

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

Caretaker Government or a Powerful Election Commission?

by Mesbahuddin Ahmed

THOSE who advocate for a caretaker government just to ensure a fair and free election do not care to go into the depth of the meaning of the term 'caretaker government'. A person or a group of persons do not and cannot and shall never 'make' a government. For making a government the objective has to be to 'govern' a certain people — a nation — for a certain period under a clear mandate from the people. But in our case it is the exception rather than the rule of normal governance that is under discussion.

A caretaker government is not necessarily answerable to any one or to the people for any small or massive failure in conducting such a colossal task of holding a national election in a society like ours. Even if the bill for a caretaker government is introduced and passed in the assembly it will not be in keeping with the spirit of the constitution. Because this is a change of fundamental and vital nature that we are going for, it would in my view, require a referendum to be held on the issue. Why the people will go for such a nominated and weak body even if for the sake of holding elections? If the largest political parties come to a conclusion that the caretaker government is the right device to get the job done perfectly, then why do we need such a big parliament in a poor country like ours? Let a caretaker government remain in power and administer the country instead of a freely elected government which is not liked by the AL and its allies.

One might argue and raise the question of the last election under a caretaker government under Justice Shahabuddin. I will say that was necessary to meet a contingency. A very different situation existed

then: the country was going to collapse politically, economically, socially and morally. Under such a situation the arrangement worked but not absolutely. The rigging was at its lowest. Obviously such a dangerous situation does not exist now. It is true Magura election has become a bone of contention — a sample of rigged election as claimed by AL. But what about Dhaka and Chittagong mayoral elections? People of Magura say both parties, in one form or other, contributed to the alleged rigging.

The truth is that AL is bent upon destabilising the present three-year-old government although the fairest possible election has given them the mandate to run for five years. It must be completed.

The parliament is sovereign and it must represent us the people and sort out things inside the parliament. Now we have the feeling that the AL has only two programmes 'hartal and boycott'. We, the tax payers, pay them to attend the sessions of parliament. Their demand for a caretaker government is ill-conceived and weak body even if for the sake of holding elections?

What is important here is 'free and fair' election. It depends on the political parties — especially by the big parties, to ensure this. If they do a vow not to play foul, all elections shall be absolutely fair. We do not need any caretaker government if the political parties act responsibly. The big parties must come to a consensus on this issue and relieve us from heightening tensions.

In a country like ours where percentage of literacy is hardly 20, politics is a millionaires' business. 'Mastans' are the ones who do the election rigging, killing and the hijacking of ballot boxes as the order of

the day. A 'caretaker government' is not the answer. So I say, be honest, talk out the differences and help each other in achieving people's aspirations in all spheres of life. Do not keep the nation captive to your personal aspirations.

Measures we need to adopt for free and fair polls are the following:

1. The Election Commission should be headed by a senior judge of repute acceptable to the major parties. Five judges of repute should be made Additional Chief Election Commissioners for five zones all over Bangladesh to supervise the election only. No executive input should be there: the DCs, SPs, TNOs and OCs will only help maintain security. EC shall post its own officers for the conduct of the election. EC officers will take on-the-spot decisions.

2. The DCs, SPs, TNOs and OCs shall keep all disreputable mastans in custody for 30 days before election and release them 15 days after the election results have been announced.

3. The new complement of DCs, SPs, TNOs and OCs shall be in place 60 days before the election. And these officers will be held responsible for any law and order situation even instructions may be issued warning the UP chairman, ward commissioners and members to the effect that for any breach of law they will be liable for loss of their positions.

4. Para-military forces like BDR and armed police battalions should be posted in all centres five days before the election day.

5. Only small leaflets and handbills with photographs of candidates will be allowed for publicity purposes for only two weeks in place of massive posterizing or heavy inking before

the election. Publicity period shall be strictly between 10 am and 4-30 pm, not at night in any case. Processions should be banned for security's sake.

6. The candidates who start donating money in the name of so-called social or development work, before election, should be brought to book.

7. There is enough time for the identity card to be introduced for the fairest possible election. From my personal experience I know in every village and ward 25% of the voters are fake. This should be eliminated through card system.

8. The agents of the candidates must be present before the Polling Officer and shall not be allowed to go out till the election is over and he or she has signed the results sheet along with others. They should also sign a certificate that the boxes have been properly sealed before them to avoid subsequent complaint.

9. The police do know who possess illegal arms. All arms must be surrendered before them, 60 days before election. In the past elections arms had played havoc even in the mafas areas. Literature and leaflets should be widely distributed, if necessary from helicopters or planes, to warn people of serious consequences for violating election rules.

10. Foreign observers, pressmen, Dhaka-based ambassadors should be invited to watch the election.

If the Election Commission is really made powerful and these suggestions are adhered to, no caretaker government will be necessary. The issue of caretaker government has already badly strained inter-party relations to a dangerous level. The nation is in tension and we must be relieved of this as quickly as possible.

Caretaker Government is Not a Practicable Solution

by Syed Mushfequr Rahman

RIGGING in politics is the prime threat to any budding democracy. This is a common realisation of all concerned in the country. The Magura event has made all the opposition parties lose confidence in BNP even though the party has to its credit the completion all the by-elections and the city corporation polls on an acceptable level of fairness, by and large.

Supposing the task before us is to set up a caretaker government to conduct some further general elections. How can we achieve this? Of course, it must be on the basis of consensus reached by the political parties which are significant players in our national politics. But as we have seen in the past, the spirit of consensus is totally absent among our political parties. As a result we could not even agree on a broadbased economic policy framework which could have given our economy the required thrust and attracted much needed foreign investment.

Besides, we all know that it took nine years for our political leaders to forge unity in order to oust the autocratic regime of Ershad. So, can our leaders guarantee us — the general public — that they could be able to reach a consensus in nominating a caretaker government? Can they guarantee us of not raising allegations of 'subtle rigging' after the results of the next election will be announced? Even if this demand for a caretaker government is a popular one (because of the 65% mandate of the opposition!), can it be materialised? God forbid, if it takes another nine years to reach a consensus aren't we risking ourselves to be deprived of the right to franchise for such a long period?

Now let's assume that our leaders with some sort of 'magical touch' will be able to form a caretaker government. This government will be in power for three months. During these three months they will conduct free and fair polls and after their job is done will hand over power to the elected government. A splendid idea, no doubt! But during these three months they will also run other affairs of the state as there will not be any elected person to run these.

And here is our objection. We have authorised our MPs to look after our well-being. But we did not give them the au-

thority to select some people to run the business of the state even if it is for only one day. They can nominate people to conduct polls, as the Election Commission is formed, but can never to sign contracts with foreign countries on our behalf or represent us before the international community etc.

And we should not dare suggest that for three months we will refrain from all business activities after every five years.

We have not sacrificed numerous lives during 1971 and again in 1990 just to let some 'unlected' people run our government even if it is for only three months.

Besides, this caretaker government would not have that much of command over the executives of the republic as these public servants know that they are here for only three months. This is a psychological disposition which cannot be overcome simply by enacting laws. We are already in a terrible agony with our bureaucrats. Barring a few exceptions, they are corrupt as well as inefficient. So are we willing to aggravate the circumstances any further? I think not. Because this whole caretaker thing may bring about a three-month-long holiday mood for the entire nation which could have far-reaching consequences for our economy. We cannot blame foreign investors if they turn to some other countries where the political leaders are more mature. If we cannot develop trust among ourselves how can an investor from a distant land trust us with his capital? I would like to remind our leaders that without economic emancipation democracy is meaningless.

What we look for is who is creating jobs for us, enhancing our purchasing power and thus ensuring social security. Are we willing to take the risk of dismantling our economic and political stability?

Arguments may arise as to why we agreed to a caretaker arrangement in 1990 for holding the elections. The answer is simple: we wanted to get rid of Ershad regime. At that time we were ready to support any programme that would oust corrupt Ershad and his allies. It was like those 1971 days. Frequent hartals caused enormous hardships to the people from all walks of life.

Now the question is whether the situation is identical. Do we want to oust the BNP government as well? If

the answer is yes, then the pursuits should have been also identical — mass upsurge. As far as we can see, there is no such indication of a mass movement, and therefore the situation is not identical and the answer got to be a 'no'.

Very few can assert that a caretaker government is necessarily a guarantor of free and fair polls since black money is still a key player in our electoral process. So, if we really want to ensure free and fair elections we must develop democratic values first. This is directly related with the maturity of our politicians and intellectuals as well. Electoral process can be revised and by all means the Election Commission should be empowered with adequate laws and human resources. Measures against violations of electoral rules

should be prompt and unsparring. If we can ensure these few things, we do not have to worry about any caretaker government which is devoid of any accountability to the people and is contrary to normal democratic practice as well.

In the end I will say to the Opposition: If you really represent us, the 65% of the electorate, I hope you will go back to Parliament, take part in the budget session and prove your maturity. You will have enough time later to resolve this dispute on the caretaker government issue. We just cannot endure it anymore that the vital Finance Bill might be passed with the Opposition benches going empty in the Jatiya Sangsad.

The writer is a former staffer of The Daily Star

To the Editor...

Letters on the Daily Star Debate

Friendly dialogue, please

Sir, To form a Caretaker Government, the Constitution has to be amended. It can not be done either by the government or the Opposition in isolation from each other. There should be a consensus of opinion between the two sides before an amendment like that which requires two thirds majority in parliament can be passed as law.

Alternatively if our leaders want solution outside the Assembly, other institutions will be induced to seek satisfaction through street agitation. There will be class.

It is unfortunate that we have learnt the art of slogan, art of movement but we have not learnt the art of work. It is work, work and only work that can change the fate of the nation.

The way out is to have a friendly dialogue to sort out the issue.

Mr Mosharrif Hossain
Advocate
Judge Court, Comilla

Electoral culture and need for caretaker govt

First I would like to congratulate you for initiating a debate on the necessity or otherwise of a caretaker government to hold elections. I have read with interest the arguments for and against a caretaker government. Barrister Rafiqul Islam Mia has stressed the need for an ac-

countable government and for building democratic institutions. But in developing countries governments may not be accountable to the people. Take the example Gen. Ershad. From a martial law administrator he became an 'elected' President and there was an 'elected' Parliament as well. That so-called elected government and Parliament were totally oblivious of 'People's aspirations and sentiments'. They were oblivious because they did not have the fear of defeat in the next general election.

The democratic and election culture was so much polluted that nobody in Bangladesh could ever conceive of the idea of a free, fair and neutral election. But credit goes to then acting President Mr. Justice Shahabuddin Ahmed who showed to the people of Bangladesh and to the whole world that a free, fair and neutral election was possible in Bangladesh.

Since we have not yet learnt proper democratic and electoral culture the need for a caretaker government to hold elections is still very much there. Mr. Suranjit Sengupta rightly says: 'So, the nation needs to incorporate the concept of a caretaker government into the constitution of the state. One or two elections under a caretaker government will not suffice; successive elections should be conducted like wise to bring about the desired change in the electoral and democratic culture. To give caretaker government constitutional and democratic legitimacy the concept should

capture state power by any means. We the electorate have become apprehensive of the next course of confrontation which will invariably include hartals, processions, vandalism, burning of transports, and lawlessness. Instead of fighting for a caretaker government, can't both the sides discuss to amend the constitution to make provision for the country to be ruled by majority and minority parties for an agreed period within the tenure of each parliament? A parliament is elected for a period of five years (about 1825 days).

There was a time when politics was a way to serve the country. At that time people who had means used to come in politics, accepting the hardship lying ahead. They had to sacrifice a lot. Since 1970, there has been a qualitative change. Many of our leaders have no known source of income. Yet they are better off than many others. They travel abroad for organisational activity as well as for medical check up, treatment, etc. They are VIPs in the country and obviously remain so preoccupied with the thought that they had to spend a huge sum to be come MPs.

None of the parties whether in Government or in the Opposition in the Parliament or outside, has democracy in their organisation, how can

Caretaker Government is not Anti-constitution

by Capt Husain Imam

THE debate has no doubt brought to light the various aspects of the issue and as we can understand from these deliberations, in the context of Bangladesh politics the proposal whether the next general elections should be held under a caretaker government to ensure free and fair election has points both in favour and against.

The arguments of the ruling party, who are against the idea of a caretaker government, have mainly centred around the point that there is no provision for a caretaker government in the constitution. One of their Barrister-ministers has even quoted the historic judgement of chief Justice Shahabuddin Ahmed in the eighth amendment case and tried to suggest that provision for a caretaker government is anti-constitutional. Mr Nazmul Islam, member, council of advisors, BNP thinks that it will be an act of disrespect for the constitution if we incorporate the provision of a caretaker government in the constitution itself if we incorporate the provision of a caretaker government in the constitution (Daily Star, June 3).

I would like to think otherwise. That there is no provision for a caretaker government in the constitution does not mean that such a provision cannot be incorporated. After all the constitution is for the people and not the people for the constitution. If the people desire that the next general election, at least a few of them, be held under a caretaker government, there is no reason why the constitution cannot be amended accordingly.

As mentioned by Mr Nazim Kamran Chowdhury, former MP (Daily Star, June 3) the essence of our constitution as reflected in Justice Shahabuddin Ahmed's historic judgement on the eighth amendment case is: 'the constitution stands on certain fundamental principles which are its structural pillars.' Among them, sovereignty and supremacy of the constitution, independence of judiciary, fundamental

rights are clearly identifiable. Mr Kamran Chowdhury rightly laments that these principles are yet to be institutionalised. The judiciary is still to be separated and made truly independent. The black laws like Special Powers Act, anti-terrorism act are still in force. One can rightly ask how can the constitution remain upright without its pillars intact.

If the BNP genuinely believe in upholding the basic spirit of the constitution, why don't they bring in bills in the parliament and amend these anti-democratic laws. For argument's sake, one can even say, if amendment to the constitution to indemnify the killers of our national heroes was not considered anti-constitutional or appear to them as an act of disrespect for the constitution, why should the provision for a caretaker government which aims at restoring democracy by ensuring free and fair polls should appear to be so.

One cannot disagree with Mr Moslehuddin Ahmed, President NSU when he says that the idea of a caretaker government may create new complications with regard to the form of government (Daily Star, June 2) or with Mr Nazmul Islam, former foreign secretary and ambassador for holding the view that a caretaker government is not an integral component of a democratic order (Daily Star, June 3).

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Among them, sovereignty and supremacy of the constitution, independence of judiciary, fundamental

more, such as: (i) Independent Judiciary, (ii) Repeal of all Black laws, (iii) Fully independent and autonomous election commission, (iv) Full autonomy of Radio and TV, (v) Identity cards for all voters, (vi) Reform in electoral process.

In this regard I would like to specially mention one of the suggestions put forward by Mr M A Chowdhury and Lt Col Mohd A Latif Khan in their article published in the Daily Star on June 2, 1994. At the district levels, the present system of conducting the elections by the government officials with DC as the returning officer will be replaced by a system where respectable and prominent members of the general public are included in a body headed by the district Judge who will conduct the election: (vii) Effective measures that will keep muscle and Black money out of election process. (viii) As suggested by Mr M K Chowdhury, Modification of election rules regarding 30 women seats so that different parties in parliament get proportional women representatives. (ix) Last but not the least, consensus on the part of the politicians to abide by the rules of the game, regarding political as well as electoral conduct.

I would like to conclude my discussion with the following observation: It is of grave concern to the politically conscious section of the public that the issue of caretaker government has led to serious political crisis threatening the very existence of the present parliament. Although one may argue that the present parliament has failed to fulfil the aspirations of the people, no one will, I am sure, want that the politicians or anybody else for the matter should act in a manner which may jeopardise a democratic process initiated only three years ago through a mass upsurge and allow extra constitutional process to take over.

It is against this background I would rather side with Mr Faruq Rashid Chowdhury when he says that a caretaker government is necessary but not sufficient. We need something

there is something wrong with the society's norms (behaviour). Consider that a honest