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Getting to the Root of Water Supply Problems

To quantify how scarce water has become in the city one has to simply remind oneself that WASA can at best meet half of the total daily requirement, estimated at 140 crore litres. Fifty per cent of the city dwellers going without running water conjures up an aridity of supply comparable to what a city in the midst of a desert land should normally be encountering.

But the irony is Dhaka is girdled by surface water sources, and, what we also know for a fact is that cities in geographically arid and semi-arid conditions have arranged water for themselves tapping even the far-out sea or the bay. Leave aside the Arab or the Gulf states which have the money to harness the latest technology, there are cities in South Asia which have not allowed the gap between the availability of water and its requirement to yawn the way we have — thanks to distorted prioritization over a long period of time.

Water supply in Dhaka city has been one-sidedly dependent on the sub-soil source for the last thirty years with the result that the subterranean table, which could be previously hit a few feet below the surface, has gone sharply down. This suction of the sub-soil water reserve proves to be a patent folly by hindsight and reminds one of some Latin American cities currently paying the price of over-exploitation of the ground water source. But we are in a vicious circle of going back to sub-soil water again, largely because of financial constraints: In addition to sinking 170 deep tubewells already, WASA is planning to install 130 more of these. Evidently having water treatment plants to draw and use surface water is a costly proposition requiring that we line up massive doses of foreign investments, both bilaterally and multilaterally. We now have the unenviable task of making up for the lost time so far as procuring funds from abroad is concerned in the sense that if we had minded this business earlier on we would have seen some surface water plants already. Instead, we now have an archaic Chandnighat water plant. We should have used this option all the more because the natural surface water channels like Dholaikhal in particular had clogged.

Yes, there is no use 'crying over spilt milk' but admittedly we are having to negotiate funding now — not in the best of times, to be sure aid climate-wise. Even so, it is understood that bilateral financiers like France, Saudi Arabia and Japan have responded favourably. Some co-financing arrangements have to be worked out with a perspective plan to have water treatment plants for the city on a graduated scale. The multilateral sources, like the World Bank, link their assistance to certain reform measures. The WASA's system loss, said to be higher than that in the power sector, needs to be curbed by putting a lid on unauthorized supplies as well as on the open-nozzled city hydrants, let alone other leakage points. So far so good.

But the privatisation of the utility bodies like WASA, PDB and Gas authority has to be a gradual process, rather than an unduly hastened one. In such a transitional phase when our none-too-developed private sector is having to catch up with the preliminary demands of higher and wider responsibilities, the government sector cannot abdicate its authority in terms of determining the utility rates structure or supervising the quality of the services without entailing a social cost. After all, a democratically elected and publicly accountable government can be trusted with this responsibility.

Since the Sayedabad water treatment plant of WASA is crucially important for tiding over the present acute phase of water shortage in the city we hope its implementation will be smoothened by considerate multi-lateral funding.

Lara Laurels

He has already become a cricketing phenomenon and at the rate he is crossing one milestone after another keeps the whole world guessing: what might his next target be. For Brian Lara even in a highly uncertain game like cricket, it has become as established certainty that the diminutive Trinidadian will hardly leave any records intact. To the most prized jewel of his cricketing crown, the highest test score, he has now added another coveted feather, 500 runs in a first-class innings. In the process of his scoring the most runs, 501 not out, Lara has broken as many as 13 other records, the most notable being the highest number of runs in a day.

What this young West Indian batsman is doing in England defies the cricket book. Ever since his appearance for his county Warwickshire, Lara has scored centuries in all but one innings, the latest capping the rest with such a monumental feat. This cricketing genius is now unstoppable and going stronger with every match he plays. A modest and soft-spoken cricketer, Lara is proving through his dazzling display of bats a point. The point is that even in a world no more in love with epical quality, epics can be created through a heroic wielding of the bat for the world to appreciate.

While runs flow in a steady stream from Lara's bat, the world rediscover the potential of man, the power of his concentration and the perfection of a skill or art. With the breaking of the barrier of a figure like 365 or 500, one man does the job of overcoming a mental barrier as well for the whole human race. Segei Bubka, Mike Powell and a few others have done the same through their respective superhuman efforts in other disciplines of sports. Similarly, poets, scientists, sociologists, politicians, artists and musicians have expanded the mental horizon of man in an endless endeavour to discover the possibility within.

Lara does not only make him and other cricketers proud but also bring glory to the game of cricket. In doing so he sets a standard for others to follow and even to transcend the physical and mental limits. There his is a job of a leader, a ground breaker. Indeed, he has been giving cricket lovers the world over every so often something to savour and even bask in its glory. We will be hoping he continues to do so for a long time to come. At the same time our expectation is that our cricketers do not get overawed by his superlative achievement, rather feel inspired to follow in his foot-steps.

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

On Caretaker Government: Look before You Leap

by Jamal Uddin Ahmad

TO say that political cloud in Bangladesh is getting darker and darker will be an understatement. A nasty storm is on the verge of breaking out in the political horizon. Short of a miracle, a reconciliation between the treasury bench and opposition parties, for all practically purposes, is dead. Finance Minister Mr M Saifur Rahman will deliver his budget speech and present his annual budget for financial year 1994/95 so painstakingly prepared in the Parliament which will have been boycotted by the Opposition political parties. Never in the history of parliamentary democracy an event of this nature has taken place. The die is now cast. The second round is just about to begin.

Before the political sanity totally dries up, a little pause is all what is needed of the country's political leadership to take stock of the situation. Is the confrontation between the two major political parties going to improve the political, economic and social wellbeing of the 120 million people of Bangladesh? Are we as a nation, going to emerge stronger and more respectful than before? Are our political system and institutions going to remain on solid foundation or are we going to dip into uncertain phase? Is our noble Constitution going to remain strong and effective? These and many other consequential questions need to be answered affirmatively before plunging the country into a sea of uncertainty. People need to be assured that nothing will be done by these two political parties which will only bring harm and disasters for the people. It is now imperative for all of us to move up economically. Any economic downturn will be the death of this country. Politicians of all shades and opinions must realise this stark reality. With this objective in view I submit the following:

(a) *Other things remaining unaffected.* I do not regard that a constitutional change to bring about a caretaker government only to conduct a free and fair Parliamentary election is something which cannot be conceded. The contention of the treasury bench that it is unconstitutional does not hold good. It is unconstitutional now because the amendment is yet to be incorporated in the Constitution. Once the amendment is approved it will become a part of the Constitution and then this objection ceases to be relevant.

(b) The view of the treasury bench that a caretaker government would, in effect, mean a move away from the democratic government into a non democratic government does not also, in my view, hold much water. If I have understood correctly, the caretaker government will come into office only after the democratically elected government will have finished its term of office. Even in the existing constitutional arrangement, the Prime Minister is required to resign in such circumstances and the Parliament dissolved on his/her advice. The President, in keeping with a best traditions of parliamentary system of government asks the Prime Minister to continue to function until the next government is instaled. During this intervening period this government for all intents and purposes, is a caretaker government because it no longer has the people's mandate nor is it dependent on the Parliament because the Parliament has in the meantime, ceased to exist. I thus see no great difference between this caretaker government and the one proposed by the opposition political parties.

Having said this, I now come to the more difficult and complicated questions. These relate to my opening remarks on (a) above *other things remaining unaffected.* The million dollar question is "will other things remain unaffected? This question has a multi-dimensional perspective, among others, constitutional, political, economic and social. Let us attempt to briefly discuss these issues.

Constitutional

In our Constitution we now have a well defined balance between the Executive, Legislature and Judiciary. The role of each of these organs is so intricately woven that any tinkering with any of them will affect the entire foundation on which the Constitution has been built. During Ershad era, on the question of creation of permanent benches of High Court Division of Supreme Court in several places in the country in addition to its permanent place in Dhaka, the Appellate Division of the Supreme Court held that the constitutional amendment which had brought about these benches was ultra vires as it had affected the foundation on which the Constitution was structured and that the Parliament had exceeded the limit of its law making power in this regard. This happened at the time when the country's Constitution had prescribed a presidential form of government which did not have such an exquisitely interlinked relationship between the Parliament, Prime Minister and President. The transparency and accountability of the government and the sovereignty of the Parliament were also not mandatory.

Although I claim no expert knowledge on constitutional law and practice, it is my considered view that the change over demanded by the opposition parties should be thoroughly studied by our constitutional experts. It is ironic that our constitutional experts have not yet provided any guideline on this subject nor have the Bar Council. In the fitness of things, the nation would like to be assured that the constitutional amendments proposed by the opposition parties to bring into being caretaker government(s) would not in anyway affect structural foundations of the Constitution and it would not subsequently plunge the country into any kind of constitutional crisis. For this purpose I propose that a team of constitutional experts should be immediately constituted, the composition of which should be three members from each side with a retired Chief Justice as the Chairman. This team should submit their report within one month. Until the report is published, status quo should be maintained.

Political

Elections in this country has always been controversial. Even the 1991 election held under the caretaker government of Justice Shahabuddin Ahmed was not totally free from corrupt practices. The President of Awami League, Begum Sheikh Hasina, did not readily accept the result of the election. According to her, the election result was tampered by means of "fine rigging" although by all accounts and, even according to the international observers the election was free and fair. When the entire government machinery, election commission, people at large, political parties and politicians of all shades and opinions had joined hands in 1991 to make the election totally free from corrupt practices, we still had criticisms from the head of the largest political party that it was rigged.

It must be remembered that the caretaker government of Justice Shahabuddin Ahmed came into being out of a total national consensus. The whole nation rose like a solid rock to usher in a democratic government through people's mandate. People's will and determination which were demonstrated during this period was unprecedented in the history of Bangladesh, the like of which will never be repeated. This then brings us to the question can or will the future caretaker governments ever have this kind of support and endorsement of the people? The support given in 1991 was not for the integrity and non partisan nature of interim government but people wanted a peaceful and acceptable political transformation and Justice Shahabuddin's government acted only as a vehicle for it.

Can the people be assured of the total acceptablity and success of the future caretaker government as also the fact the nation will not be landed up into a situation much worse than before, are questions which bug people's mind. The question of national consensus on the choice of the head of caretaker government, composition of the Council of Advisers, terms of reference of the caretaker government and a host of other identified and unidentified questions will no doubt emerge, the resolution of which will prove to be a "Himalayan" task for our political leaders.

Economic

The country is now passing through a most difficult economic phase. With investment almost stagnant, the employment situation in the last three years has not at all improved. The public sector capacity to absorb investment in real terms has not changed much since 1988-89. Deep economic depression is evident in all important economic organs of the society. In a situation such as this, national unity is the foremost consideration to steer the country out of her deep problems. If, on the contrary, the country plunges into a period political uncertainty, total economic environment will be badly vitiated. From the national point of view, this will be a disaster of the highest order, a turbulent and unresponsive economic order can not be the expectation of any patriotic citizen of this country.

Social

In the event of political unrest and tension getting further aggravated, the social factors will naturally degenerate. The first victim will be the law and order situation which will give rise to the question of safety and security problem of the people. The student community and educational institutions will be turned into battlefields. The youth, workers, unemployeds and anti social elements would create situations which might stretch the governance capacity of the government to its utmost limit. In these ways things might get too hot for the political parties and their activists to handle.

Conclusion

Let me conclude by sounding a note of optimism. I believe from the core of my heart that our political leaders are patriotic. Their love for the country and people are unbounded. They will never take the country to the path of disaster and despair. Already as a nation, we are too poor to sustain a living standard above poverty level. Our national energy and resources should be used to uplift our economic wellbeing and never to throttle it. There are no issues which cannot be solved through negotiations. The nation expects that the current political impasse should and in the end would be solved amicably. There are no winners but only losers in this mad confrontation and the losers are the innocent people of Bangladesh.

Sir Winston Churchill once said that "Brink of war is better than the war itself. In wars one does not have any option left but to fight on. Being on the brink, one hears only the sound and fury but has all the options left intact." Would our politicians please care to draw some conclusion from it.

The author is a chartered accountant. He was Deputy Prime Minister in the cabinet of President Ziaur Rahman.

The Caretaker Government Issue : A Long-term Perspective

by Sadequl Islam

IN recent days we have read arguments for and against holding the next parliamentary election under a caretaker government. The political impasse generated over this issue reflects institutional poverty and underdevelopment of the democratic culture in Bangladesh.

The main argument presented by politicians in power is now well known : formation of a caretaker government is unconstitutional and unnecessary. Opposition parties however allege that many activities of present government have not been consistent with the letter and spirit of the constitution. The demand for a caretaker government made by opposition parties is based on the presumption that any election if held under the present government will not be fair, as exemplified by some rigged by-elections. Historically, it has been observed in may countries including Bangladesh that an incumbent government has a comparative advantage in influencing election results through various direct and indirect methods.

In a developed democracy, elections are held under a neutral and effective election commission. An Election Commission however, cannot be neutral and effective without certain institutional and other prerequisites: separation of executive, legislative, and judicial branches of power; existence of educated and informed voters; and presence of independent mass media and watch-dog agencies which can monitor and evaluate political activities.

In an underdeveloped country like Bangladesh, the concept of a caretaker government, acting as a substitute of an effective election commission seems to have great appeal. A question that naturally arises is whether formation of a caretaker government will be a temporary matter that will be negotiated by major political parties or a permanent feature that needs to be incorporated in the constitution. Other issues concerning the duration, mandate, and composition of the caretaker government also need to be resolved. Some politicians in opposition have argued that peoples, wishes as reflected in street demonstrations should have greater legitimacy than abstract words of the constitution. This view however, perpetuates institutional underdevelopment and leads to political opportunism and "ad-hocism." It is in the long-term interest of the country to establish "rules of the gave" through constitutional means.

In my opinion, a caretaker government alone cannot improve the democratic culture of our country is the absence of institutional prerequisites. A caretaker government, whether constitutionalized or not, may guarantee a fair election but may not be able to prevent the epidemic of rent-seeking and myopic behaviour that prevails in the political market place. Accordingly, it is important to pay greater attention to those institutional and cultural factors which can deepen the processes of democracy and economic development. First, all political parties should make specific proposals to make government departments more accountable and accessible. The process of communication between the government and various segments of society should be institutionalized. Parliamentary rules, especially rules regarding formation and activities of parliamentary committees should be clearly formulated and widely publicized. Reports of the Auditor-General, as mentioned in Article 132 of the constitution, should critically evaluate government programmes and publicize examples of wasteful expenditures and inefficiency in the government sector.

Second, rules concerning financing of election campaigns and declaration of incomes and assets of politicians and government functionaries should be clearly formulated and enforced. Political parties should undertake measures to improve the democratic culture in the country by (a) democratizing their own parties; (b) providing information and political training to members; (c) nominating candidates who are well known for honesty and competence; (d) initiating social programmes, for example, literacy campaigns; and (e) participating in public discussions on national and regional issues through the mass media including radio and television. Third, it seems that the Gresham's law is operating in the political arena of Bangladesh: bad politicians are driving out good politicians. One regime of corruption and incompetence is being replaced by another regime with a different style of corruption and incompetence. Persistence of inefficient institutions perpetuates this vicious circle.

However, politics is too important a matter to be left to politicians. Intellectuals, workers, journalists, teachers, scientists, students, entrepreneurs, and farmers all have a role to play in improving the democratic culture of our country. They can do so through various ways: by (a) forcing political parties to be more specific about their political and economic programmes; (b) persuading political parties to participate regularly in public debates on economic and social issues; (c) forming watch-dog organizations to monitor and evaluate activities of political parties and government organizations; and (d) educating the youth to participate in the democratic process in a peaceful way.

Finally democracy cannot flourish in our country in the presence of mass illiteracy and poverty. All concerned citizens committed to improving the pace of economic development and democratic progress should pressurize politicians to focus on long term issues which promote economic and social development. In Bangladesh development of the visible infrastructure, for instance, roads, bridges, factories, and government offices, has been impressive. However, the quality of the invisible infrastructure, for example, education, law and order, the environment, collective rationality, social norms, seems to have deteriorated. Politicians must have a long term vision — beyond the phase of election cycles — to deal with this phenomenon. The main task of politicians as emphasized by Adam Smith, the founder of political economy, is to reform and design institutions and organizations which channel the motives of human beings toward socially beneficent ends and which eliminate zero-sum economic and political activities. A caretaker government may be necessary for electoral democracy in the context of Bangladesh but not sufficient to promote participatory democracy.

The author is Associate Professor of Economics, Laurentian University, Canada. He contributed this piece while being here.)

Cry for a Fair Election

by Al-Amin

THE last parliamentary elections of Bangladesh were held under a caretaker government in 1991; although there is no provision for a caretaker government in our Constitution, the same was valid in the context of the joint declaration of the Alliance "Jotes" of the three Alliances that represented the sovereign people of Bangladesh. "Vox populi is Vox Dei" — the voice of the people is the voice of God. It was thus a supra Law; it was, as if, ingrained in the Constitution. This was the background in which General Ershad vacated, and the Chief Justice took over. Thereafter Mr Justice Sahabuddin set up an unique example of free and fair election in a third word country like Bangladesh.

BNP on receiving the majority seats, formed the govt and has been in power since then. But it is one thing to be elected, and another to rule well. The beauty of democracy is that it authorises the people to hire and fire their rulers. The opposition parties of the country seem to have lost their patience with the BNP government; they argue that the BNP government has not acceded to any of their demands in the Parliament; they insist that the Magura bye-election has not been done in a free and fair way. They, therefore, want an election under a caretaker government!

But the scenario is different: Ershad was an usurper, and an autocrat in a presidential system; all the political parties of the country, excepting a handful of hencemen in a beehive called Jatiya Party, refused to go in for election under Ershad. The present PM is the freely and fairly elected leader of the majority party in the Jatiya Sangsad; unlike Ershad, she is a legitimate leader. She should not fear to go to the people. She should contribute as much as the opposition in evolving a system of election that will be truly free and fair.

The formation of a government, and that too after amending the Constitution for conducting only an election does not sound wholly logical, what is needed is not a caretaker government, but an election free, fair and impartial; Constitution of a country is the supreme law of the land; it is a philosophy of law; all other laws are framed in its light. Such supreme law should not be amended so frequently, and that too for a short term: it is reported the demand for a caretaker government is envisaged for the next three elections only! Constitution being the umbrella for a democratic order, provisions for a caretaker govt unelected will be an outlandish element on the sacred body of this sublime statute:

Under the demanded caretaker government we have to find out a consensus candidate, and at last two dozen of neutral advisors. Can one really be highly educated, and yet politically neutral? He or she may not be a political activist, but he can not but have his own political likes and dislikes. Last time the Chief Justice played his part in a superb manner, yet there was talk about it! The CJ, as the president of the Appellate Division of the Supreme Court, is the interpreter of the Constitution; he should not be dragged to a political post so often so as to affect his image. In times of national emergency his services may be called for and that has been done in the past. It is difficult, almost impossible, to get an Acting President or Premier and at least twenty four advisors neutral in all its senses.

And then under which government the bye-elections will be conducted? Elections to local bodies are equally important, we cannot have a separate government for conducting each election.

In no country of the world elections are held under a caretaker government. The world has witnessed a historic election in South Africa the other day; for this no caretaker government has been necessary. In 1954, general elections were held in former East Pakistan under the Muslim League government; and the seating government was routed; Nurul Amin, its Chief Minister, losing miserably to a political novice. It has happened in this very land; can't we live up to that tradition?

Of all creations, man is the most puzzling. What is the guarantee that an unelected Acting President or Premier will not be suddenly too ambitions? After all, a constitution is sacred as long as one obeys it!

It is thus advisable to have an interim government, rather than a caretaker government formed out of element drawn from without; the PM, may dissolve his cabinet and advise the President to dissolve the parliament, and herself would resign on a given day before the election. The constitutional president who should continue, can form a 'Secretary's Council' with the cabinet secretary as its secretary general; the president-in-secretary's council can make the interim government to oversee the elections for the time being.

Conversely, the Election Commission should be bestowed with all powers to make it fully independent of the government; during the period of election officers, directly or indirectly, or in any way, connected with the election affairs, should be placed entirely under the control of the Election Commission. This institution should be made sacrosanct. The Chief Election Commissioner would be answerable to the Supreme Court. Suitable constitutional amendments may be made to detail out and legalise the above concept.

It is not the law, but the people, who alone can make the election fair. England does not have any written constitution, but theirs is the fairest election; the USA, the mightiest country of the world, is run by the smallest constitution.

The people who will run the government are as much important as the form of government. Let me conclude with a couplet from Alexander Pope: (An essay on Man).

"For forms of government let fools contest;
Whate'er is best administer'd is best"

(The author is a concerned citizen and an arid Star reader)