Founder-Editor: Late S. M. Ali

Dhaka, Sunday, December 25, 1994

## Chechnya's Moral Win In the face of air and ground attacks by the Russian troops the fall of Chechnyan capital Grozny is perhaps just a matter of time. That the

far superior Russian forces are facing a stubborn resistance speaks for itself but does not mean the defenders of Grozny can hold the enemy at bay for long. It is more because of a rift in the Russian command that has actually let the conflict grow to its present size and intensity. The success of Moscow's military offensive however does not guarantee that it can bring the break-away

The question that has been looming large since before the Russian invasion began a couple of weeks back, is, if Chechnya is going to be another Afghanistan for Russia. Fired by the patriotic zeal, the Chechen people have forced the invading columns of tanks and personnel or armoured vehicles to a halt. The Russian commanders were helpless before such moral resistance by the unarmed and peaceful civilians. So the first round of

the encounter has been won by the morally stronger Chechen people.

republic to permanent submission.

To go by the self-determination trend in the former Soviet Union's republics, Chechnya has committed no crime. As early as in 1992 did the republic opt for secession from Russia. Moscow appears to have failed to read the implications. Its own problems have largely contributed to the consolidation of the Chechnyan resolve for independence or self-rule. And, now a pro-democracy military group, once an ardent supporter of President Boris Yeltsin, has called on him to stop his 'unjust war' in Chechnya. It has even gone as far as urging airforce pilots to follow the footsteps of officers who had earlier refused to attack or resigned in protest. The Russian parliament has also split on this issue. Whether Grachev, Russian Defence Minister, has dragged President Boris Yeltsin or he himself took the opposition matters little.

Since the Russian leadership has opted for a military solution to the problem, it will have difficulty backing out. But what is surprising is the absence of any - even mild - reactions to this invasion from the western countries. They have received a snub in Bosnia and no longer intend to meddle in the "internal affairs of Russia." Like the Bosnian Muslims, the Chechnyan followers of Islam too are left to fight it out for themselves. Another prolonged guerrilla war seems to be in prospect

# **Happy Christmas**

The birth of Christ, to which the Christian faith has its umbilical cord, is being celebrated today. It coincides with a vastly increased importance being attached lately to peace, tolerance and coexistence in a strife-torn world.

The messages that Lord Christ delivered to the world through the poignancy of an excruciating physical pain and mental agony he personally suffered are a priceless heritage for all mankind. In terms of civilisational output and a system of values as applied to the material world, which Christianity has largely helped shape, the legacy has an undoubted claim to perenniality.

The sheer force of the spirit over the matter, with its intended application in real-life situations, forms the essence of Christ's appeal. His messages urge a constant introspection over

what is and what ought to be.

Christian values of justice, fair-play, compassion for others under testing and provocative circumstances, let alone what we ordinarily understand by fellow-feeling, have illumined many a dark mind, within the Christiandom itself, over hundreds of years. If some individual followers of this great religion failed to remain on the high moral ground that sparkles with the noble precepts of penitence and confessions, it was obviously their fault.

Whether it is Bosnia, Chechnya, Middle East, Somalia, Rwanda, Jaffna or Haiti the needs of the hour are peace and conciliation in place of violence, turbulence and blood-letting. Innocent people are dying like flies in God's good earth as hate rankles in communities led by men with their own prejudices. Some positive signs of rejecting extremism in preference to rigid parochialism, of the ethnic or religious type, we have observed to our great satisfaction. Let the trend bloom into flowers.

We share the joy of the Christian community on this great occasion. A very happy Christmas to our Christian brothers and sisters!

## **Ensnared Ceasefire**

The ceasefire in Bosnia, catalysed by a Jimmy Carter mission, holds out the promise of a fourmonth cessation of hostilities between the Muslim-led Bosnian government and the Serbian occupation force. The respite will be utilised by the two sides to negotiate a peace deal. In the first place a comprehensive ceasefire is to be worked out by January 1 by the parties before they get into the substantive phase of negotiating any durable peace.

One only hopes this ceasefire holds.

Pessimism creeps in for two other reasons: One on a core issue and the other on a rather peripheral but portentous one. There is a danger that the ceasefire might freeze the occupation of territories by the Serbs who now hold 70% of the land despite being a small minority. Secondly, the Bosnian Croats and the Muslim rebels who have been fighting the Muslim-led Bosnian government forces do not bind themselves to the ceasefire agreement, so that they remain as a diversionary force on a rather blistering sideline.

The terms of ceasefire the Serbs have agreed to are hardly indicative of any change of heart on their part. On the vital question of parting with 21 per cent of the territories held by them, as required by the big-power peace formula, they are still uncommitted. That, to the Serbs, the peace formula is "a starting-point" and not the basis for talks, means they are sticking to their guns. In the wake of their recent military successes, the Serbs are speaking from a position of strength. Their sole motivation seemingly is to clinch a modified peace plan to retain the territorial advantage over the Muslims and the Croats to the maximum extent possible. The Muslims and Croats will be hurt should matters come to such a pass; because, being an overwhelming majority, it had been already humiliating for them to accept the 51 per cent territorial quota envisaged in the peace plan.

With a ceasefire coming into effect, the Bangladesh troops, trapped in the besieged town of Velika Kladusa, should be able to evacuate

smoothly.

# Prime Minister Can Help Avert this Confrontation

HERE is hardly 4 days to go before the opposition would tender their resignations in the Parliament. for which notice has already been given to the Speaker.

Uncertainty looms large on the political horizon. Future of country's Fifth Parliament is unpredictable; more so is the future of democracy.

"REMEMBER", said John Adams, "remember, democracy never lasts long. It soon wastes, exhausts and murders itself". It is unbelievable that the people and parties who sacrificed and struggled for democracy now should bring an end to the process which they ushered by allowing such a suicide.

Prime Minister Begum Khaleda Zia, who says "we perform the responsibility of an elected government according to the Constitution. "ought to realize that the utmost responsibility under our Consti tution is to preserve, reinforce and strive for empowerment of people.

"CONSTITUTION" which the Prime Minister often is referring to "are apt to prove frail structure" in the hands of those major actors who do not know how to work the Constitution. Constitution is worked not by its letter but by its spirit. Letters are for the purpose of helping to build consensus. This can be done by having the commitment both towards the letters as well as to the spirit. It can not be done only through the commitment to one's own party but more can be achieved by getting the political opponents rallying round the fundamen-

In absence of this consultative process consensus itself gets weakened thus defeating the process and destroying the basis of democracy as S.A. de Smit writes in his book "Constitution and Administrative Law" that,

"Constitution in developing countries are apt to prove frail structures, mainly because so much value is attached to the acquisition and retention of political power, followed by suppression or supercession of the Constitution"

One would like to appeal to the leaders and particularly the Prime Minister that there

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cricket and the frenzy the

State Assembly elections

have generated, issues of

have been too many interruptions and disruptions in the Constitutional process in our history. People of Bangladesh may be spared this time another collapse of the democratic process. Question of one's face is not so paramount nor there is any risk of losing face in conceding to a point otherwise reasonable and principled. It is also dangerous to have so much brinkmanship in the political maneuver in a delicate democracy which is yet to grow. If the Prime Minister would become a commoner say for 60 or 90 days it would do her no harm. The commoners may still decide to elect her to power who sent her to power in 1991. No one is asking the Prime Minster to step down tomorrow. She may choose to do so at the end of her term in order that a convention may be allowed to

The demand for a caretaker government which arises from the past experience of "made up elections" through election engineering adopted by the autocratic regime in the past, needs to be understood in the context of those tragedies. as part of militarisation process of politics. Instead of reversal of the trend after 1991 people witnessed repetition of the same during the by-

The need for a care taker and neutral government for

interim national government headed by the present Prime Minister, which has not found favour with the opposition. Demands were also raised for having the interim government under the Ombudsman, though the office of Ombudsman has not yet been established. Option has also been discussed about having a permanent committee of elders selected by the Speaker in consultation with the Leader of the House and the opposition. While the government is ready to form a national government under the present Prime Minister consisting of equal number of members in the cabinet from both the sides as one of the possible outcome of the dialogue initiated by Sir Ninian, it

ter of Interior should lose their posts. The former was to be replaced by the President of the Assembly, who would appoint a new Minister of the interior with the consent of (all partyl Bureau of the Assembly and would also bring into the government one member of each group in the Assembly not already represented in the government. It is quite possible that a similar formulation may create a basis for meeting the present crisis in Bangladesh, if this formulation is not perceived as any loss of face by any party. Rather, it can be accepted as an agreed convention and need not be implemented till the completion of the present tenure. It can even be incorporated if agreed as part of the Constitution at some future point of time. To is not, however, willing to bring any Constitutional have an interim government

Prime Minister and the Minis fice must continue. the Prime Minister a role to continue in office till her successor enters office after having general election within three months after the dissolu tion of Parliament. Begum Khaleda Zia s government thus becomes a caretaker government as soon as the Parliament is dissolved merely for the purpose of handing over the power to her successor in office. So the concept of a caretaker government is a prevalent concept which is already in the Constitution. What the opposition wants is to make the caretaker government neutral and free from party influence. The Speaker, leading such holding over process may look more neutral than the Prime Minister heading it as

was the position in France under the Fourth Republic. After the dissolution of the Parliament the Prime Minister or any other minister does no longer represent his /her constituency as M. P. nor is there any responsibility attached to the Cabinet to remain accountable to the Parliament. In other words, there is no accountability to the Parliament for the caretaker government even if it is headed by the party leader as is usually the case during the existence of the Parliament. No mischief will be done to the entire structure and balance in the Constitution if, instead of the Prime Minister, the Speaker heads the interim government for a limited purpose and for a

very limited time.

This Article only enables

Let us acknowledge that we are deliberating on one of the most vital issues touching upon the mechanism for exercising the power of the people through a free and fair election which concerns each one of us as well as all future governments. Therefore it is important to consider these points above the party or any group interest. It is through collective wisdom only that we can find an appropriate solution. In case there is any hesitation or doubt as to the workability of this proposal as made above, it may be referred to the Appellate Division of the Supreme Court for its opinion under Article 104 of the Constitution.

by M Amir-ul Islam

Problem is primarily to restore confidence and credibility in the election system which has been systematically destroyed restoration of democracy in elections and mayoral elections held under the present representative government.

the interim period for holding the election is no doubt a legit-

'Constitution in developing countries are apt to prove frail structures, mainly because so much value is attached to the acquisition and retention of political power, followed by suppression or supercession of the Constitution". headed by the Speaker on the

grow for an interim govern ment to do the holding over till the successor Prime Minister is sworn in.

### **Demand for Neutral** Administration

In view of the abuses, electoral fraud, hypocricy, treachery and sabotage, twist and frustration as has been experi enced in the electoral history of our recent past there is a popular demand initiated by all the opposition parties for a neutral caretaker government for the interim period following dissolution of the parliament till the new parliament is elected through a free and fair election conducted under a neutral administration.

The present government. which is beneficiary of such an election held in 1991 under a caretaker government, now opposes such a proposal initi ated by the opposition. Opposition, on the other hand, boycotts the Parliament and started a movement of hartal and blockade in order to paral yse the government creating a political deadlock in the country. National and even interna tional initiative to mediate between the two views have not resulted in any settlement of the issue.

ernment. Long parliamentary

sessions imply that the govern-

ment will have to be constantly

on its toes, face day after day a

barrage of questions and defend

itself on contentious matters. If

the gap between sessions hap-

pen to get wider and wider, both

ministers and civil servants can

effort to take it relatively easy.

imate and a popular demand as the people, and particularly all the opposition political parties, believe that such a government only can ensure the neutrality of Administration. Security forces. Police, Law enforcing agency and the media on the one hand and can prevent the abuse of the state patronage and public power by any particular party or group on the other.

There are indeed different examples and models for such an interim caretaker government; but what is needed is the political will to be able to hold free and fair elections under a democracy and through Constitutional means. The opposition parties are overawed with the success of 1991 elections under a model having the Chief Justice as the head of the interim government and also by the one held in Pakistan under the Presidency of Moyeen Quraeshi, without realizing that such models, though served a particular need at a particular moment in history, cannot be substituted for an institutional mechanism nor can it be repeated under the present Constitutional dispensation.

There are also proposals for

The opposition on the other hand insists an a neutral government by bringing a trange in the Constitution. Begum Khaleda Zia is uncompromising on the issue of changing the Constitution, and she insists that: "as per the Constitution, only people's representatives can run the Country. The crisis has to be solved within the framework of the Constitu tion" (Daily Star, December 22. 1994). If these are the only is sues relevant in the present political impasse it may be possible to look for a solution. Search for a solution can be inade within the Constitution as it is and at the same time maximize the aspect of neutrality within the representative government under the ex isting Constitutional dispensation, which may meet both the points on which the Prime Minster has taken a public stand.

In tracing the institutional model under a Constitutional framework reference can be made to provision in the Constitution of the Fourth Republic in France, amended in 1954, that in the event of dissolution of the Assembly by a government in power the

As a matter of fact, if one would look closely, it is possible to find the element of caretaker government even under the present dispensation of our own Constitution Suppose, on the advice of the Prime Minister the Parliamen is dissolved today or is dis solved at the end of five years then, as under the present dispensation, there is nothing to prevent Begum Khaleda Zia the present Prime Minister, to continue in office under Article 57 (3) of the Constitution

dissolution of Parliament with

equal number of members in

the cabinet from both the

party in power and in opposi

tion would not entail any

change in the Constitution.

which may be equally applica-

ble to any government whether

headed by Begum Khaleda Zia

or the opposition leader

Sheikh Hasina in future or in

case of any other future gov-

which provides that "Nothing in this Article shall disqualify the Prime Minister for holding office until his successor has entered office." It does not make it compulsive that the present incumbent to the of

# Why Parliament at all?

Ashok Mitra writes from Delhi

The government deliberately decided to take what can with justification be called the lawless road, thereby demonstrating its contempt for established democratic conventions.

substances, which ought to have received the media's attention, have tended to be pushed to the background. The nation's parliamentarians have been equally absent-minded. In, any event, the impasse over the Action Taken Report on the Joint Parliamentary' Committee's recommendations concerning those answerable for the financial scam threatens to continue: it might perhaps disrupt the winter session of Parliament as well. And as the decisions and non-decisions in recent years over the Mandal and the Mandir issues suggest. it is not Parliament, but the arena outside where the major battles of policy are increasingly being fought out.

happenings outside. This development has its positive aspects, since it can be argued that, without waiting for a Parliament's slow-moving processes to reflect their wishes. the people themselves take the initiative to indicate to the government what the nation's priorities are Parliamentary sessions thereby lose their significance. It is not without significance that parliamentary sessions have of late got shortened. In a way, this trend, one

suspects, also suits the gov-

Parliament, even when it bestirs

itself, does so in response to

There are, besides, other seeming advantages. Without very many Members of Parlia ment being even aware of it, recently the government issued an ordinance converting the Industrial Development Bank of India into a private company and delineating the details of arrangements for selling the shares of this new corporate unit to the public at large. The IDBI is the major financial institution for fostering industrial growth in the country. It was till now in the public domain and its activities were in conformity with the government's goals. objectives and prescriptions. With liberalisation gathering pace, it is obviously the official objective to convert it into an agency which will henceforth mostly do the bidding of the

private sector. Laying down such fresh guidelines for the institution and drastically changing its structure may be good or bad; it can conceivably hasten the pace of industrial development, or have a reverse effect. Whatever way it works out, the government, as long as it is in office and enjoys the confidence of Parliament, is entitled to translate its intent into reality. No quarrel can be picked on that score. But should not the matter have been deliberated in Parliament in the first place? The government had plenty of opportunities throughout the year to bring a bill for the purpose before Parliament. It could have done so during the four long months of the Budget Session, or during the short Monsoon session. It did not such thing at either session. Nor was any notice served in Parliament about the government's desire to move a bill with the objective of initiating major qualitative changes in the pattern of industrial financing in the country and the infrastructural arrangements for that purpose.

Instead, the government. chose to spring the decision on the people and their representatives in Parliament. In the two sessions of Parliament till now this year, not a hint was dropped that a legislative proposal of this nature was forthcoming. No hint was dropped presumably because the government did not feel that a situation of any exigency existed as far as the functioning of the Industrial Development Bank of India was concerned. Since there was no exigency, the government could as well have waited for the winter session which is barely a few weeks away. But suddenly the government discovered that here was an opportunity to snub Parliament. It persuaded the President to issue an ordinance for enforcing changes in the structure of the IDBI. Under Article 74 of the Constitution, the President had no choice but to sign the ordinance, since the government had asked it. What does the move por-

tend? There are clear-cut rules and conventions for issuing ordinances. It is only when circumstances are compelling and the nation's interests would be adversely affected in a grievous manner that, with Parliament not in session, an ordinance is normally supposed to be issued. In the present instance, no such compelling circumstances existed. The ordinance converting the IDBI into a private corporate entity must therefore have been motivated by the sole intention to by-pass Parliament and parliamentary procedures Nothing would have mattered. if, instead of the ordinance, the government came with a bill before Parliament next month and had it passed following a debate. The government deliberately decided to take what can with justification be called the lawless road, thereby demonstrating its contempt for established democratic conventions.

The consequences can be far-reaching. Once the government shows the way how to flout established conventions, it actually sends a signal to the people that, according to it, Parliament does not really matter and major decisions can be taken without consulting the

representatives of the people. Others are bound to take the hint; they will be fools not to. They too will convince themselves that Parliament can be taken for granted and preempted on major national issues. The manner of defying Parliament will very; different groups will discover, and put into practice, diverse styles of taking the lawless road. And when they do so, to the extent of purposely disturbing law and order on a truly grand case, the government will not have any moral right to oppose them, at least oppose their method. The outlaws will say that they are flouting Parliament just as the government has flouted it.

What is remarkable is that none of the parties of the opposition has bothered even to issue a formal statement castigating the government for issuing an ordinance even when no exigency existed. It is as if a consensus has been reached among all political parties that parliamentary institutions and procedures do not matter any more. Why should then, one wonders, the parties spend so much time and energy fighting elections to parliamentary bodies? Is it because they cannot yet make up their mind on the fate that awaits this nation?

The writer is a former Ftnance Minister of West Bengal and now Member of Rajya

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## Referendum on hartal/blockade

Sir, Strikes and blockades have brought the country down to the point of destruction. Opposition calls strike/blockade in the cities and sometimes throughout the country. Either in support of the strike/ blockade or in apprehension of destruction the shops remain closed and transports off the road. Next day the Opposition thanks the people for supporting hartal/blockade. But how it could be determined whether the shops remained shut and transports did not ply during hartal/blockade in support of their call? We need a 'Referendum" to find the answer. The shopkeepers will cast their votes either in favour of hartal/blockade or against it by Yes/No vote. The result should be published in daily newspapers. This way the owners of rickshaws, baby taxis, buses and trucks will also conduct

referendum. If the majority shop keepers and transport owners of the country give their verdict in

favour of hartal/blockade then it will force the Govt to fulfil the demand of the opposition, on the otherhand, if the majority shopkeepers and transport owners of the country give verdict against hartal/blockade then it will not only weaken the opposition parties tremendously but also if any hartal/blockade is called after the Referendum it will only be a farce.

Abdus Salam Naya Paltan, Dhaka.

# **Exams and hartals**

Sir. Our GCE 'O' level exams will start about a fortnight from now. The current political situation in our country seems to indicate that there will be a number of hartals in the near future. If such a hartal is called on an exam day, what are we, the examinees, supposed to do? Are we expected to camp outside the examination hall on the British Council premises? What an awful thought! If we, the children of

and get on with our studies then certainly there will be no prosperous future tomorrow. In case of any of the Board

exams like SSC or HSC, the date can be shifted due to hartal coming in the way. But GCE exams, conducted by London University, take place all over the world on the same day. If we in Bangladesh fail to appear due to political turmoil, we miss the boat and have to wait six months for another chance on repayment of high exam

Due to proliferation of the

English medium schools, the number of students appearing in GCE exams in Bangladesh will add up to a few thousands. To some these exams may not seem to be very important, but to us, the examinees, this is a matter of life and death. Our whole future depends upon how we fare in these exams. Good result will secure a foothold in the ladder for higher education.

It would be truly patriotic deed on the part of the political leaders of our country if they refrain from calling any more hartal and, instead of hampering the exams, they give us their support and encouragement. We, the children, need education and we would like to get it right here in our own motherland.

Mahruba Sameen Hussain Gulshan, Dhaka today, cannot give our exams

## General elections

Sir, How much amount of money was spent from our public exchequer for holding the last general elections, 1991, under a caretaker government? Some persons say it cost us over nine hundred crore Taka some claim it to be Taka five hundred crore. We do not know the exact figure. Our government has never let us know the actual amount of public money spent from the government treasury. Would our Ministry of Finance kindly let us know the actual figure for the sake of financial implications, transparency and information of our people?

Whatever amount of public money was spent on the general elections it was poor people's money. Can our people most of whom live below poverty line afford the luxury of holding the general elections again and again untimely and whimsically at the sweet will of our public leaders? Does not general elections cost public money? Who pays the public money? Does it falls from the heaven? Do the public leaders pay the required money for holding general elections to the government trea-

We ask for enquiry and pun-

sury? We make huge hue and cry when a newly constructed government building or a public road is cracked or damaged before a specific stipulated period, before its longevity tenure.

ishment to the concerned government officials and contractors for irregularities and corruption and causing loss to public exchequer. We wonder why some of us are demanding for fresh general elections before the end of the term, the longevity tenure of our 5th parliament?

We would request the MPs of both the treasury and the opposition benches to explain their conduct to the people. We would also request them not to waste public money whimsically without any aim and objective of achieving any fruitful result.

We do not find any necessity and justification for carrying out any more political movement in the country after restoration of democracy in

O H Kabir Dhaka-1203.

## **Forest Policy**

Sir. The new 'National Forest Policy, 1994 announced by the Minister of Environment and Forests on 15.12.94 at a press conference at the ministry's conference room is of vital concern for the nation, as forests play a significant role in meeting the economic, environmental protection and social needs of the country. People's participation is a pre-requisite for formulating a people oriented

forest policy. Effective implementation of such a policy also requires involvement as well as full support of the people.

As such, to secure such participation, involvement and support of the people, the people need to be appraised of the full text of the new forest policy. It is, therefore, suggested that the new National Forest Policy, 1994 may be published in the daily newspapers so that the people can appraise themselves and offer their views/ comments/suggestions, if there be any, on it for Government's considerations.

R A Choudhury Dhanmondi R/A, Dhaka-1205.

### Tk 1 coin Sir. The Bangladesh Bank

has recently released coins of Taka One denomination. I am not aware how far it is true but it is heard that these coins are being smuggled out to a neighbouring country because the metal value of One-Taka coin is more than Taka three as the metal of these coins can be used to manufacture spoons and other similar utensils. I would request the relevant

authority to verify the apprehension.

M Zahidul Haque Asstt Prof. BAI. Dhaka.