

High Time for Dialogue

The third anniversary of restoration of parliamentary democracy in the country, an occasion that deserved to be celebrated equally by the government and the opposition, passed off rather unceremoniously. The Prime Minister read out her government's score-card for the last three years and renewed her call for talks with the opposition to break the political impasse. But the opposition kept a low profile on the whole, except for giving a lukewarm reaction to her offer for a dialogue.

The opposition could observe the occasion in its own way in the very least, without missing out on the essential message of the day, which cuts across party lines. It was an occasion in the making of which the opposition had a big role to play. They induced the very conversion of a Presidential form of government into a Parliamentary one. For the BNP, a party wedded to Presidential-type government, both by belief and practice, it was political flexibility at its best which they demonstrated, in going along with the opposition initiative for a change-over to the parliamentary form of government. In fact it meant restoration of a vital feature of the 1972 Constitution which the Awami League had given to the country.

Without any prejudice to the positions adopted by the BNP and the Awami League on the caretaker government issue may we ask: what is the harm in holding a formal dialogue here and now on the basis of the spade-work already done, with each of the parties trying to carry its points with the other? This would serve two purposes: One, it will create the healthy impression that we are using the benefit of hindsight insofar as the historic unanimity on the question of the form of government went. Secondly, the people will be reassured that the path of discussion has been taken in preference to that of agitation and confrontation which is casting a shadow over our hard-earned return to democracy.

The opposition seemingly want to ensure the results first before going in for a dialogue. What would be left for discussion if an issue should come on to the table in the shape of a *fait accompli* without the other side of the case being heard or considered? One can understand, in the light of opposition allegations about the ruling party's renegeing on some previous commitments, as to why they are so keen on a predetermined course of discussion. Their insistence on the primacy of the caretaker issue in the list of agenda is also understandable. But their demand that the ruling party itself move the bill for it and ensure its passage is obviously too much to ask unless the government has been won over to these points by nothing short of a dialogue. The Prime Minister has regretted that the majority party has no place in the framework of the caretaker government worked out by the three opposition parties in Parliament. What does the Prime Minister precisely mean thereby awaits some clarification. We won't guess anything at this stage except to say that the BNP's position look far more accommodative now than it had ever been before.

We should have little use for semantics and nuances when the broad agenda items seem to have emerged clearly on the surface by virtue of the long-drawn brain-storming sessions. Let the public rhetoric stop on both sides now, in deference to the urgent need for solely addressing each other sincerely and genuinely for a focussed discussion on the subject in hand.

Bad Omen at Natak Sarani

On Monday evening a section of the audience at a theatrical performance in the Mahila Samity auditorium mounted an assault on the actors and actresses doing the show. The artistes had previous to that protested against the performance-scuttling nuisance this section was indulging in. The incident has been roundly condemned by the supreme body of Bangladesh's theatrical movement — the Bangladesh Group Theatre Federation. The unwholesome incident does not augur ill only for the theatre movement. Much more is at stake here.

The unthought of, the improbable has happened. It was inconceivable that the bastion of resistance against autocracy and *mastani* of the myriad kinds would itself become a victim of *mastani*. For decades the universities were the main citadels of political and cultural rectitude and resistance to militarisation and communalisation of state and government as also the society at large. But the universities fell to the insidious ways those two great threats to liberty, culture and national fulfilment operated through. The universities were subverted through the camouflage of political parties. What was then the society left for to hope and look up to? Decidedly the most positive and spectacular of all spin-offs of our national independence has been the theatre — the New theatre of new state. And theatrical development, in the more concrete form of the resurgence taking place at Natak Sarani, formerly Bailey Road, became the bulwark against communalism and political adventurism by the military and what these combine to spawn — *mastani*. The Natak Sarani has now been subjected to *mastani*. This must be resisted.

The new theatre's power draws much more from the integrity it has — and it hasn't ever much cared for brute force. That fountain of all inspiration and moral courage and true art; namely, integrity has of late been under many-sided attack even in the theatre. The theatre has a very big and organised force of young, virile dedicated people. If they choose to they can crush the unhappy thing in a jiffy. But that would be one more proof that the moral power of the new theatre is on the sag. We have faith in the leadership Bangladesh Group Theatre Federation has been giving to the emergence and the sustenance of the theatre movement. They would certainly chart a way out of this nuisance which uncares can swell into something endangering the whole movement.

Bangladesh for the last two decades has been an exemplary ground of all right-thinking and right-acting forces abdicating their positions for all the evil that is in the land to stomp around and dictate life and norms. Let theatre be a glorious exception and take an unyielding stand. Let it be a model for others to take heart and rally round abandoned standards.

Ombudsman: An Unimplemented Article of the Constitution

by Muhammad Quamrul Islam

We have seen the twelfth amendment of the Constitution. Maybe thirteenth amendment is in the offing, providing for caretaker government! Well, if it comes' time will say. The fifth parliament is now in a deadlock, for the continuous boycott by the combined opposition to realise their demand. Movement outside the parliament has now been initiated by the opposition, as the BNP Government has not acceded to their demand.

It is really painful to observe that even after more than two decades since independence, we have not yet been virtually able to get a sound, just and efficient electoral system. Not that we have no organisation for that. We have constitutionally established Election Commission, with all its paraphernalia. What is lacking, perhaps, is the moral strength and independent attitude. It is not incorrect when one says that enough powers are already in the hands of the Election Commission. But nobody seems to be there to enforce it without any fear or favour. In the last session of the parliament, Government has moved a Bill to strengthen the Election Commission, presumably to thwart the demand for caretaker government. Otherwise, why after three and a half years in power? There is nothing new and exciting in the Bill. It is not known how vote rigging, etc., will be checked by the Election Commission, which it could not, in the past and allegedly, also at present, under a party government.

Things, as they are, largely explain the reasons as to why Article 77 of the Constitution

has not seen the light of the day, till now. This Article is contained in Part V, The Legislature, Chapter 1 — Parliament. It is one of the fifteen Articles, running from Article 65 to Article 79 in Chapter 1 — Parliament; and so far has remained unaffected, unamended in the process of 'delete, omit, insert' in the last twenty years. Those who were in power persistently avoided the implementation of this Article, which was envisaged in the original Constitution.

1972. Might be they did not omit it, apprehending adverse repercussion and criticism from inside and outside of the country and perhaps adopted the tactics of remaining blind to the provision, thereby reducing it dead and non-existent, so to say.

Article 77(1) states: "Parliament may, by law, provide for the establishment of the office of Ombudsman." The Constitution has bestowed this solemn responsibility on the parliament. But, how far the members of parliament were conscious of it? There is no sign of responsiveness from their part over the last twenty years. There is also a suspicious question as to how many of them ever cared to read the Constitution, to discharge their assigned responsibilities of the optimum. Why so? This takes us back to history to have a look into the quality of elections, type and composition of parliaments in the successive periods, etc.

The BNP (a new political party founded by President Zia) got majority in the Parliament election, held on February 18, 1979. The second Parliament under the presidential form of government

is available for citation.

On the other hand, the

thus came into being. BNP got two constitutional amendments passed by this Parliament. In the third (1986) and fourth (1988) Parliament, Jatiya Party, founded by President Ershad, won the majority seats. The third Parliament passed one Constitution Amendment Bill, while the fourth Parliament passed three such Bills.

It seems that the 2nd, 3rd and 4th parliaments, under the care of the president, were mainly busy in passing the Constitution amendments. It has often been said that these were rubber stamp parliaments, having no concern to transact substantial legislative business, as enshrined in the Constitution. And, seemingly, amendments to Constitution were aimed to fortify their positions, enjoy unabated powers and privileges. Article 77 of the Constitution, therefore, remained unimplemented. One cannot expect any good move from such parliaments, elected, allegedly, through dubious means, show of muscle, black money, ballot dacoity, media coup etc.

For fifth parliament, a different situation was envisioned — a cool, just and democratic atmosphere to prevail, following the free, fair and impartial election, under the caretaker government of President Shahabuddin, on February 27, 1991. Now three and half years have elapsed, since BNP came to power and formed the government. Except the return to parliamentary form of government, hardly any other achievement of this parliament is available for citation.

The constitutional means, so provided under the legislature, to check the executive, have not yet been made available. From time to time it is

heard ministers and officials go on tour abroad to see the functioning of the office of Ombudsman in other countries. And that's all. No further action is visible. Frequently we forget that our problems and context are not similar to those in a rich advanced country. What the authors of the Constitution, 1972, have said in Article 77, suits our context best. It can be amplified, by consultations at home, rather than researching abroad only.

Any interpretation of Article 77 will indicate that the office of Ombudsman will facilitate the enforcement of the rights of the citizen, as embodied in the Constitution. For example, Adamjee Jute Mills Limited, an enterprise of Bangladesh Jute Mills Corporation (BJMC), under the Ministry of Jute, has re-employed about three thousand workers and employees who were either terminated or opted for voluntary retirement earlier. This happened during the last seven months, while the mill is incurring a loss to the tune of Tk 10 crore per month. Any attempt to shift the responsibility on to the Executive Director of the Mills will not solve the grave issue of violation of rules and procedure. It is hardly believable in the context of current management practice in the country that an Executive Director can work independently of the concerned Minister.

Corporation Chairman and labour union of the political party. The office of Ombudsman could investigate such matters involving ministry, corporation and public office to find out the truth.

Another example could be drawn from the sports arena. It is widely known that even

after 22 years no solid foundation has been laid to develop sports. Different sports bodies are run with ad hoc committees. No election, no democratic practice, even after assurance of the State Minister of the democratic government. It seems Bangladesh Olympic Association and concerned federations are more interested to send organisers and teams abroad, rather than achieving success in the international games. Failure perhaps does not make them sad. Often athletes do not return to the country and seek job outside. What is the use in sending teams and organisers in Asian Games, when even at SAFF level our standard is at the bottom? Teams are not selected, based on competitive fitness. Such matters involving Ministry, organisations could be appropriately investigated. Had there been an office of Ombudsman. Further, for instance, the action of the Ministry of Education in matters of appointment, transfer and posting, and university administration, in the context of continued campus violence, call for thorough investigation. But who will do it? We have no ombudsman.

These three are examples only, there are numerous such cases.

The country needs the implementation of Article 77 of the Constitution without further loss of time. We need an ombudsman, who is honest and bold to uphold the cause of people and the Constitution. And, of course, not a partisan person loyal to boss, oblivious to the nation.

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Northern Ireland : End of a Quarter Century of War

by Arshad-uz Zaman

Midnight 31 August 1994, when the IRA guns fell silent, has passed into history as an unforgettable event. After a quarter century of blood letting, the Irish Republican Army has declared 'complete cessation of hostilities'. That they mean business is evident from the fact that although there was one casualty on their side caused by their Protestant opponents, since the cease fire, they have refrained from retaliation. The peace process is on course.

This action on behalf of the IRA has been greeted with unrestrained jubilation throughout Northern Ireland. In Britain, which I visited recently, the reaction was muted. The media was arguing about the missing word 'permanent' in the IRA declaration of cessation of hostilities. The British public appeared torn between hope for an end to the blood letting,

which has caused the loss of more than 3000 lives in 25 years, and apprehension that you could not trust the IRA.

Since the declaration of

cease fire, the unthinkable is

taking place daily. Gerry Adams, president of Sinn Fein, the political arm of the Catholics of Northern Ireland, met Prime Minister Albert Reynolds of Northern Ireland and described his meeting 'historic'. There is still an official ban on meetings between the protestant and catholic adversaries. Indeed as the events unfold at breakneck speed, one sees on British TV these meetings with the Sinn Fein leaders. Irish accented voices copied by English voices, due to a ban, which looks rather strange, given the magnitude of the ongoing events unleashed by the IRA cease fire.

The package of the peace process, which is being opened daily, contains a heavy dose of US hand. President Bill

Clinton personally approved

visas for visits to yesterday's

'terrorists' of Northern Ireland

and today's negotiators. Dick Spring, Foreign Minister of Northern Ireland was received by President Bill Clinton, at his holiday retreat in Maryland.

Spring received encouragement from President Clinton

and promise of c

vice President Al Gore he stopped

in Belfast to encourage all the

parties to press on with the peace process.

The latest dramatic develop-

ments are an outgrowth of

Anglo-Irish Downing Street

Declaration, which is five

months old. According to this

Declaration, Britain will open

talks with Sinn Fein after

three months when she is satis-

fied that the cease fire is for

real. Watching these develop-

ments with undisguised alarm,

Ian Paisley, the leader of the

Protestant ultra nationalists, rushed to 10 Downing Street and according to press reports was shown the door. There may be worse in store for the party of Paisley for the Downing Street Declaration says Britain would not object to the reunification of Ireland and the province it partitioned 70 years ago. Although the current talks are expected to lead to not only a cessation of hostilities but to an agreement involving the Protestant and Catholic adversaries. In Northern Ireland, with British troops progressively withdrawing from the scene, it is no doubt premature to talk of re-unification of Ireland. As it often happens, it is the extremists — and in this case the far right Protestant groups — who will pay the price as Ian Paisley no doubt found out in his latest Downing Street meeting. Similarly the extremists of the IRA, who see no virtue in negotiations with the British, will feel the pinch as they are progressively marginalised.

One single issue which has

an impact on British domestic

politics is Northern Ireland. A senior retired officer of the British Army told me that the burden of war in Northern Ireland was too heavy and he quickly added 'of course the Americans will take credit for any success'. British general elections are nearly two years away. The ruling Conservative party has fallen badly in public opinion and is trailing the Opposition Labour by more than 30 points. Daily revelations of corruption in high places within the Government is not helping the Tories, whose staunch supporters are scathing in their criticism of the Government of their choice. There was surprising consensus among the Conservatives about the 'sure defeat' of their party. It is too early to say to what extent a permanent cessation of hostilities in Northern Ireland will help to brighten the chances of the Conservatives at the polls. There is in-fighting within the Conservatives and Michael Portillo, a Minister within Prime Minister John Major's Cabinet, has positioned himself to challenge the leadership of Major. Some analysts see Portillo peaking too soon.

In Britain there are stirrings of economic recovery. The cessation of hostilities in Northern Ireland after a quarter century, lifts a huge burden from her shoulders. The current signs are that the warfare has come to an end and the adversaries are pressing on with talks in order to conclude the process initiated with the Downing Street Declaration. The US, with her Irish lobby at home playing no mean role, is engaged in this problem as she is with all major problems of the world. There is a surge of hope in Northern Ireland which appears to sweep over Britain.

OPINION

Faith and Fundamentalism

Sometimes, some words get importance and are frequently used in our society — as 'collaborators', 'Mastan', 'Razakar' used to be during the liberation war period, and 'Miscreants', 'Mastan' in post-liberation period. Of late two words are getting prominence and being used everywhere — seminars, newspapers, public meetings even private drawing rooms. The words are 'fundamentalist' and 'fundamentalism'. Ignorant as I am, I wanted to know the exact meanings of these words and consulted dictionary and encyclopedia. Accordingly, to the World Book Encyclopedia, 'fundamentalism' means a broad movement within Protestantism in the United States. This movement tries to preserve what it considers the basic ideas of Christianity against criticism by liberal theologians. At the end of the 1800s, many liberal religious scholars challenged the accuracy of the Bible. They also used historical research to question the previously accepted Christian beliefs. They also attempted to adjust Christian theology to the new discoveries in the sciences, particularly in biology and geology. Many Christians believed the work of the liberals threatened the authenticity and even the survival of Christianity.

From 1910 to 1915 anonymous authors published 12 small volumes entitled The Fundamental Fundamentals. It got its name from this booklets. The fundamentalists tried to explain that the basic Christian doctrines should be accepted without question. These doctrines included the absolute accuracy of the Bible, including the story of creation and accounts of Miracles, virgin birth of Jesus, Christ's atonement for the sins of humanity through his crucifixion and his second coming.

The infallibility of the Bible remains an important funda-

mental issue today for the Christians. The term 'fundamentalism' is being used to describe conservative trends in other religious denominations like Judaism, Hinduism and Islam. So I understand that fundamentalists are those who want to accept the doctrines of religion as it is. As a Muslim searched my mind — what am I? A fundamentalist? Do I like to accept my religion as it is without any question? My mind and faith says, yes! I do, and I believe so almost all the Muslims of the world. Every Muslim has faith on the five pillars of Islam — Namaaj, Roja, Hajj, Zakat and Iman. All Muslims regard the Quran (which means 'reading or recital') as their holy book and want to recite or read it in Arabic as most of them think that without its Arabic the Quran ceases to be itself. It is also true that translation, even if perfect, brings difference in forms. Although the content remains the same the original somehow loses its beauty and reality.

But as we see written in the Quran, there is no force and compulsion in religion. In Surah 'Baqarah' verse 109 the Prophet (SM) said: 'Many of the people of the book desire that without its Arabic they hold onto it. They do so out of envy within themselves, after the truth has been made clear to them. Even so, forgive and hold off until God brings about what he ordains. God has everything in his disposal of his power. Perform the rite of prayer and bring Zakat. Whatever good deed you send ahead to your soul's account you will find it with God.' And again in the verse 256 of the same Surah we read: 'There is no place for compulsion in religion. The right has been clearly distinguished from the false. Whoever rejects evil and believes in God has grasped the most trustworthy hand-holds which would never break. God hears and knows all'.

So, fundamentalist or not as good Muslims why don't we abide by the doctrines of Islam? Why don't we try to learn the teachings of the Quran and practice restraint, patience; have absolute faith in Allah; be a true Muslim and at the same time a good human being?

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