

Jute Prices

There has been a demand spillage for all grades of raw jute beyond the July-December peak season, both in the domestic and foreign markets. Out of an estimated production of 37 lakh bales in the 1995 season, 26 lakh bales were traded at the domestic terminal markets till December 31, reflecting a quantum of external off-take as well, leaving us a surplus of 11 lakh bales as on that date.

The out-of-season demand activation is fetching the jute traders — not necessarily the growers — higher prices although the dividends are limited to the 11 lakh bales of stock in hand. The government imposed a restriction on raw jute export through the land route from October to January 3 as a precaution against smuggling and price hike it had grown apprehensive about against the backdrop of a production shortfall.

With the prohibition of export by land lifted after January 3, border trade in the commodity has resumed and, predictably, with a sponging effect on the residual stock of raw jute. The arrival of jute at the terminal markets of Narayanjanj and Daulatdia has noticeably dropped from 20 to 25 thousand maunds during the July-December peak period to only 5 to 6 thousand maunds as of now. This can not be solely explained away in terms of a reduced off-season stock which after all was put at a fairly substantial 11 lakh bales at the outset of January. What obviously crosses the mind are legitimate exports to India by land — with smuggling not to be ruled out — and perhaps also speculative hoarding to jack up prices. When India and China have had production shortfalls themselves, raising the demand and price of raw jute in the international market there has been an understandable lure for the home traders.

The high price of raw jute in the domestic market can make the price of our jute manufactures less competitive in the overseas market. On the other hand, growers are hardly the beneficiaries of higher prices which are basically manipulated to the advantage of speculators. In other words, the growers and the manufacturers should find a common cause in stabilising the domestic market of raw jute so that while the prices are remunerative to the producers these are also economic for the jute industry owners. As part and parcel of the jute policy, let's have clear guidelines for the determination of jute acreage in the country in the first place.

Overcommitted Might

It is most unfortunate that Russian leadership — both political and military — could not think of something better in dealing with the Chechen rebels holding hostages in a village called Pervomayskaya. The tiny hamlet has been subjected to salvos after salvos of missiles and artillery shells from helicopter gunships and tanks. This extreme step was taken after six days of stand-off and ground fighting that failed to make the rebels surrender. Estimated between 150 and 250 the rebels dug into the village with hostages numbering between 70 and 100.

Evidently, the bombardments have reduced the whole village of Pervomayskaya into rubble and by the time the hostage crisis is over there will perhaps be neither any Chechen rebels nor any hostages alive. Although Russian sources say the rebels were killing the hostages, prompting the employment of aerial bombardments and artillery firing, this has not been confirmed by independent sources. On the contrary, it appears that the government of Boris Yeltsin has blundered by an inept handling of the situation. We think it has been a disproportionate reaction from the Russian administration.

The arms and ammunition Russia is using against a small band of rebels have apparently boomeranged. Yeltsin cannot gain from this move. The destruction of an entire village with some hostages in it as a retribution against a handful of rebels is hardly likely to go down well with the Russian people. On the opening day of the Duma, Yeltsin came under attack from the opposition. By using disproportionate force to subdue the rebels Yeltsin has drawn an avoidable flak.

Returnees' Dues

Bangladesh nationals who lost their jobs or materially suffered otherwise during Gulf War may at last get the compensations due to them. Some moves are afoot in the direction of realising the needed money from frozen Iraqi assets abroad. Already the Saudi government has agreed to channel 10 million US dollars from the proceeds of Iraqi oil sale. The amount will be used to settle some of the compensation claims totalling 62,352. Compensation amount varies between 2,500 and 8,000 US dollars.

Clearly not all the claimants will be satisfied. But at least things are moving in the right direction. The United Nations Compensation Commission (UNCC), based in Geneva, has been doing its part of the job well. It has approved 32,000 Bangladeshi claims so far while 14,000 more claims awaits approval.

The real problem, however, is with the availability of fund. Frozen Iraqi assets may not be sufficient to meet the claims of returnees. It would be easier if Iraqi oil starts selling in international market yielding the fund. This, however, is tagged with the inspection of Iraqi weapons manufacturing facilities by international teams. Both Iraq and the UN Security Council should be coming to an understanding on the issue soon.

Election in Bangladesh and Paradox of Power

by M Amir-ul Islam

through the political struggle and movement over a long period of time. In 1970 and 1991, people were able to reach the political climax through which their verdict was registered despite all odds. They were culmination of a long-drawn struggle in order to reassert people's right for empowerment. Those elections are not therefore comparable to the elections in ordinary sense as would be expected and are to be conducted on a regular and periodic basis.

In most of other elections as initiated by usurpers for legitimising their power, the voters were treated as voters, almost like a commodity and at the most an object. They have never been treated as the main subject nor as the main actor in the process. But the election, as is conceived under the Bangladesh Constitution, is to act as an instrument through which people can exercise their power without ever divesting themselves from it. Election is therefore not to be treated as divesting mechanism, but be perceived as a participatory mechanism. It is to be understood in the total context of the power always remaining and belonging to the people and not as a mere mechanism for succession of power.

Democracy, if it is a government by the people, then it ought to be based on the principle of continuity and the participatory practices in the decision making process. This was described by the Indian Supreme Court as Pannuswami's principles (AIR 1952 S.C. 64). One of

the concept of free and fair election comes. Thus the main objects of election can be summarised as follows: a) to facilitate popular participation in public affairs in order to strengthen empowerment of people; b) to provide for orderly succession in government by the peaceful transfer of power; c) to ensure ultimate exercise of sovereign power and authority of the people through its chosen representatives; d) to effect change in the policy through the electoral verdict; e) to ensure accountability of the government to the people through Parliament and media; f) to effect a periodical audit on the political power and its exercise; g) to ensure the choice of the people in a multi party democracy.

The reality of electioneering remains far from the object of the election summarised above. The people of this area, which is now known as Bangladesh, have been denied their very basic right — the right to exercise, express and implement their will which is to be Supreme as ordained under the Constitution.

Thus, we can see that our people at times participated in provincial and later national election since 1937 under British, Pakistan and under the independent rule; but experience with election has been both infrequent and unfortunate. Following the practice or malpractices as was frequent during Pakistan era, interference with the conduct or the consequences of elections also became the

electoral fairplay is a danger signal for the nation's democratic destiny.

The need for a caretaker and the neutral character of the government for the interim period for holding the election in the context of past history, therefore, is no doubt a legitimate and a popular demand as the people and particularly all the opposition political parties believe that such a government can ensure the neutrality of administration. Under a neutral caretaker government, it is believed that the security forces, police, law enforcing agency and the electronic media can play non-partisan role on one hand and, on the other, it can also prevent the abuse of the state patronage and public power by any particular party or group.

There are indeed different examples and models for such an interim caretaker government; but 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 M. Yousaf Qureshi, without realizing that such models, though served a particular need at a particular moment in history, cannot be reenacted in Bangladesh under the present constitutional dispensation nor can be a desirable substitute for an institutional mechanism.

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ance for facilitating a neutral interim government for holding a free and fair election. Following the en masse resignation of the opposition MPs from the Parliament in protest of government's obstinacy, prospect for having change in the Constitution, even if there could be any, also disappeared. Several innovative formulas were suggested for having such a neutral caretaker government even within the present constitutional dispensations. The government failed to make appropriate and timely response to them nor could it initiate any fruitful dialogue with the opposition for bringing about a consensus. There was visible absence of a sincere and honest political will to resolve the problem.

The Parliament, which was dragged towards a full term despite the en masse resignation of opposition MPs, ultimately was to be dissolved followed by an election schedule, date for which now shifted to 15th February 1996. It could not be prolonged beyond a period of 90 days without the interpretative role as could be played only by the Appellate Division of the Supreme Court on a reference. Like other prospects and possibilities which existed during last two years, the last hope for a settlement was also allowed to be frustrated. For the Constitutional succession and continuity it is no doubt

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Dias writes: "It is a sad paradox that the seeds of the abuse of power are sown in the bed of freedom. Those who agitate most strongly for freedom from power are usually foremost in insisting, along with complete freedom of action for themselves, on the use of the utmost power to prevent others from going against them. They know, who better? at what points they succeeded in bringing down the previous power-structure, so they know how best to stifle freedom of action against themselves at precisely those points; which is why the tyranny of those asserting freedom from tyranny is often worse. Present Prime Minister brought down Ershad regime by boycotting the election. Hence, she knows — how to frustrate the boycott movement launched by her opposition and she

persists doing that rather than seeing reason without realising the cost the country has to pay. As a result it becomes a zero sum game at the end of the day. The opposition ought to realise that ceaseless and continuous agitation movement may become counter productive as R.W.M. Dias reminds in his book 'Jurisprudence' as to the danger of over-politicisation and prolonged street agitation: 'There comes a point in the breakdown of law and order which provokes increasing demand for power to restore stability. At first the call is generally supported by all who have grown weary of chaos. Indeed it is an age old tactic... to maintain constant disruption so as to produce just this reaction in order to smooth their own eventual accession to power. Then as memories recede and a new generation grows up, the new established power structure becomes increasingly irksome and people, weary of power start to agitate anew for freedom from it.'

It is an irony of fate as one reads this passage of history revealing the destiny of our own people struggling generation after generation trying to reach the summit and the heavy burden the people carry on their back to push up to that summit but once the summit on the mountain is reached, the heavy stone which people moved so long and reached so high by their own toil and sacrifice, again

begins to roll down the stiff slope as is said in the Greek legend that Sisyphus condemned by the curse of a Greek god to continue repeating the same performance till eternity. Dias gives illustration of contemporary tragedies of democracy in Pakistan and refers to the chaos into which political factions plunged the country after allegedly rigged election was halted on 5th July 1977 by a military coup for a promised election on 16th October which was never to take place. Instead Pakistan suffered another decade of dictatorship.

Bangladesh's experience in working of the democracy has been equally tragic, almost like the Greek tragedy in evaluating the role of the people and the sacrifices made by them in achieving their aspiration for democracy no people can claim having made greater sacrifice for democracy and justice than the people of Bangladesh; yet those responsible for actual working of it on a day to day basis and those having responsibility for building institutional mechanism and setting examples and traditions have miserably failed in upholding their oath and the promise held out to the people. In studying the history of these tragic casualties of democracy, one is often reminded of the striking caution uttered by John Adams, "Remember, remember, democracy never lasts long. It soon wastes, exhausts and murders itself."

Let John Adams' prophecy not be proven again in the context of the present time in Bangladesh which he said two hundred years ago: "There never was a democracy that did not commit suicide. John Adams, Second President of U.S.A. who lived in the Eighteenth Century, was perhaps speaking of the era before the French and American Revolution."

Power, if allowed to be exercised by the instinct and inclination for fulfilling personal or party ends or for upholding one's ego — John Adams then could be prophetic again even at the end of the twentieth century. Democracy could thus be again committing suicide, as the absolute and unguided power is antithetic to democracy and Rule of Law.

It is worth remembering in this context a warning pronounced by the Supreme Court in the neighboring country in an election dispute relating to the Prime Minister Indira Gandhi in the celebrated case of Raj Narayan, (1975 supp. S.C.C. 1, 251 para 661): "But the electorate live in hope that a sacred power will not so flagrant be used and the moving finger of history warns of the consequences that inevitably flow when absolute power has corrupted absolutely."

We are now at the end of the twentieth century. At the threshold of a new era, Bangladesh can not afford yet another breakdown in its journey for development and democracy. Let us acknowledge that we are on crossroads of history again. A wrong turn may ruin the future of our country and impede its progress and development. Issues, which are to be resolved now, revolve upon the mechanism for exercising the power of the people through a free and fair election. It concerns each of our citizens as well as future governments. It also involves the Constitutional continuity for future. 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. It is therefore of utmost importance and urgency that the entire nation and the people along with the major political parties be involved in consultations. Through national media and through dialogue, debate and conciliation, let there be a consensus. On the threshold of a new era bound with promise for development and democracy, our leaders and the people cannot simply allow this opportunity to be wasted away only in order to serve narrow ends. National interest and the will of our people which is supreme as to be effected through Constitutional mechanism must have priority over all egos and false vanity, and need not concede to any petty, party or parochial interests.

People now must be able to mobilise themselves and develop a collective will of their own through an innovative political process in order to protect their own socio-economic and political agenda. All the achievements of our people cannot be allowed to be washed away by the useless and thoughtless power games played by the leaders in power in the blissful adolescence in their career of succession.

The author is an eminent barrister a political commentator.

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the principles so established was aptly summed up by Justice Krishna Iyer yet in another case (1978 (1) S.C.C. 404; para 23) as follows: Democracy is government by the people. It is a continual participative operation, not a cataclysm, periodic exercise. The little man, in his multitude, marking his vote at the poll does a Social audit of his Parliament plus political choice of his proxy.

The political reality of the present day is far from the contemplation in the Constitution. It is the fundamental tenet of our Constitution that all powers belong to the people who are supposed to be the real actors in the election scenario. Yet the people are only helpless victim of powers. It is the fundamental mandate of our Constitution that all powers are to be exercised on behalf of the people but the people are excluded from the process of exercising the power in various manner. It is ordained that such powers are to be exercised under the Constitution and in the manner prescribed by the Constitution. Yet the powers are abused. It is exercised without any control or bounds and at the whims and caprices of the rulers. It is said that the Constitution is the Supreme Law of the Land but the same is trampled and violated with impunity by those who are bound by the oath to defend. Article - 7 of our Constitution

rule rather than the exception in independent Bangladesh.

Disillusionment and Demand for Neutral Administration

In view of the abuse and hypocrisy, treachery and sabotage, twist and frustration, as have been experienced in the electoral history of our recent past, a popular demand was 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 headed by the Chief Justice following the fall of Ershad regime, now opposes such proposal initiated by the opposition. Opposition on the other hand boycotted the Parliament and started a movement of hartal and blockade in order to paralyse the government creating a political deadlock in the country for last two years. National and even international initiative to mediate between the two views did not result into the settlement of the issue.

The demand for a caretaker government, which arises from the past experience of made up elections

Election has been made a casualty in politics, so also the democracy; yet there is no option but to pursue the political path to find a solution and overcome this knot in our destiny. Soon this nation realises that there is no other option but the political course, however frustrating, hopeless and painful that path may appear.

has postulated a basic framework under which power on behalf of the people are to be exercised.

Objects of Election under the Constitution

Object of the election need to be understood in the context of Article 7 and 11 of the Constitution which read as follows:

(i) All powers in the Republic belong to the people and their exercise on behalf of the people shall be effected only under and by the authority of this Constitution.

(ii) This Constitution is, as the solemn expression of the will of the people, the supreme law of the Republic, and if any other law is inconsistent with this Constitution that other law shall, to the extent of the inconsistency, be void.

Article-11: The Republic shall be a democracy in which fundamental human rights and freedoms and respect for the dignity and worth of the human person shall be guaranteed and in which effective participation by the people through their elected representatives in administration at all levels shall be ensured.

Since people as a whole cannot act in the day-to-day running of the affairs of the Republic, they need to act through their agents namely, the elected representatives. It is therefore most fundamental that the system through which such representatives are chosen can only work under a free envi-

ronment. This is where the concept of free and fair election comes. Thus the main objects of election can be summarised as follows: a) to facilitate popular participation in public affairs in order to strengthen empowerment of people; b) to provide for orderly succession in government by the peaceful transfer of power; c) to ensure ultimate exercise of sovereign power and authority of the people through its chosen representatives; d) to effect change in the policy through the electoral verdict; e) to ensure accountability of the government to the people through Parliament and media; f) to effect a periodical audit on the political power and its exercise; g) to ensure the choice of the people in a multi party democracy.

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CORRIGENDUM
The writer's introduction at the bottom of the article "UNHCR at the Crossroads: Who's in the Driving Seat?" by Robin Davies was given as "working with the UNHCR". Actually, he is not working with this UN agency.