

Outrageous

Newspaper Editors are being picked up like common criminals and thrown into jail without even the benefit of a bail. Is this how the free press to be treated in a democracy?

The arrests of the Advisory Editor and the Executive Editor of The Daily Janakantha and the warrants of arrest issued against the paper's Editor and an Assistant Editor follow a complaint lodged by a law enforcement official alleging that a post-editorial in the paper "hurt the religious sentiments of the Muslims."

It is not quite our look-out here to go into the merit or otherwise of the case but suffice it to underline that the arrest without offering the opportunity to explain oneself does spark insecurity among the journalists and thereby constitutes a threat to freedom of press which is the determinant of the degree of democracy a country enjoys.

The reason why we should have better ways of addressing such an issue is basically this: newspapers have to deal with sensitive public issues and opinions on a daily basis. Assuming that one has crossed the critical threshold — for the argument's sake — shouldn't there be a more press-friendly way of handling this?

Reports suggest that the Home Ministry authorised the action. What is the Information Ministry's role? We would like to believe, recalling the Prime Minister's election pledge and her utterances on press freedom from time to time, that some sections are out to malign her image and standing with the press.

Human Security

When the ruling party and the opposition have turned their backs to each other, at least for once in a rare departure from their hardened attitude did the two parties see eye to eye at a debate perhaps first of its kind outside of the Jatiya Sangsad. Dubbed as The Daily Star Dialogue — because this daily organised the show — the session was devoted to the problems facing the South Asian region in its development efforts.

Dr Mahbulul Huq covered a whole range of issues in his speech but the focus was directed on the development of human resources. As it has been the salient theme of the 1994 UNDP Report, the issue of human security once again came under scrutiny. The conventional definition of security has been rightly challenged by Huq's well-advanced theory that without guaranteeing adequate food, a decent living and livelihood any other security perception loses its meaning.

The MPs present at the dialogue agreed with the contention and readily acknowledged their own limitations but they also sought the UNDP expert's advice in redistribution of resource allocation from unproductive sector to the productive ones. To this the non-political and famed economist replied in a most positive way. He has suggested the government's gradual withdrawal from the productive sectors and its increasing concentration on social sectors.

The MPs really did not make it a session of debate, rather were more concerned with the ways and means of bringing about the desired structural reforms and socio-economic justice. Here again the UNDP official has advised to keep faith in the potential of people's power. The crunch of the problem is to make available adequate amount of resources for human development through education, and health.

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

Caretaker Government and the Practice and Non-practice of Democracy

by Dr Saleemul Huq

THE recent debate for and against the caretaker government in The Daily Star has been a healthy development in the practice of democracy where politicians were made to present their arguments and counter arguments going beyond the normal level of sloganeering. I will not address the desirability or otherwise of a caretaker government whose arguments, both for and against, have already been pretty well exhausted by both the proponents as well as the opponents. I will rather address the larger issue of the practice and non-practice of democratic norms in a parliamentary democratic set up at the level of the individual voters, political parties, members of parliament and lastly at the level of the political leadership.

The individual voter in a parliamentary election votes for his choice of member of parliament based upon a number of factors. Those that blindly follow a political party (a minority) obviously vote for their party candidate regardless of his merits, while most others base their judgement upon a combination of different factors including the character of the candidate, the party's manifesto, the party's policies, leadership as well as other factors. However, once one candidate is declared the winner in the election in a first-past-the-post manner he

right to represent their constituency. Once elected into parliament the member is supposed to raise issues on behalf of his constituency and to vote according to his party line but can certainly raise his own opinions within the party parliamentary caucus.

The party that gets the majority of seats in the parliament forms the government and elects their leader as the Prime Minister while the others form the opposition from whom the leader of the largest party becomes the leader of the opposition. The role of the government party in parliament is to introduce legislation to fulfil their election pledges while that of the opposition members is to question, scrutinize, criticize and suggest amendments to proposed legislation. It is not the role of the opposition to introduce legislation unless they have reason to believe it will get national consensus.

It is interesting to note that this parliament started with exactly such a rare example when the issue of change-over from presidential to parliamentary form of government was achieved by consensus across party lines. The point to note is that even though there

is not the role of the opposition to dictate to the ruling party what legislation the latter must introduce under threat of a boycott. The essence of parliamentary democracy is to allow the majority party to govern and try to unseat them in the general elections if they fail to do a good job.

Now the argument being put forward against this strategy is that such a general election will not be free and fair under the BNP government, or for that matter any party government, and should therefore be held under a caretaker one. The Awami League took this stance following the perceived unfair means in the Magura by-election although it claims that the Bhole and Mirpur by-elections were also similarly tainted. Their apprehension is that such unfair means will be again used during the general election and therefore they are unwilling to trust the present government with holding the general elections.

It is interesting to note that the Election Commission during the present government has held a much larger, almost national scale election for the municipalities of Dhaka, Chittagong, Rajshahi and Khulna

which together represented the equivalent of about 14 parliamentary seats. Out of those the two main cities of Dhaka, representing the equivalent of about 8 parliamentary seats and Chittagong, representing about 4 parliamentary seats were won by the Awami League. This fact suggests that while the ruling party may be able to apply extra effort in terms of multiple ministers campaigning for votes, administrative and media control and other alleged means of influencing results on a single constituency by-elections like

and willingness to give due consideration to the other side demonstrated equally by the opposition as well as the ruling party.

An example of how different political parties with truly democratic leadership can accommodate others is to be seen in South Africa where Mr Nelson Mandela the leader of the ANC actually expressed relief that the ANC did not receive a two-thirds majority, which would have allowed them to make constitutional changes, since that would have made the minority parties more insecure!

What is needed from our political leadership is a similar sense of accommodation in the larger national interest. It would seem to be a better strategy for the Awami League to be present in the parliament and insist that the government enact legislation to fulfil its own pledges including freedom of TV and radio, separation of judiciary and executive and repeal of black laws rather than insist on the issue of caretaker government which neither the Awami League nor the BNP had included in their election manifesto.

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The Demand for a Caretaker Government Sounds Untenable

by Ramjan Ali Khan Majlis

WHILE enumerating the reasons in favour of holding parliament election under a caretaker government Mr. Zillur Rahman, Secretary General of Awami League has tried to define democracy, and has given a short account how democracy was distorted in the past under different autocratic regimes in the first para of his statement (DS 15-5-94) which obviously seems to be irrelevant and redundant in the context of the debate in question.

In the second para Mr Zillur Rahman has made an attempt to convince us as to the dire necessity of forming BAKSAL by late Sheikh Mujibur Rahman. It is known to everybody that history repeats itself. The introduction of BAKSAL meaning one party's rule in Bangladesh had been described as an essential measure to strengthen national unity but this does not conform to any historical event of the past. The well-known story of BAKSAL narrated by the Secretary General, Awami League shall be considered by the readers and the public in general as totally unnecessary

and unwarranted in the course of producing valid arguments in favour of having parliament election under a caretaker government.

Mr. H M Ershad grabbed power by use of force and toppled an elected government of the then President Justice Sattar. Mr Ershad also managed to remain in power by re-courting to different types of nefarious activities as stated by Mr. Zillur Rahman. The infamous activities of the deposed President Mr. Ershad and his henchmen are well-known and repetition of the same is hardly necessary.

But the story is not applicable in case of the Prime Minister Begum Khaleda Zia who came to power through a fair election conducted by the Election Commission, an independent institution under the caretaker government of Justice Shahabuddin. The demand for such an election under a caretaker government was at that time not only outcome of a general desire of the political parties alone but also a universal claim of the public at large. This election was acclaimed to have been the most

fair ever held in this country not only by the people of Bangladesh but also by the international community.

Curiously enough, by ignoring the well-though-out verdict of the people, the opposition parties have now become vocal seeking resignation of the elected government and demanding a fresh election under a caretaker government. They want it to be formed even before the expiry of the five years term. This, no doubt, is tantamount to having no confidence in public opinion which is the best yardstick to measure the actual practice of democracy. The demand of the opposition parties for a caretaker government to hold elections needs to be tested through a referendum conducted on the particular issue.

The government in power was not found hesitant to accept the verdict of the people in respect of the city corporation elections in which two important mayoral seats have gone to the nominees of the largest opposition party i.e. Awami League. If the opposition parties are really aggrieved by the results of the Magura by election they could

fairly file an objection petition to the Election Tribunal. Instead of doing so the opposition parties are accusing the elected government, which enjoys the confidence of the people, of rigging votes through the influence of the officers allegedly employed for conducting the said election.

Is this an issue justified for resignation of the elected government and establishment of a caretaker government? Is there any guarantee that the proposed caretaker government would be able to fulfil the desire of the opposition parties? The indirect motive behind such a movement is to fish in troubled water.

The opposition parties which have now raised hue and cry for an election under an interim caretaker gov't, were not found active to incorporate this provision in the constitution during the 12th amendment of the constitution i.e. formation of the parliamentary system of gov't from the presidential form. In my opinion, to ensure free and fair election we should welcome the united effort of the parliament members to improve the electoral

process. Such a desired action would ensure smooth running of any election in the country. It is known to the parliament members of both the gov't and opposition parties or the Election Commission itself that many genuine voters could not get any opportunity to cast their valuable votes in the city corporation election recently held as the voters' lists available with the concerned presiding officers did not contain the names of many of them. I could not also cast my vote though I have been casting my vote regularly since I have been living in my own house in Dhanmondi Residential Area from 1967. I lodged written complaint addressed to the chief Election Commissioner and handed over the same to the Presiding Officer posted at the Dhanmondi Girls' School. Has any effort been made to correct the voters' list by the concerned authority?

Surprisingly enough the opposition parties have not yet uttered a single word whether the election of the public bodies should also be conducted under a caretaker government.

Demand for holding parliament election under a care-

taker government is absolutely a political problem which should be solved in the parliament by participation of all the political parties. We cannot, therefore, argue to face the important issue of deciding the conduct of parliament election under a caretaker gov't by making processions in the streets.

Mr Ershad's fall was expedited by the pressure of the people and there was no other alternative but to hold parliament election under a caretaker gov't. The present position of the democratic gov't being in power is quite different and as such similar action of holding election under a caretaker gov't apparently sounds untenable. The public may not agree to this.

I am constrained to highlight my personal feelings as a politically conscious patriotic citizen of Bangladesh. Students of "Government and Politics" who are constitutional experts and have got long political background may perhaps be able to examine the complicated issue in question in an exhaustive, conclusive and conducive manner.

Caretaker Government is a Must

by Nasir Uddin Ahmed Nooman

CONTRADICTIONARY statements from the political persons regarding efforts for resolution of the current impasse is clouding the country's political horizon. Some of the happenings and statements from the intellectual communities are adding fuel to the controversy. The ruling party itself is showing no sincere concern in solving the political crisis. In such a situation the on-going debate initiated by The Daily Star is of great importance. It is quite timely and purposeful. It is a nice effort for narrowing the differences and I hope, will prove fruitful enough in establishing the national consensus.

The opposition political parties of the country are demanding a caretaker government to hold the next general election because they fear that elections held under the party in power would not be free and fair. Our experiences of elec-

tions under this government prove that any election under this government is sure to suffer from unfairness. The government itself claims that the city corporation election held under it was greatly free and fair. But we, the students of Dhaka University had experienced something different in our area. Since the ballot-papers were snatched away from voters by the supporters of candidates, the Election Commission had to postpone the election of the university centers. There were also allegations of false identity cards having been issued by the authorities. The Mirpur by-election held before that was a chaotic one and we had seen their misuse of power. The latest by-election of Magura did not deserve to be called all that fair. The most remarkable thing about that by-election was that the CEC had to leave Magura before the election because of unavoidable circumstances. If

in any election the CEC has to leave the constituency what about the voters then? Who will think of their safety then?

The government after that election had shown no change in its attitude. In such a situation no conscious man dares think of a fair election under it. So, in my opinion, the methodology of 1991 has to be repeated to overcome the current deadlock. In the previous general election the ruling party had got 31 per cent votes but the opposition altogether got 69 per cent. Thus, according to democratic norms, the ruling party must show its respect to the majority. Now the demand of a caretaker government is an opinion of the majority and BNP government needs to show its respect to the same and prove itself democratic.

In my view to ensure a free and fair election the following things should deserve consideration:

Since the BNP government is in power by virtue of election held under a caretaker government they should not go against this demand.

Politicalisation of government and political recruitment of officials are motivated by devilish desires. Free and fair election under a caretaker government is the only answer.

This process of holding elections under caretaker government should be continued well into the future times and it should only be rejected when two-thirds of the parliament members will go against it.

The institution of Election Commission is vital in a democratic society for ensuring free and fair election. The caretaker government mostly ensures a neutral administration. But the Election Commission is the most important body in holding election in the desired manner. The election commission

should be able to perform its duties without any government interference. Even the election of 1991 gave rise to a question about the accuracy and comprehensiveness of the voters' list. In fact, EC lacks the full capacity to discharge its functions. So, meeting its deficiency of power by legislation in the parliament is a crying need of the moment. The role of Election Commission as an independent body should be enhanced. The Chief Election Commissioner must be able to exercise his power like the CEC of India. During any of the elections conducted by the EC, the President, the Prime Minister, the ministers or any one who holds the rank of a minister will have any right to visit any constituency. Nor any donations or undertaking of any new project will be declared.

To avoid violence or adoption of unfair means, we should have polling centres away from

any university campus and the chaotic colleges. My experience of elections on campus leaving aside the elections of student bodies says that it is impossible to think of any free and fair election in this territory.

At present the government is calling others for a dialogue. But dialogues for what? Our government knows only to commit but never to take its commitments to the world of realities. It knows only to take pauses. Dialogue is the obvious option left but the government must prove itself decisive first. We don't want dialogues for dialogues' sake. Nobody desires any further mockery. Everybody wants a fruitful decision that will settle the political problems and relieve the people of their tension. As far as I am concerned caretaker government is not just a demand, it is a must.

The writer is a student of Dhaka University.

To the Editor...

Letter on the Daily Star Debate

Parliament and the Demand for caretaker government

Sir, the crown and glory of our democracy is our national parliament, and our 5th parliament which is elected following a free and fair general elections under a caretaker government after a 9-year autocratic rule is the sacred trust of 12 crore people.

the august house of the representatives of the people from Teknaf to Tetuayla and Tamabil to Benapole. Rather they prefer to remain outside the parliament, go on tour to remote areas at home or abroad, criticize and vilify each other, attack and counter attack party politics and programmes of each other and thus belittle the existence and harm the sanctity of our national parliament. We feel that some members of both the ruling and opposition parties are equally responsible for these recalcitrant, vainglorious and unconscionable acts and performances.

We wonder what is the use and necessity of our national parliament at the cost of crores of Taka of the public exchequer when our members of the parliament do not attend it? We are also very much surprised as to what are the rights and obligations, functions and duties of the members of the parliament? We follow western system of democracy and government in our country. Do the members of parliament of the UK, USA, France, India, Japan and many other countries call for hartals and strikes, abstain from attending or boycott the parliament as we do. Whenever

there are differences of opinion or conflicts among the members of the ruling and the opposition parties the parliament is dissolved and fresh general elections are held.

In our case, however, we are faced with a very peculiar and uncommon problem. We are all terribly engaged in a controversy as to how to conduct the next general elections, whether under an interim caretaker government or the democratically elected government?

We fail to understand as to how and why the boycott of the parliament on the one hand and holding of the next general elections under a caretaker government have been interlinked and juxtaposed with each other?

Take it for granted that the next general elections would be held under a caretaker government. But before that we must have to resolve the constitutional problems. Have we arrived at a consensus as to who would head the caretaker government? What would be the status of the incumbent President of Bangladesh? What would be the nature, power and function of the caretaker government? Whether it would be a presidential form of government or parliamentary? To whom the caretaker government would be responsible and accountable? Have the opposition members worked out the modalities for the caretaker government? If so they may place before the people a fool proof proposal first and then

demand for the next general elections under a caretaker government.

It appears that AL feels overconfident of winning the next general elections, if held under a caretaker government. But we wonder why the AL did not win the last general elections under a caretaker government? We wonder what would happen if again under a caretaker government the AL loses the general elections.

Would they accept the results gracefully and peacefully? Would not they call for fresh hartals, strikes, street agitations and boycott the parliament?

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