

Way Out from the Abyss

by A Hasib

Why This?

Our graphic description in a front-page report yesterday of the security forces' retaliatory storming of a Narayanganj village on a derailed arms recovery mission spoke volumes for itself. We can only be condemnatory, and very strongly at that, about the high-handed manner in which raids were carried out on Char Syedpur for five and a half hours purportedly as a reaction to the assault on some of their colleagues.

It transpires that mistaken identity led to the hell-fire situation. The troops on Saturday had carried out a raid either being tipped off or in a bid to round up listed suspects, but then they were in plainclothes and susceptible to be mistaken by the villagers as trouble-makers. Apparently, the first instance of identity problem occurred when the armed personnel allegedly beat up some villagers after they could not find out the persons they were looking for; and the second one happened as they were in plainclothes without any obvious identity on them. So, some villagers 'manhandled' a few of the belligerent-looking strangers and thus followed the severe action of the security personnel in a convoy strength, as reported.

Both the action and the attitude it reflected should, we believe, lead the security forces to introspect on these and try to wholeheartedly preserve their image with the people. Already, the arms recovery has become somewhat controversial and, if they are not to draw any more criticism on that score, they will have to be extra bit more cautious in doing their job.

The opposition political parties have been saying that the list of suspects contained more names of opposition followers than from the other side. This needs to be gone so that the misgiving is avoided. A question is also being put as to why the caches of arms suspected to be in certain residential halls are not being recovered.

We want all these impressions removed forthwith, especially in regard to such a sensitive campaign as an arms recovery. That the people are all for hauling up the illegal weapons cannot be in question but they hardly wish this to happen at the expense of normalcy in any part of the country.

No Option

We all now know that the general election to be held on February 15 is an event in the negative. Other than fulfilling just one condition — constitutional obligation, that is — this election makes a mockery of all other requirements for a truly representative national election. An election that is held without the participation of the mainstream political parties in the opposition is fundamentally flawed. An election that is held in an atmosphere other than peaceful and healthily competitive is also no election at all.

The government has deprived us of our right to exercise our franchise in a fair and sound election. Whether the government has done it by choice or not is, however, a different matter. But the truth is that we feel cheated. Our democratic rights have been seriously compromised. Now the opposition lends a helping hand in taking away the remaining choice — the choice not to participate in the election. How? By announcing hartal on February 14 and 15 and a 'mass curfew' on the election day.

An election that deserves to be boycotted in all respects cannot now be voluntarily rejected by the voters. As voters we have the right to boycott an election — or also participate in; but both the government and the opposition parties in total disregard for the wishes of the electorate have charted divergent courses suiting their own needs and purposes. In the process, the people figure nowhere. So the democratic principle in which people's power has been recognised as supreme, goes to the gutter.

The moral strength of a voluntary rejection of the election would have been louder and clearer, something the opposition have denied themselves of. The opposition political parties have also failed to take the people into confidence. The weakness of our democracy is thus once again exposed.

Deplorable

The picture of a scooter driver tied to a tree, prominently published on the back page of this newspaper yesterday, says it all. He has been meted out summary punishment by the traffic police for violating traffic signals. The question is whether any traffic policeman has the right to be a judge as well as an executioner in case of a breach of traffic rules.

We have no intention of making light of the scooter driver's offence by saying that traffic regulations are violated more often than not. That the driver defied a traffic signal or signals made him liable for a penalty but under no circumstances did it call for public humiliation of him like that and a violation of his human rights.

He has been given a punishment in the savage fashion of the Middle Ages, an extreme act of uncivilised behaviour which, however, was bound to occur when earlier smaller instances of such misconduct went unreprised for. If one responsible for maintaining rules and regulations does not know one's own duties, responsibilities and limits, what hope is there for society to ensure compliance with laws generally?

The traffic policemen concerned have committed an unpardonable offence and must be taken to task. This is needed for the sake of establishing public accountability and transparency pertaining to the work of policemen.

THE controversial remark by information Minister against the opposition who wanted to discuss the massacre at Hebron and the inaction of the Election Commission in the charge made by Awami League of massive rigging in the Magura bye-election caused walk-out and boycott resulting in the demand for election under neutral care taker Government who will conduct election but shall not participate in it.

The Speaker's resort to shady means which, instead of helping a happy end of the fifth parliament, landed us in the Supreme Court for its opinion for the first time on a matter of procedure so clearly written in the Constitution.

Then came Mr Justice Sadeque the new Chief Election Commissioner which is more politically dictated than constitutionally mandated. Art. 118(4) provides 'The Election Commission shall be independent in the exercise of its functions and subject only to the constitution and any other law.' But unlike the Election Commission of India who, notwithstanding the declaration of the Prime Minister, refused to hold election in Kashmir as, according to it, the conditions were not such as would allow holding of free and fair election. Our Election Commission did not exercise even the constitutional independence it has been given in the exercise of its functions. But once he was in, Justice Sadeque was perplexed in the wake of BNP's

Indecision regarding the timing of dissolution of parliament and holding of bye-elections in 145 vacant seats. It dragged the tenure of parliament with the result that ultimately the motive became clear with the shifting of dates three times through the Election Commission. The independent character, or the lack of it, of the Election Commission came under serious attack from the opposition.

In the wake of this came the dissolution of Parliament by the President on the advice from the Prime Minister. It was dissolved earlier than its normal term which expires on 4th April, 1996. Clause (2) of Article 57 provides: 'If the Prime Minister ceases to retain the support of a majority of the members of Parliament, he shall either resign his office or advise the President in writing to dissolve Parliament, and if he so advises the President shall, if he is satisfied that no other member of Parliament commands the support of the majority of the members of Parliament, dissolve Parliament accordingly.' But in the present case the Prime Minister had not lost support of the majority nor the President satisfied himself that no other member had the majority support.

If the Prime Minister was of the opinion that since 147 members had resigned, there was no point in continuing the Parliament, then also she

could advise the President to dissolve under Article 72(3) and in that case losing of the majority support in the Parliament by the Prime Minister or the President satisfying himself about any member commanding a majority would not be necessary. Moreover, in such a situation Article 57(3) would not apply and the PM could not hold office until her successor has entered upon office. This is important because in case of dissolution under Art. 57(2) Prime Minister holds office only if the dissolution is done under Art. 57(2). If the dissolution is done under 72(3) (sooner than normal expiry of 5 years) then there must be some national issue (s) on which it is necessary to carry, on her functions, as for example, resignation of 147 members.

But if that was the case then she ought to have done it long before on expiry of 90 days or immediately after receiving the opinion from the Supreme Court as per decision of the opposition leaders that the Parliament was dead after resignation of 147 members and Prime Minister must resign and advise the President to dissolve Parliament under Art. 72(3) and hold fresh election under NCG.

We can take another example. If the PM wanted mandate of the people on NCG issue for holding election, then she ought to have refused the concept and

should not have agreed to Advisory Council with executive power to the President, because the talks failed mainly on this.

The question which we have to address is whether the dissolution is under 57(2) or 72(3). If it is under Art. 57(2) then PM is rightly holding office until a new successor comes in. But if the dissolution is under 72(3), then the dissolution is for a mid-term poll on some issue such as NCG or resignation of 147, and holding office with such a vast number of Ministers, State Ministers and Deputy Ministers under Art 57(3) is illegal as hers is a caretaker Government after such dissolution and the request of the President to Continue in office is doubtful inasmuch as there is no such convention in Bangladesh.

Under the proviso made in 1991 in Art. 72, the President cannot act unilaterally to dissolve the Parliament. Therefore it cannot be said that Art 72 is independent of Art 57. Judge from whatever angle you like, if the Prime Minister's advice and the President's dissolution of Parliament was under Art 57(2), then both acted unconstitutionally. If the dissolution was under 72(3), then PM is holding the present office under Art 57(3) illegally. It is, therefore, necessary to know under which of the Art, the advice was given and under which of the Art the Parliament was dissolved before

its full term depriving the people of their participation in it through their elected representatives.

I must add that recrimination and the holding of the Election on February 15 without participation of major parties will not solve the problem. It will create more problems in the future. More blood may be spilled on the street. We must address ourselves to this at this critical juncture. After all there is not much gap in the understanding about the caretaker government and the present gap has been boiled down as to whether the President or the head of the Advisory Council be given executive power or not.

There is solution in the constitution. All what we need is good intention Art 93 (1) provides: 'At any time when Parliament stands dissolved or is not in session, if the President is satisfied that circumstances exist which render immediate action necessary, he may make and promulgate such Ordinances as the circumstances appear to him to require, and any Ordinance so made shall, as from its promulgation have the like force of law as an Act of Parliament.' Thus Art 93 gives the President the law making power under special circumstances and this wide and sweeping power can be applied when there is necessity for immediate legislation. The satisfaction of the President about such necessity is subjective and cannot be

challenged in the Court.

The law making power in Art 93 is not for nothing. It is to meet emergency and necessity. Therefore it is urged that both the Prime Minister and the opposition will agree to the formula of Council of Advisors headed by the President and the executive power be vested in the Council to be exercised in the name of the President as contained in Art 55(4) (5) & (6) which are as follows:-

(4) All executive actions of the Government shall be expressed to be taken in the name of the President.

(5) The President shall by rules specify the manner in which orders and other instruments made in his name shall be attested or authenticated, and the validity of any order or instrument so attested or authenticated shall not be questioned in any court on the ground that it was not duly made or executed.

(6) The President shall make rule for the allocation and transaction of the business of the Government.'

In my opinion these clauses in the Art 55 provide not only a good check and balance but also complete harmony between the Council of Advisors and the President. We should remember that since the caretaker Government will be appointed for a few general elections in future and these same parties will form future Governments by turn, no one is going to be loser or winner for accepting this formula.

THE other evening at a friend's party, after having ritually flogged the dead horse of the nation's current political issues to pulp, it was with relief that everyone settled down to an uproariously enjoyable board game popular for its ability of making the profoundest minds focus reverently on the most useless and irrelevant details of life. The name of the game, I thought, was more apt not to what we played that evening but to what is being engaged in at a national level while the country totters at a precipice: Trivial Pursuits.

I think that a narrow political view of society is clouding our judgement about other aspects of life. It is as if nothing else in society has any value anymore but must be subsumed to the political aspect. It seems not to matter that the single minded pursuit of political goals, the entire business of electioneering and future governance is destroying and trivialising the very society whose protection and nurturing is the main rationale for the political processes and institutions.

While our brightest minds waste precious time and effort in following and analysing the crude thrust and parry of the ruling and opposition forces, as if we were attending a fencing match, the rest of the nation in desperation scans the hazy political horizon trying to sight any sliver of hope, some hint of a positive future that may be conjured up by the sheer force of faith, like the almost imagined crescent of an Eid moon.

Yet the daily newspapers tell the truth about the ragged condition of the neglected, orphaned nation of infants terribles we are becoming, while our political

progenitors play games with each other in the name of ideals.

Aldous Huxley once remarked about the Mongols as 'the aesthetes of militarism; they believed in gratuitous massacre, in destruction for destruction's sake'. Then, for comparison, what he said of the contemporary world in general. I would say of Bangladesh in particular: 'Our malice is less pure and spontaneous; but, to make up for this deficiency, we have ideals... The unprecedented depth of human misery in our time is proportionate to the unprecedented height of the social ideals... so, if misery is taken as an indicator and measure than, given our chaotic and depressing human condition, we could proudly say that ours is the most idealistic nation in the world. Thus, taking into account the smorgasbord of violence, mayhem, pillage and arson, not to mention the human offerings we lay before the blood thirsty altar of our vaguely conceived and half digested ideals such as democracy for democracy's sake, I propose a toast: to the new Mongols — us, and to the creators of this tribe — the social idealists, our national leaders.

I cannot apologise for, nor quell the note of bitter pessimism that has entered my voice. My friend the idiot has long returned to his inner village and taken refuge behind his armour of blank incomprehension; his supposedly wise compatriots have no such shields or places to hide. We have to confront the political and social reality everyday and pretend to make intelligent remarks about it, as if by the act of discussion and close analysis the political beast let loose in our society could be trained, coaxed and controlled into

Trivial Pursuits

Can we stop our pursuit of the trivialities of mere politics and look into the deeper, human needs and concerns of society?

becoming a useful animal, perhaps a benign milch cow or something to plough the land with or even a loyal watch dog. Instead, we have a rabid hound, frothing and foaming at the mouth. Such is our political environment. And as citizens, we are on-lookers of the most pathetic

spine of that country. We, who seem to be inured to any atrocities, have swallowed and digested this horrendous act. We feel no urge to sit up and examine our conscience. We do not ask of ourselves, what kind of environment could have generated children capable of such a

POSTSCRIPT

by Neeman A Sobhan

kind: a nation sitting on a branch that is being sawed off.

I believe there is more at stake than merely the fate of Democracy in this land. I believe that it is our social and moral decline as a people that we should worry about now rather than theoretical and constitutional concerns. Even a cursory glance at any daily newspaper reads like a cheap tabloid full of news items that would shame any civilized society into self examination. But we swallow everything in a helplessness that is as reprehensible and humiliating as the incidents. Apart from the regular reports of assaults, mayhem, looting and destruction of property, sometimes there are news items that make one shudder at the abyss of moral decrepitude into which we are plunging. A case in point was a news item about a school boy allegedly murdered by his class mates. I recall sometime ago, a similar incident in Britain sent shock waves down the moral

heinous crime? Are we responsible, who are the keepers of the nation's conscience, who is minding the moral store while everyone is away watching the election drama?

The real tragedy and the actual atrocity inflicted on us as a people is that the total collapse of law and order and the erosion of moral and ethical values has no apparent solution, because the powerful political forces, of all persuasion, are themselves not only the conscious and inadvertent generators and perpetrators of the malaise, but ironically hold in themselves the possible cure and solution to them, and yet they will do nothing. The well meaning, morally upright, conscience stricken citizen cannot do anything by himself to ameliorate his society, however sincere his intentions may be. Social and political empowerment go hand in hand. We need political leaders who would also be guardians of our conscience, champions not just

To the Editor...

Letters for publication in these columns should be addressed to the Editor and legibly written or typed with double space. For reasons of space, short letters are preferred, and all are subject to editing and cuts. Pseudonyms are accepted. However, all communications must bear the writer's real name, signature and address.

Significance of Ramadan

Sir, Every year, with the noble objectives of rectifying our character, developing ideals of morality, sacrifice, integrity and other intangible qualities by keeping ourselves without any food and drinks for a certain time spell, the holy Ramadan comes. It is the month of self-purification. We must feel its significance.

But practically what is being observed everywhere during Ramadan is really shocking. People, on the plea of Ramadan, attend offices late and leave early. Always a sluggish tendency is noticed in disposal of works even if it seemed urgent. Moreover, outrageous prices of essential commodities are realised, exploiting customers, apprehending their basic demand.

So, we are rather degrading Ramadan's importance through these malpractices. Actually significance of Ramadan implies not only abstention from food and drinks, rather to inculcate habit of abandoning all bad practices, specially vested interests, from our daily life, shaking our consciences. Nasiruddin Ahmed C/O. Mairuddin Ahmed Dhaka City College, Dhaka

Morality comes first

Sir, Before beginning the SAARC countries Study Tour

'96, the 50th batch students of Bangladesh Agricultural Institute (BAI), Dhaka met President Abdur Rahman Biswas. The President advised the students to give more concentration on studies and in gathering knowledge so that after becoming agri-graduates they can apply their knowledge and experience in boosting country's food and agricultural production. Quoting from the Holy Quran, the President stressed on the importance of building moral values because humans have been given superiority over all the creatures by the Almighty Allah. He emphasized on the practice of the moral traits like truthfulness, tolerance, forgiveness in our everyday life.

M Zahidul Haque Assistant Professor Bangladesh Agricultural Institute, Dhaka

Risk of life on polling day?

Sir, I refer to the letter of Mr Zakhami published in your daily on 27th January 1996. Like Mr Zakhami, I also failed to realise why the voters be killed and by whom? However, as far as I understand from my little knowledge, BNP is encouraging the people to cast their vote, on the other hand, Sheikh Hasina is threatening the people not to go to polling centre risking

their lives, so it clearly indicates that the voters will be killed by the political activists of AL or the opposition at large. Sheikh Hasina and her party may opt to abstain from taking part in the polls but what right she or the opposition has, to kill others who earnestly intend to participate in it. It really surprises us that Sheikh Hasina hadn't found enough reason to resign from the parliament of autocrat Ershad, instead she discovered a conspiracy when that illegal parliament was dissolved by Ershad himself. The parliament of Ershad was probably more tolerable to her than the parliament of the people's representatives. Now she wants us to believe that she will be able to establish a real democracy in the country in collaboration with the thugs of '71 and the kicked out autocrat of '90! K Mahmood Dhanmondi, Dhaka

Bombing in Chechnya Sir, Chechnya a 7450 sq miles stretch of rocky land on the northern flank of the Great Caucasus is a separate entity and never belonged to Russia. The Czarist Russia annexed Chechnya in 1858. Every since the Chechens have been struggling for their freedom.

On December 8, 1991 Russian President Boris Yeltsin along with the leaders of Ukraine and Belarus signed a decree of dissolution of the Union of Soviet Socialist Republic. Consistent with the decree which read 'The Soviet Union no longer exists' the Chechens headed by Dzhakhar Dudayev, former Soviet Airforce General who once commanded a nuclear

bomber squadron, declared independence of Chechnya.

In November 1994 under the order of Prime Minister Boris Yeltsin more than 40,000 Russian troops invaded Chechnya. After months of fierce fighting between the Chechen freedom fighters and the Russian occupation forces Moscow agreed in March 1995 to withdraw all her troops. But stationing of Russian troops still continues and hundreds of innocent Chechens are being killed today.

During recent encounter between the Chechens and Russian troops in a small border village Pervomayskaya the Russian ultra-nationalist leader Vladimir Zhirinovskiy told President Boris Yeltsin: 'Burn their bases where ever they are, burn them with napalm'. And Boris Yeltsin ordered the Russian troops to raze to the dust Pervomayskaya village with heavy artillery fire. It is one of the bloodiest episodes in Chechnya's fight for independence.

Since days immemorial man does not like to be dominated and enslaved by another man. Millions of people have sacrificed their lives to quench their thirst for freedom. The Russian themselves have laid down their lives in thousands to free themselves from the occupation of the German forces.

We would urge the Russian leadership to stop spilling blood of the Chechen freedom fighters and help solve the Chechnya problem in a manner based on the principles of Universal Declaration of Human Rights to which Moscow is also a signatory.

O H Kabir Dhaka 1203

OPINION

Is it Politics?

SM Ullah

The government has chosen the path of confrontation instead of dialogue to reach a consensus on such a vital issue as holding of free, fair, impartial election, a sine qua non for choosing a legitimate, responsible and responsive government capable of addressing the urgent and acute problems the nation is confronted with. The form may be adhered to but such an election, leaving mainstream parties from participation, will lack both substance and spirit of democracy along with the question of legitimacy haunting the government.

The suggestion put forward by certain quarters that this election even without the participation of the opposition parties must be held to meet the constitutional requirement and later take steps to accept the opposition demand for caretaker government by bringing a bill to the next assembly is a mockery of things and its acceptance by the government would be sheer idiocy.

This poor country cannot afford such huge expenses involved in two elections to be held successively within a short period. Psychological effect of such a process exposing the bankruptcy of our leadership to rise to the occasion and to come to grips with crisis will land the people in despair and frustration.

The editor of The Daily Star has on more than one occasion made fervent appeals to both the Government and the opposition parties to engage themselves in dialogue and come to a negotiated settlement on the crisis. He had also warned that any delay in resolving the crisis will give tremendous leverage to the intermediaries. It did, seemingly.

In democracy the will of the people is supreme. That it is to give shape to the supremacy of the will of the people, constitution is framed and political institutions are created. The state is nothing but the organised shape of the will of the people. The very conception of state derives its origin and existence from the will of the people, a concept based on consensus. So long as a people will live together, a state continues to exist, if they do not, it ceases to exist. In recent times, we have seen how tumultuous expression of the will of the people has torn apart the mighty USSR, made unification of Germany possible and the return of states of Eastern Europe to their independent existence.

One can understand the limitation of a political party in Government is trying to resort to any means fair or foul to perpetuate its power but one fails to understand how some others considered

guidance and succour? Can we not shift our emphasis, change the nation's sport from sheer electioneering and the battle for power to more significant pursuits. The governance of a people is a noble responsibility, like a mother's obligation to bring up morally healthy children. Elections must be seen not as a board game with clear cut winners and losers but as a political process of power-sharing where both the victor and the defeated have roles to play as major players and supporting players. If everything is staked in this as an all out gamble then there can only be losers and no winners. For, in the pursuit of what can only be a Pyrrhic victory we would only be trivialised, destroyed.

How hypocritical is the professed loyalty of BNP to the constitution, may be seen from the alleged behind-the-scenes activity of the government leaders to help float overnight political parties and alliances with strange names to participate in the elections to make it look well contested and credible when the mainstream political parties are boycotting it.

The election process has been rendered ludicrous by the government. May be, there is nothing to be surprised about it. The leadership of BNP is an always composed of people who did not grow in politics. But unfortunately sycophancy has become synonymous with loyalty. The clear stream of reason has lost its way in the quagmire.

We the people of Bangladesh sometimes tend to be gullible. That is the reason for the powers that be to feel safe while they commit one blunder after another. The greatest blunder of the BNP government is its decision to hold elections without participation of the mainstream parties who got 89 per cent of the votes in the last elections. And this is in the name of constitutional continuity. This is not politics.

If considered from the point of view of national interest, constitutional continuity cannot be a hindrance to a meaningful election. As Barrister Rafiqul Huq has said, the doctrine of necessity can be applied to overcome the constitutional obligations in this respect. After all the constitution is the solemn expression of the will of the people and to give meaning and to bring out the spirit of the will of the people is what the constitution for.

Proud as they are of their glorious achievement in establishing a democratic state through an armed struggle which claimed colossal sacrifice of human lives, the people of Bangladesh will allow anybody to make a mockery of the election process in the name of constitutional continuity. The constitution is the product of the liberation struggle participated by all sections of the people. Let us therefore not forget that constitution is for the people, not vice versa.