

## Congrats and Good Luck

This is not to eulogise a truly watershed of a performance but to buck the Bangladesh cricket team up on to a glory which they, by dint of sheer grit, have brought eminently within reach. What a break it is for Bangladesh's overall sport situation. Perhaps Bangladesh as a young nation of only two decades and odd years would gain nationally in confidence as a result of Monday's dream win.

But we should be wary of euphoria born of single performances. We do not say the one-run victory over India A is a freak. Far from that. It has been very very well earned. Bangladesh's other two outings were in the same mould as the winner. Bangladesh's bowlers were on top of the batting powers of all the three guest teams. They didn't allow any of them to run a riot with the willow.

Wasn't it a case of a restrictive pitch also? Could be. But Bangladesh's batting faced the same pitch and so far the home team has been beaten by only one wicket — and that too on the last ball. Bangladesh decidedly is at par with the teams sent by India, Pakistan and Sri Lanka. If there were not the best eleven they could muster, manifest as that is in test sides, no one should think they called sides with a mind not to win. Bangladesh's youngsters are pitting themselves against sides very much determined to win and designed to win.

Wizened by past experience of frustrating and at times regularly nightmarish failures even where expectations were very down-to-earth, few in Bangladesh dared hope for an exception this time to what has become a rule with our football, hockey and suchlike Olympic games and sport. Our resulting fears misled us into underrating our real worth. Let that not cause our hopes to overrate our power which robs one of the will to exert.

Whatever the outcome finally of this year's session of SAARC cricket, let the Dec 26 1994 performance herald Bangladesh's time coming of age, first in cricket and then gradually in the other branches of competitive games and sport. Competitive sport can be the best of ambassadors for a nation, specially for one placed like Bangladesh needing all the goodwill in the world.

As for today's final, we wish our team all the best. If it can bring about the team magic of last Monday, then the victory crown could well be ours. Good luck Bangladesh.

## Hijacking Drama Ends

The hijacking drama of the Air France plane came to an end with French security forces storming the Airbus A300. In the mean time the passengers and crew totalling 239 — 65 of them had been freed before the end came — had to undergo an awful ordeal of long 54 hours. Since the four Muslim fundamentalist guerrillas took control of the plane at Algiers' Houari Boumedienne Airport on Saturday, four passengers have reportedly been killed. In the rescue operation conducted by elite commandos of the French security force all the four hijackers got killed and two or three passengers along with the pilot of the Airbus were wounded in the crossfire.

Muslim activist groups have long been campaigning for Islamic rule in the country. In the 1991 election they actually won the right to rule Algeria, but the military rulers suppressed the election results. This has made the fundamentalists more determined and desperate. They have attacked high government and military officials. But the hijacking of this plane on the Christmas eve has so far been their most daring action aimed at attracting international attention. Although the western interests are targets, the French ones are specially favoured by the radical Muslim groups in Algeria.

However right may be the cause, we cannot support hijacking of a civilian plane. Mostly innocent civilians — including children and the aged — become the unsuspecting victims. In this case, the passengers were really in a holiday mood, looking forward to reuniting with their families and friends on the occasion of the Christmas. How shockingly their happy mood turned into such a frightening experience! French government this time may have averted a great tragedy, but it could be worse. The West, France in particular, had turned a blind eye to the military's manipulation of election results three years ago. The West could do better if it had extended its support to Algeria before rather than after that election.

## Cats Come before Women

The United States was once known as the *El Dorado* on earth. It is also one of the few countries where women can expect equal treatment with men. But not quite. It sounds unbelievable that in some respects women fare worse than their domestic cats. Yet this is a case that received legal sanctions in no other country than the US. Yes, Oklahoma State has a law that is more sympathetic to the feline species than the female of the human kind.

So obvious is the discrimination that the same kind of physical assaults on women and cats invite punishment of differing degrees. In case of the cruelty to cats the punishment may be years behind the bar but for the same offence committed against a female is only 90 days' jail. Kicking or beating a cat is considered, according to Oklahoma law, a felony but in case of women it is simply a misdemeanour. As for the feline of the domestic animals, there is no such offence as misdemeanour. The logic therefore is simple: if the offender cannot be dealt with a lighter punishment, let him suffer a heavier one. Unfortunately, it seems to be a problem with the definition of the crime.

In the bargain however women lose. To stretch the idea men too are likely to lose, on the ultimate count. For once at least the domestic animal has something to celebrate. They have beaten their masters in the legal race. This is only possible in the so-called land of the plenty. It is for such a consideration that the federal government does not always meddle with the states' differing rights and privileges. But if such rights at their best can give democracy its strength, at its worst it may, at times, end up creating a mess.

**M**ORE than nine months have passed since the opposition parties boycotted five consecutive sessions of the parliament. No less than 20 rounds of meetings were held to resolve the political disputes over the election procedure between the Government and the opposition but to no effect. The presence of Sir Ninian Stephen as the facilitator had created great expectation among the people in general regarding the fruitful outcome of the talks between the two camps. Unfortunately, the prevailing situation is bad enough and it may perhaps get progressively worse.

It may be worthwhile to mention that the High Court Division Bench on December 11 decreed the opposition boycott as unconstitutional. The judges observed "there is hardly any provision in the constitution that absence without leave of the parliament could be allowed." Quoting article 67 of the constitution, the Bench said that an MP could only remain absent with the permission of the Speaker.

Termining the continuous boycott by the opposition members of the Jatiya Sangsad since March this year as illegal, the Judges — Justice Quazi Shafiqul Islam and Justice A T Monowaruddin — asked them to attend the next session within three days after the parliament is summoned by the President.

The Court further declared drawing of salaries, emoluments, allowances and other benefits for the period of their unauthorized absence from the parliament as illegal. The Court observed that the appropriate authority could recover the salaries, emoluments and allowances drawn illegally by them during their absence from parliament through due process of law.

This is for the first time in Bangladesh's history that the Supreme Court has directed the national leaders to carry out their constitutional obligations. But soon after the verdict bomb attack on the residence of Justice Kazi A T Monowaruddin is "simply detrimental to the rule of law and independence of the Judiciary. There is always

# Unprecedented Political Stand-off and its Disastrous Consequences

by T M A Samad

scope and provision to file an appeal with the Appellate Division of the Supreme Court, the highest tribunal of law and Justice.

The present scenario cannot be analogous with the Ershad Government in 1990. The BNP which came to power through a free and fair election under a caretaker government still sticks to its constitutional guns while the opposition has given their non-partisan, neutral caretaker government formula to the government side.

Broadly speaking, there are two ways of resolving disputes — coercive and non-coercive. The coercive way of settlement of a dispute is by using force or threat of force or by taking such other forceful action as would compel the other party

moving ahead and when strong and stable democracy was taking shape into an institution and a ray of hope was prevailing, unfortunately, this political stalemate has made the situation uncertain again.

I believe that on the plane of government performance the BNP record is satisfactory, even though it may not be spectacular. It is certainly much better than the earlier government. But on the plane of political behaviour individual as well as collective, the BNP has failed to inspire confidence. I do hold the opinion that on the question of opposition demand for 3-term non-partisan caretaker government for holding election, government's response to opposition demand has been such as can only strengthen public suspi-

prise in some situations.

The common view regarding leadership is that a person with charisma generally becomes a leader. The term 'charisma' is commonly defined as personal attractiveness and dynamism. It is easy to think of many leaders who had charisma but at the same time there were leaders who had little charisma but nevertheless were competent in guiding and rousing others.

Thus it seems that charisma alone is not sufficient pre-condition for leadership. Some other factors must also be present.

Leadership stresses two different aspects, one is the group context and the other is the situational factors. Other factors are unwavering courage to face any challenge or unto-

rate any new article clause that situation demands.

Here again, it is worthwhile to point out that election under a caretaker government may not solve the problems. Total package programme in terms of strengthening of Election Commission, code of conduct for the election candidates, undue influence, threats or coercion on the opponent is required. Spending of black money during the election campaign should also be taken into account.

We are now enjoying freedom of speech to some extent under the present democratic government, but we should keep one thing in our mind that freedom is not license. Freedom is self determination, and it involves the recognition of self-responsibility. Self de-

**The essence of leadership is that you have to have vision. In many ways it implies simply the presentation of an alternative future to the status quo. It is based on the belief that the status quo appropriate in some situation may not be good enough for the other.**

to come to an agreement. Since the dispute is between the two camps within the country the question of adaptation of the first one does not arise. As such, the second option is the only choice to arrive at a just and honorable solution of the issue for the greater interest of the people as well as nation as a whole in order to avoid any kind of conflict, disharmony and disorder in society which is not at all desirable by any section of the people.

More than two decades in the life of a nation in this jigsaw is not too brief a span. But if we honestly ask our conscience whether we have been able to achieve as much as we could then the answer perhaps will be "no." The Asian countries which were at par or behind us twenty years ago have gone ahead of us like the Asian growth-tigers like Korea, Malaysia, Indonesia, China, Taiwan and Thailand.

After nine years of autocratic rule the country was

ward situation, keen sense of justice, definiteness of plan, definiteness of decision, mastery of details, willingness to assume full responsibility, free from ego and above all, personal integrity. Understanding of the realistic problems by the statesmen who controls the destiny of a nation is very important.

Unfortunately, most of our leaders apparently lack vision in terms of political thought, national integrity and economic development of the country. They are more inclined and oriented to their party interest, personal gains rather than concentrating their efforts and sincerity towards solving national crises.

The demand for caretaker government by the opposition stands justified after the Magura by-election which was beyond the ethics of electorate norms and code. We should keep one thing in our mind that constitution is made for the good of the people and there is no harm to incorpo-

lations and misgivings. This is a matter in which it is imperative that the government must not only be correct, but also patently seem so. To this end, a radical departure from the present approach is called for. It should be the spirit of the government to accept the reasonableness of the opposition stand and come out from the rigid postures of constitutional guns.

In view of the above suffocating state of condition, I would like to ventilate in pinpointing the characteristics of good leadership which might help and generate interest to resolve the political crisis for the greater welfare of the country.

The very essence of leadership is that you have to have vision. Now the question might arise what is vision? In many ways it is simply the presentation of an alternative future to the status quo. It is based on the belief that the status quo is not good enough. Status quo may be necessary and appro-

ward situation, keen sense of justice, definiteness of plan, definiteness of decision, mastery of details, willingness to assume full responsibility, free from ego and above all, personal integrity. Understanding of the realistic problems by the statesmen who controls the destiny of a nation is very important.

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termination only comes with self esteem — the need to feel important, to feel as if one makes a difference. As an independent citizen of this country all of us should behave responsibly particularly the educated people and the privileged class. Previously, we used to blame the British and Pakistan rule. Now it's our own country and we cannot blame others. We have wasted much of our time. Now we should be determined to build our country for future generation to live with honour and prestige, in this competitive world.

Furthermore, there is no denying the fact that the mysterious benefactor of mankind is capital which Bangladesh is lacking. But it is worth mentioning that capital consists not of money alone but more particularly of highly organized intelligent groups of men and women who plan ways and means of using money efficiently for the benefit of the public and also themselves.

These groups consists of

scientists, educators, bureaucrats, physicians, engineers, lawyers, accountants, transportation experts and both men and women who have highly specialized knowledge in the field of agriculture, industry and business. They pioneer experiment and blaze trails in new fields of endeavour. Bangladesh is not lacking in talents in all these disciplines, but then again, question arises why are we lagging behind and have not been able to include our name among the Asian giants, so to say? Perhaps political honesty, commitment, right person in the right place and discipline are the four elements lacking in this country, which if we can overcome, I find no reason why we will not be able to achieve the cherished goal to make this country happy and prosperous.

In conclusion I may venture to put forward the following suggestions to resolve the stalemate before the opposition submit their resignation:

- 1) The government in power and the opposition should come to a consensus by showing tolerance, pragmatism, mutual respect to avert constitutional crisis and prevent the premature death of the democratic process.
- 2) The government should also be allowed to continue for full term i.e. five years as per mandate as enshrined in the constitution so that no bad precedent is left for future repetition.
- 3) The Election Commission should be strengthened and should run on its own and no influence should be exerted on it. In this context independent judiciary is a prerequisite to implement the rule of law which is again the prerequisite for democracy.
- 4) If the present crisis cannot be resolved through dialogue, in that situation the President may intervene with his emergency power to form a cabinet in order to hold election or, alternatively, referendum about the modality of the caretaker government on non-partisan basis may be obtained.

flourish. Only through the practice of democracy can it be free of defects. So none of the proposals we have given for a compromise with the opposition is bypassing parliaments. Rather on the basis of representation at the Jatiya Sangsad. Keeping confidence in any system other than the parliamentary democracy — be it permanent or temporary — is virtually an expression of no confidence in the system of parliamentary democracy.

The opposition has complained against election rigging. They have failed to prove that through legal means. Even if we accept for argument's sake that some irregularities have taken place in some elections, there are instances of free and fair election under this government. In some of those pools, their candidates have won. Where they won, they did not protest of irregularities.

After all such arguments, Ninian still could consider it a procedural problem. But we beg to differ with his opinions. There are others who like to view it as a matter of personal rivalry. But we consider it a complex socio-political problem which needs a broad vision for its solution.

## What the Conflict is about?

by MR Sadi

none knew about the issues discussed. Most likely the members of the parties involved did divulge the secret.

That Ninian assumed the role of a mediator instead of sticking to his position as a facilitator is obvious. But is that a crime? It is impossible to achieve success in such crisis management without adopting this kind of tactics. Such moves aimed at averting conflicts have always been appreciated across the world. If Ninian would have succeeded in resolving the crisis through acceptance of his proposals, we might not have any reservation to congratulate him. Yet it seems there was no need for his to go public on his coming up with proposals and their acceptance by one side and rejection by other.

In his interview with the British Broadcasting Corporation (BBC), Ninian goes on record that both the ruling party and the opposition have agreed in principle on the establishment of a caretaker government. But the way the opposition wants it is not acceptable to the government. According to him the dispute is about the procedure of government formation. Is the matter so simple? The dispute is not about the procedure but about the nature of the government. The opposition has proposed for a non-party and neutral government. On the other hand, the ruling party has agreed to form a caretaker government with representation from political parties.

Many in the country are of the view that none of the parties wants impartial elections. It is a means rather than a goal. Of the two leaders, one refuses to give up power, the other vows to dislodge the incumbent. If they gave up their respective uncompromising attitudes, it would not be very difficult to find out a formula for an impartial election. Such arguments are not totally devoid of truth, but it is impossible to fully subscribe to the idea. No denying the fact that

politicians are responsible for the country's present plight. It behoves on the politicians — as they devote themselves to the profession — to free society from troubles and to smoothly guide it.

The politicians are largely to blame. But others in society also contribute to its problems. Can the bureaucrats claim that majority of them are honest, devoted and efficient? Can the judiciary tell that its majority members have been engaged in giving the right judgement without being otherwise influenced?

The politicians also have some qualities. Neither party's arguments are devoid of reasons. Let's see how strengthened they stand in their respective arguments.

**ARGUMENTS BY THE OPPOSITION:** "Although the government has come to power through a free and fair election, it is disrespecting the principle of neutrality in elections. We had no decision on not participating election under this government from the beginning. After quite a number of elections under it, did we complain against polls rigging. But the government did not mend its ways. At last through the Magura election the government's direct and indirect manipulation of voting was clearly exposed to the public. There are opportunities for election rigging through the abuse of state power. Such undue advantage can even be kept hidden from people. So there is no scope for reposing confidence in this government."

"Yet we did not carry on movement against this government for its premature fall. We want it to fulfill its term. We have only demanded the next elections — at least three of them — to be held freely and fairly under a neutral caretaker government. This means if we go to power, we will have to give up power before election. So the movement is not to pull down a certain party from

power. This is a demand in special circumstances in the context of a least developed society for institutionalising democracy. And it is practical too. In 1991, the national election held under the system has earned appreciation throughout the world. If the ruling party is confident of its popularity among the people, it should not have complaints against a free and fair election."

"It is well known the BNP was not elected with the mandate of the majority of voters. Without help from another party, it could not form government. The party that supported the BNP then is also in favour of a caretaker government. So it is clear the majority of the people's representatives — or to stretch the idea the majority of the electorate — are in favour of the caretaker government."

**ARGUMENTS BY RULING PARTY:** "We have come to power with the mandate of the people. They have given their mandate for completion of our term and hand over power to a

democratically elected government. We are pledge-bound to the people. In the Jatiya Sangsad after 1991 election we as well as the opposition made the commitment to the people through amendment to the constitution. The opposition may forget about their commitment but we cannot hand over power to an unelected and undemocratic government."

"Any government not elected by direct votes of the people is, we consider, undemocratic. After the 1990 movement too proposals came for a few elections under caretaker government. The Awami League did not agree, so did we. The argument then was — and still is — if a certain system has to be established, it has to be done through continuous practices. If we want to establish a parliamentary system of democracy, we have to pursue it without a break. If parliamentary democracy is placed under the supervision of an unelected and undemocratic government, the parliamentary system of democracy can never get a chance to

## OPINION

### Role of the Opposition

Aref Chowdhury

For the past nine months, an issue at the centre of national politics has been the boycotting of the parliament by the Opposition which has led to a major political impasse. For one to fully understand the gravity of this boycott, one has to know what the functions of the Opposition are in the parliament. Sir William Harcourt once asserted that "the function of an Opposition is to oppose" — this is not wholly correct because the Opposition plays much more of a vital role in parliament than just to oppose.

Before getting into what the functions of the Opposition are, it would first be wise to define its characteristics. The general characteristics of an Opposition are:

1. It is organized. The Opposition is headed and given direction by the Leader of the Opposition, disciplined by the Opposition Chief Whip and Whips, and intellectualized by its members. Unitedly, the Opposition questions and challenges the Government on matters it chooses to be concerned with.
2. It is permanent. The Opposition is not a body that can be dissolved at one's will.
3. It is representative. Members of the Opposition are in the parliament by virtue of the fact that they have been elected by their respective constituencies. Thus, they represent the people of their constituencies.
4. It is the alternative. The Opposition is the alternative government which hopes to

come into office when the Government falls. On the one side is the Prime Minister, on the other side the Leader of the Opposition; on the one side the Minister of Education, on the other side the "shadow" Minister of Education, and so on.

5. It is a participant. It helps the Government to formulate national policies and actively takes part in parliamentary sessions.

Now that the characteristics of the Opposition have been clearly defined, one will be better able to understand its functions. The functions of the Opposition are:

1. Taking part in sessions of the parliament.
2. Opposition policies which it deems objectionable by voice and vote.
3. Compelling the Government to alter its policies by all acceptable means so that the policies formed are in the best interest of the nation.
4. Creating a situation by its voice where the public become dissatisfied with the way the Government is running the country and gain more confidence in the Opposition. In this kind of situation, the Opposition can hope that the electors will choose it in the next election to form the government.
5. Presenting an alternative programme to the electorate. It is just not enough to criticize government policies and hope to come to power — the Opposition must make it clear

to the electors on how it will run the government if elected.

Keeping the characteristics and functions of the Opposition in mind, we can see how it is an integral part of the political system. The presence of the Opposition in the parliament gives citizens confidence that there is a formidable body that will not allow the Government to do anything it wishes — the Opposition is an essential player in the game of checks and balances, especially in a parliamentary system of government. Unfortunately, the people of Bangladesh will be deprived of the benefit of an Opposition as of December 28 and face a national crisis which may plunge the nation into utter chaos.

The problem arose because BNP refuses to concede to the Opposition's demand for a neutral caretaker government for the purpose of holding national elections. One of the reasons BNP is maintaining its rigidity is that it has come to power through people's mandate. BNP believes its views reflect the views of the majority of the people because it has a majority in the parliament. But does BNP actually have a majority? The answer is no — it only has a technical majority because of the female quota of seats in the parliament. Of the elected members of parliament, the Opposition is currently the majority both constituency-wise and by popular vote. Logically speaking, the demand for a neutral caretaker government is the demand of the majority of people.

## To the Editor...

### Please don't resign

Sir, In protest against non fulfillment of their demand for a caretaker government the opposition MPs are going to resign en masse. This would undoubtedly create chaos and confusion, even law and order situation and further deteriorate the socio-economic condition of our people.

We feel that in principle the opposition MPs, our law makers, should fight lawfully and constitutionally instead of resigning from Jatiya Sangsad and creating law and order situation in the country.

As per Article 148(5) of the Constitution our MPs have taken an oath individually that having been elected a member of Parliament he solemnly

swears that he will faithfully discharge his duties and he will not allow his personal interest to influence the discharge of duties as a member of Parliament. Article 21 (1) envisages, "It is the duty of every citizen to observe the Constitution and laws, to maintain discipline, to perform public duties and to protect public property." Moreover paragraph four of the preamble of the Constitution says, "Affirming that it is our sacred duty to safeguard, protect and defend this Constitution and to maintain its supremacy as the embodiment of the will of the people of Bangladesh so that we may prosper in freedom and may make our full contribution towards international peace and cooperation in keeping with the progressive

aspirations of mankind...." So why the opposition MPs indulge themselves in illegal and unconstitutional activities.

To be very free and frank we have complaints both against the opposition AL-JI-JP for strikes, hartals and road blockade and ruling BNP for corruption, irregularities and misuse of public money in government offices and public sector — both causing untold suffering to the people. In this connection, under the present circumstances, the cooperation between ruling BNP and the opposition AL-JI-JP is imperative. The opposition AL-JI-JP cannot do anything single-handedly. So what is the justification of resigning from the Jatiya Sangsad?

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