probably only under Police and Military escort. What about the Awami League? Immediately after the election results were an-

nounced, its Chair-person blamed the Party's upset debacle on "subtle rigging." The point that arises is: what is the guarantee that political parties losing out at the polls will not blame their ill-luck on rigging in future? Where is then the margin of improvement envisaged in substituting the Party-in-Power for a Caretaker Government?

A Caretaker Government is not an in-built component of the democratic order. It may only be needed in exceptional circumstances. This is high time that we all make a commitment that such circumstances will not prevail in our country again. This would be in deference to the heroes of democracy and in consonance with the supreme sacrifice they made for democracy in 1990 and before.

The advocacy for a Caretaker Government every five years or so when it is election time in our country is to fore-conclude that irregularities would be committed by

whichever Party remains in power and we would go astray and need to be returned to the democratic path by an ad hoc arrangement. This would tantamount to interdicting the democratic process routinely every five years and prevent it from running its full course. Could such a practice be conducive to giving democracy and institutional base in our country?

It would be worthwhile to bear in mind that an unprecedented unity and sense of purpose existed between the political parties in the country involved in the pro-democracy movement in 1990. That made the ushering in of the Caretaker Government so much easier. Circumstances today are different. There is no surety that we would not get bogged down in endless controversy and debate once this issue is tabled in the Parliament and unleashed, in the process, more divisive than cohesive forces. Worse still

would be the incorporation in the Constitution of a provision providing for a Caretaker Government. It would be an act of disrespect to the Constitution itself and demonstration of the lack of confidence in ourselves. We should not be afraid of trading the democratic path all the way. After all democracy was not built in a day anywhere.

To me, it seems that the focus of the current debate should be on the prevention of irregularities in the national and other polls rather than on the Caretaker Government issue. If we agree on this then the task before us would be to devise ways and means to vest the Election Commission with greater competence and wider authority and ensure that its writ runs fully everywhere.

The author is former Foreign Secretary and Ambassador Bangladesh, Presently, Member, Council of Advisors, Bangladesh Nationalist Party (BNP)

The Question of Caretaker Government is a Political Issue, and must be Faced Politically

by Nazim Kamran Choudhury

THE debate on the question of caretaker government for holding polls has been running on partisan lines. Normally this would be understandable, but this question today goes beyond a mere constitutional or political issue to being a moral one, and as such we have to go to the origin of the issue.

In 1970, elections were held under a Martial Law government, which at that time was considered neutral. It was accepted that the elections were fair. The people of East Pakistan voted overwhelmingly for a single party to represent them based on the circumstances that existed at that time. It was a vote for multi-party democracy based on one man one vote and economic emancipation for Bengalis. What happened afterwards is history, leading to the birth of Bangladesh in December 1971. The mandate given to the Awami League was no longer valid. The liberation war was one of peoples participation reflecting different political opinions and views. It was the moral responsibility of the leadership of that time to hold fresh elections to a Constituent Assembly-cum-Parliament. A Constitution drawn up by such a body would have perhaps lasted and evolved over time. Instead, for two decades we moved through political wilderness, experimenting with different forms of government and almost at every stage, making mockery of elections. The mass upsurge of 1990 was a culmination of years of frustration and the peoples desire that came to the fore was clearly identifiable, the foremost being elec-

tions under a neutral caretaker government to a sovereign parliament.

The present parliament is in many ways like a Constituent Assembly. After a quarter century, the nation agreed upon a form of government through as much consensus as it is possible in a democracy. There has also been national unanimity on many other issues. Recently, in a press interview, a cabinet minister quoted Chief Justice Shahabuddin Ahmed's judgement in the eighth amendment case in that "the Constitution stands on certain fundamental principles which are its structural pillars". Among them sovereignty, supremacy of the constitution, democracy, separation of powers, independence of judiciary, fundamental rights are clearly identifiable. All these formed a part of the national unanimity of 1990 and is reflected in the present constitution.

Unfortunately these principles are yet to be institutionalised. The judiciary is still to be separated and made truly independent. Though a bill to make the parliament secretariat independent has been passed, it has not made it independent of the Law Ministry. And as long as black laws such as the Special Powers Act and the Anti-terrorism Act remain in force, fundamental rights can never be ensured. It is the duty of this parliament, both the government and the opposition, to translate the principles of the Constitution into political institutions. Only then will the parliament and the political process be truly credible, and in the ultimate

analysis it is credibility that gives legitimacy to any political institution.

Therefore if there is a demand for a caretaker government to hold national elections, it must be perceived in that spirit. It is not a partisan issue but a moral and political one. It is ironic that the opposition parties have raised this demand as they are mainly responsible for the mistrust in peoples mind of the capability of a partisan government to hold fair elections. It is also unnecessary for the government to view the demand as a vote of no-confidence on its governance. The argument that fair polls can be held under a partisan government, and that there is no guarantee that elections under a caretaker government will be fair does have merit. But finally it is one of perception. Will the elections under a caretaker government be perceived to be fair — or at least fairer than that under a partisan government? That would be the crucial question. I have no doubt in my mind that were the present government in the opposition, the same demand would have been made, and were the opposition in government the same arguments against it would have been advanced. In a democracy it appears that only the party in opposition know how to govern. Because of popular demand, the BNP in the past has agreed to far greater changes — such as the withdrawal of the party being worse for it. On the contrary it emerged in a more democratic light. The question of a caretaker government must therefore be

examined as to whether it is backed by popular will. After all, we never forget to emphasize that the people are the repository of all power.

It has been argued that a caretaker government would not be democratic. What is democracy? It is not a mere form of government nor an all final constitution. Democracy is a form of society in which every person has the right to express his will and such will, if expressed by the majority will be binding upon all. On an issue as important as this, it is necessary to take account of the will in more advanced democracies, opinion polling gives indication of what the people really want. Political parties adjust their positions to suit the expression of peoples desire. In the world political climate of today, there is no last word. No issue is rigid and no philosophy sacred.

Unfortunately, in Bangladesh opinion polling is yet to reach a level of accuracy and credibility. It will no doubt develop and would in time become a vital political tool. But in the meantime our only recourse is a referendum. If the government has misgivings on whether the caretaker government issue has popular support, let them find out through a referendum. They do not have to be a party to the issue. They only have to determine peoples opinion. Let no body talk of the cost of a referendum. We have had many for less reason, and the cost is already to great. It is not just financial but it is the cost of a nation being divided within itself when the need is for cohesion.

Whatever the outcome, a caretaker government without other support systems will find their task formidable. There have been many suggestion on strengthening the Election Commission through changes in electoral laws and rules. These have to be studied, preferably by an all party commission, and the recommendation need to be enacted as laws. Then there is the vital question of independence of TV and Radio. This was an important plank of the 1990 agreement of the three alliances. The importance of the credibility of the electronic media cannot be over emphasized. There is no justifiable reason why this media has not been put in the control of an independent body. Overexposure of partisan politics on TV has never benefited any government as it tends to become a turnoff. On the other hand, the independence of the media would give it credibility and as newsworthy items would get coverage, the government would reap the natural benefit.

Another important issue has also to be faced. Elections are a means for a party to go to power. In our present first past the gate parliamentary system, the margin of popular vote is not reflected in the number of seats won. This is further compounded by the 30 reserved women seats. The purpose of these seats were to give representation to women but in the absence of representational elections the legitimacy of the seat is lost. It has become a method of gaining additional majority with the winner take all. The election

rules for these seats need to be modified under which different parties in parliament would get proportional women representation.

In the ultimate analysis the question of caretaker government is a political issue and has to be faced politically. The BNP have needlessly put themselves on the defensive by taking what appears to be a rigid stand. They now need to wrest the initiative back. They can easily do so by agreeing to ascertain public opinion. They can increase their democratic credentials by fulfilling other democratic demands. My advice is don't wait till popular changes are forced on you. Repeal the Special Powers Act and the Anti-Terrorism Act. Bring in the bill to separate the Judiciary and make it truly independent. Form an independent body to run TV and radio. Initiate discussion for further electoral changes. A party that furthers democracy has nothing to lose and everything to gain. People do have a long memory. They do not easily forgive those who take away their rights, and they do reward those who restore them.

At the beginning of his presidency, John F Kennedy had said "Our task is not to fix blame for the past, but to fix course for the future." This is a new parliament, and all members, irrespective of their party affiliations should take this to heart.

The author, a businessman, is a former MP, and an occasional writer on economic and political issues. He is Chairman and MD of Commerce and Trade (Pvt) Limited.

To the Editor...

HBFC loanees

Sir, Some time back a news item appeared to the effect that the Finance Minister had asked Bangladesh House Building Finance Corporation to reduce the rate of interest by one per cent to encourage repayment of the outstanding loans of the borrowers.

Although the decision is a welcome one, it miserably falls short of decisions on many other grievances against the HBFC. A number of loanees time and again brought to the notice of the authorities the 'mischievous' method resorted to by the HBFC in calculating the rate of interest. The stipulated conditions under which HBFC loans are granted require that the rate of interest would be 5.13 or 16 per cent according to the category of cases. Curiously enough, the officials calculated the rate of interest in such a manner that it exceeded 30 to 36 per cent in some cases, which the loanees substantiated by specific calculations.

Every loan sanction letter specifies that the monthly instalment would comprise of two portions 1) principal and 2) interest, that is when a monthly instalment is paid the Corporation has to adjust it likewise. But in practice they do not do so. Sometimes they whimsically adjust any amount without caring to go by the relevant rule.

It has been found that they even adjusted the total amount of paid instalment against the interest only i.e. without adjusting requisite amount against principal. Sometimes they adjusted only a portion of the instalment and the fate of the balance amount is not known.

It is to be noted that when out of the paid instalment, the specified amount is adjusted against principal, the principal amount is reduced proportionately and the interest chargeable on the principal amount comes down.

It has also been noted that out of the principal portion of the instalment an amount is shown as IDIP which is never adjusted against the principal. Thus the borrower loses that amount out of his account.

Loanees at times lodge complaints against the authorities for their incorrect calculations. But such complaints do not receive any attention anywhere. They even do not bother to inform the loanees after a complaint is made.

As such the Ministry of Finance or Bangladesh Bank can, and must form a powerful committee to look into such cases with a view to finding out solution to the problem being faced by the loanees.

What the loanees want is that a clear and well defined policy for calculation of interest and adjustment of instalments paid as per rules to save themselves from hardship and harassment.

M H Shaikh
9, Motiheel C/A, Dhaka

Hartal

Sir, It is now time for the opposition to devise some novelty in expressing resentment against the government. Hartal, whose political effectiveness is on the wane, now seems to have become a blunt weapon being used in a manner very perverse and indiscriminate by the opposition. Peaceful demonstration, hoisting black flags, wearing

black badges, procession, hunger strike could still be used with discretion in expressing political discontentment against the government.

Last month we were virtually made paralysed by two hartals. There is no doubt that most people sometimes support the causes of the hartal caller but in fact majority do not lend their full support to this misused programme when it is called injudiciously. It would indeed be foolishness on part of the opposition to claim the spontaneity of hartal and its "complete success". In fact hartal is practically enforced on the people who out of intimidation and fear keep away from the normal activities on the day.

It must be mentioned here that a citizen has every right to move along freely and do his job unhindered in keeping with the law of the country, but he or she is actually deprived of his or her basic civic right on the hartal day when he or she apparently has to comply with the implied intimidation of the hartal caller. But the opposition, which claims itself to stand beside common man for his interest and welfare, ignores the inconvenience caused to the people especially the working class. If it thinks it enjoys the support of the people on hartal issue, it should refrain from picketing and must rely on the trust of the masses.

Therefore, before embarking on any political programme the opposition must circumscribe the use of hartal and should first seek public opinion through survey. I am sure that more than 90 per cent people would hate to see this act of misapplication of politics.

With both anger and fear

brewing in the mind of almost all the people against hartal, they could now realize that hartal not only halts wheels on the road but its frequency also clogs the wheels of our country's fortune which is staggering to hold on in today's economy war that is raging across the world.

Md Jalaluddin Iqbal
Mohammadpur, Dhaka

Apology for crime

Sir, Japan is being made to apologise for its 'war crimes' and use of 'comfort girls'. The Nazis are being hunted down and brought to trial all over the world for their 'crimes against humanity'. And now even Papua New Guinea is demanding of Japan apologise for crimes against the population of one of its islands in the 2nd World War by Japanese troops.

Once more, after 1971, we have an elected government. Has it ever occurred to these 'representatives of the people' to ask Pakistan to apologise for the genocide it committed here in 1971? Has it ever occurred to these guardians of law, that the officers of the Pakistan Army, who in their frenzy killed thousands upon thousands of innocent Bengalis in the name of religion, should at least be asked to apologise? The government does not have to get involved in these trials. The International Court of Justice and the International Tribunal can take care of all that. But the government does have to make a complaint.

Wake up, authorities and show the nation what guts you have. Remember Bosnia? Crimes against mankind cannot go unpunished, even in the name of religion. The thousands of women raped in 1971, by the Pak Army in

Bangladesh, would put the case of the 'comfort girls' to shame.

Perhaps the people should come forward and ask the international bodies responsible for investigating such crimes, to come here and do their bit. The government and the opposition, would have their eyes opened up then. We hope.

P Haque
Uttara Model Town, Dhaka

DSE, SEC and shares

Sir, The trading room is a dark hall with bursts of frantic shouting. Trades are settled in five days with no forward or future market. Foreign buyers concentrated on 15 leading shares climbing more than 300% of 142 listed companies.

Foreigners own 5% of Bangladeshi stocks with combined capitalisation of 1 billion USD. Despite any ceiling, stock is pretty hard to obtain as 50% shares are owned by founders, 40% locked in long term holding with DFIs leaving only 10% floating free. The sight of foreign capital may stir sleepy Dhaka Stock Exchange (DSE) into action. The flow of today amounts to a few drops compared with the buckets poured into India, Pakistan, China. Security Exchange Commission of 1993 poorly supervises the market. Commoners unable to go to business or industry go for FDR, DS certificates saving etc to fetch interest and principal after a given time. Some go for equity shares issued by companies and be partial owners.

Share is a missile in capital market. Share issuers are public Ltd Co on long term, for increasing capital. Any investor can buy initial or primary share at face value via an agency with concurrence from certain au-

thorities but cannot sell till the company winds up. Then he can buy shares from secondary market where primary ones are sold and bought, and this is DSE like HK, Hang Seng, Australia's "All ordy", England's "FTSE", Wall Street's "Dow", Tokyo's "NIKKEI", OPEC's "Brent" etc where face value is not static. Companies offer dividend on face value and not on market according to company's profit as share holders elect Board of Directors. Capital loss, up and down of share value cannot be elaborated here. People prefer it for "capital gain with risk algebra, expectation, return rate, face-value, market demand supply curve, equilibrium price, speculation etc." Registered brokers through "official documents" operate on behalf of share holders. Companies willing to stick to profit can issue "bonus" share instead of dividend to capitalise reserves and issue 'right' shares and debentures also, a type of bond or loan attracting many. And after a maturity date the companies return original and give interest yearly. Debentures go up and down frequently as it is convertible into equities.

This geometry caused billions of rupees, stock exchange scam in Bombay last year. Could a Bangladeshi explain five things: (a) turnover decline, (b) only four volume leaders after creation of SEC, (c) only three major gainers with families, (d) four major losers, (e) market barometer edging down by 0.074% at 562.1931 points, with miserable number of 'Howlas' performed for last four months and 6th ICB Mutual Fund, a Jamboree Investment without dividend?

Ghulam Murshid
Dhaka-1212