

Last Call for Sanity

Worry permeates every level of our society now. First is the worry surrounding the holding of the election itself. Everyday more and more violence is sending terror through the hearts and minds of our citizens. Second, the sanctity of the Holy month of Ramzan is being compromised everyday by the police excesses on one side and by the damage to property on the other. Third worry is the daily loss of life. Already we have lost several valuable human lives in the last few days. Fourth, the spirit of the festival of Eid stands to a large extent marred because of all the tension and the attending fear which have gripped us all. All this could have been tolerable if we knew that all this will somehow end with the holding of elections. But we know that elections will only take the conflict to a different level. At that stage conflict is likely to be more intense.

So the question is what problems does Begum Zia hope to solve by forcing this election on the nation. It is our hope that the Prime Minister and the leaders of the ruling party have read a very thought provoking piece by Prof. Rehman Sobhan, which we carried on this page yesterday. Some very profound observations were made by him especially about the nature of the government that is likely to emerge out of this election, which he said would be devoid of the moral and popular authority to govern the country.

As an alternative he suggests the reopening of the negotiations, and tells us how the yet unresolved problems of vesting of executive power can be addressed. We think Prof. Sobhan's suggestion merits serious consideration by the two sides, if they are at all interested in putting an end to what he calls our "March of Folly". At the risk of repeating the obvious we want to reiterate that going ahead with the present election will spell disaster. It will achieve nothing, and further distance the two sides, making the prospect of any rapprochement between them exceedingly remote. We are only two days away from the so-called elections. In other words we only have two days before we set out on a most uncertain political course. We would like to sound the last call for sanity, and urge both sides, at least for once, to put the interest of the country, and its people above their own.

Calcutta Gala

The sixth cricket World Cup got off yesterday to an extraordinary start at the Eden Gardens Stadium, Calcutta. It came nearly to be the greatest show on earth especially as helped by the unprecedented and imaginative use of advanced electronic and laser technology. And this was the first time any inauguration has featured participation of a bevy of world's most beautiful women in their youth. But unlike other sports spectacles held by India, this one had only a smattering of culture and a very little of the vaunted Bengali fine and mellow touch.

What has cricket to do with all this extravagance? Can one not pose that classic time-honoured query, is it cricket? One-day cricket, as it is, is indeed a remove from cricket proper. Plainly it is a commercial version of some epic aesthetic experience in the garb of a competitive team game.

Yesterday's extravaganza should be considered alongside the fact that no one nation was forthcoming to sponsor and stage the world cup tournament. It took three to make it happen. And who knows who is going to hold the next session of the world cup!

This precarious aspect has been offset not by the Calcutta gala but by the participation for the first time of as many as twelve teams. This and not any glitz is going to make the sixth world cup set a cricketing milestone. We are gratified that the most cricket-crazy city of all has been selected as the venue of the opening of this biggest cricket festival of all times. The Calcutta crowd, biggest in the world, is not only crazy but they are knowledgeable too both about the figures and the aesthetics of the thing. The compulsive passion of the Bengali for cricket thus displayed has, alas, not been matched by performance on the field.

Back to Malthus

Alarm has again been struck about the world's booming population. The fact that such alarms have been raised from even much before Malthus does not detract from the latest picture of apocalypse drawn at a meeting in Baltimore of American scientists.

As the problem aggravates the disaster approaches inevitability. Now that we already have around six billion people, every 24 hours we are being joined by 250,000 new-borns — more than 100,000 an hour. Unless Malthusian worries start visiting us significantly or balanced global development unifies man in achieving the single goal of zero population growth, the present crowding will exactly double in the next half a century.

People do not only make a crowd and keep on eating. They also desire living on a level lately set dangerously by the supremely wasteful American consumerism. As Faye Duchin of New York University told the meeting even such a desire, not to speak of its fulfillment, could be a recipe for ecological disaster.

The population challenge must be located with seriousness before it gets out of hand. Who should know this better than Bangladesh? Does it know enough?

The Black Flag and the Police: A Danger Signal

The issue raised above cannot be dismissed lightly because it involves the violation of the fundamental right of citizens. To my mind, raising a black flag is the most peaceful method of registering protest and dissent... a passive but visible demonstration of dissent.

ARTICLE 39(1) of the Constitution says, "Freedom of thought and conscience is guaranteed." There is no qualification attached to the guarantee provided to the citizens in this article. Article 39(2) (a) and (b) go further and guarantee "the right of every citizen to freedom of speech and expression; and freedom of the press." Of course the enjoyment of these two rights are subject to any reasonable restrictions imposed by law in the interest of the security of the state, friendly relations with foreign states, public order, decency or morality, or in relation to contempt of court, defamation or incitement to an offence.

I have quoted article 39 of the Constitution in full because the issue that I wish to discuss has to be examined in the backdrop of this fundamental law of the land. The first question that needs to be examined is: Why do people hoist black flag? Obviously they do not do it for fun. They want to express or convey a message through such an action. The message conveyed by the black flag is usually one of protest or disapproval or dissent. The person who hoists a black flag is exercising his or her freedom of expression guaranteed by article 39 of the Constitution. The next question that needs to be asked is: Does it attract any one of the restrictions mentioned in article 39 (2)? Does it, for instance, threaten the security of the state or friendly relations with foreign states or public order, decency or morality? No one in his right mind can say that hoisting a black flag in one's own house or while going in peaceful procession threatens any of the things mentioned above.

It is certainly no threat to

public morality or decency nor is it an incitement to an offence. If this is indeed the case, then why do the Police go to people's houses to pull down by force the black flags raised by them? This was reported in the process to have been done in Sylhet, Khulna and Bagerhat and Dhaka University campus. According to the latest reports from Feni, the police teargassed the processionists who carried black flags. Who gave the right to the police to stop the people from exercising their right of protest and dissent? In the above case the people were exercising these rights peacefully and yet the police interfered with the exercise of their right. Surely the police force is not above the law; they are not only supposed to uphold the law but they are also bound by law.

The issue raised above cannot be dismissed lightly because it involves the violation of the fundamental right of citizens. To my mind, raising a black flag is the most peaceful method of registering protest and dissent. It is a passive but visible demonstration of dissent. Obviously the prime minister is a party to the suppression of dissent. She used the police to stifle the expression of dissent and protest. The police is supposed to provide security to her, not to guarantee her popularity! Begum Zia may not realise that in the course of the last five years the character of her government has changed beyond recognition. One can hardly distinguish the present BNP regime from the earlier military regimes. Even the military force has

been deployed by her in the name of arms recovery. The question that is nagging the nation is: Why should the police take it upon itself to bring down the black flags? They are doing a lot of other excesses in the name of protecting the prime minister but the black flag affair highlights the violation of the guarantee provided in the constitution. Did those flags fluttering in the wind threaten any one physically? Was it an incitement to any offense? Do they threaten friendly relation with any for-

partisan interests of the prime minister. Yet that is precisely what they are seen to be doing. The attempt by the Police to forcibly lower black flags is a symptom of a bigger and deeper malaise. It exposes the inherent hypocrisy of the BNP government about their much-touted devotion to the constitution. If the prime minister really believed in the sanctity of the constitution and the rights guaranteed under it to the citizens, then she would have forbidden the Police from in-

terfering with the rights of the citizens. The macabre way in which the law enforcing agencies were employed to let loose a reign of terror in the Jagannath Hall in the name of arms recovery has caused deep indignation among all conscientious citizens. It was as if hell had been let loose. The graphic description of police atrocities and a blow by blow account of how the students were subjected to humiliation and roughed up, as carried by the local dailies on Thursday, were hair raising and could not but cause deep consternation.

It was indeed a brutal rampage. Who ordered it and who master-minded the operation? If it was not the BNP government and its top leaders then was it the IG Police or the Commissioner of DMP acting on their own? What was their motive? The communal and partisan character of the assault became loud and clear when the police were heard to be muttering abusive language towards the Hindu students. They were also heard to be taunting and abusing the Awami League. The communal aspect of the assault on the Jagannath Hall has shocked the whole nation. The similarity of the attack on Jagannath Hall on 31 January to the assault on the same Hall by the Pakistani troops on 25 March, 1971 is striking. Does the Police have any particular grudge against the Jagannath Hall or the Awami League? Has it become, under BNP management and guidance, a communal force? I think the senior officers of the force, who are responsible for both its

conduct, morale and image, should ponder over the question. They should realize that the day of reckoning may not be far off. The BNP government will not remain in power for ever. Others have tried earlier to cling to power but failed. But then why are they, a permanent institution of the state, getting stained by their partisan involvement with this particular party? When the law will take its course and they will have to account for their illegal actions, who will give them protection?

The act of forcible removal of the black flag is a violation of the constitution and the responsibility for this must rest on the prime minister. The police and other security forces seem to have been, over the last five years, turned into a partisan instrument of the BNP. Not only the black flag episodes but also the recent Dhaka University incidents are clear evidence of the unfortunate development. It is a danger signal for the nation. The BNP government, as the appears, has subverted the integrity of the police force for its selfish partisan purposes. Not only has Begum Zia disregarded the constitution when it suited her interests, she has done a permanent damage to the character and reputation of the Police force.

Is she, in her desperate attempt to hold on to power, turning Bangladesh into a police state? Is this the kind of regime the nation will get after 15 February? All thoughtful citizens must pause and ponder.

Today's regular column ENCHIRIDION by Waliur Rahman will appear tomorrow.

ON THE RECORD

by Shah A M S Kibria



sign state? Unless the police force regards itself as an instrument of the BNP they should not have been troubled by black flags. It was meant for the prime minister who is a political leader. She had gone to Sylhet, Khulna and Feni on political missions. She should have been allowed to see and realize the depth of people's discontent with her administration. It is a part of the democratic process. What the police did not only tarnished the image of the prime minister but also that of the Police force. Its reputation for impartiality is in tatters. As servants of the Republic they are supposed to uphold the law, not the

conducting in such blatantly unconstitutional and partisan activity. The conduct of the Police has become a matter of deep concern to the people. The memory of the Dinaipur Police atrocities are still fresh in people's mind. Admittedly, they have to carry out orders given to them by their superiors. But why should the superiors give such illegal orders? And why do they have to indulge in mindless brutality in carrying the orders? What they did in Jagannath Hall and the Dhaka University campus was surely not civilized conduct! Let me quote from the special commentary of a local English

Election 96: Can February 15 be Averted?

by M M Rezaul Karim

PROFESSOR Rehman Sobhan's article on election published yesterday in The Daily Star was highly thought provoking, courageous and commendable. At this fag end of the available time framework, any person of his distinction comes out with a formula for a compromise for acceptance by our two revered political leaders deserves all these qualities and more.

Besides his characteristic verbose style and learned discourse quoting Barbara Tuchman, Prof. Sobhan tried lucidly to establish that the 15 February election would bring no good to either side, the ruling party or the opposition. It will only cause misery, anarchy and devastations to the people and the nation. In the process, the growing democratic institution in the country would be threatened and might be nipped in the bud. Hence, the need for an urgent solution within a matter of hours and not days.

His formula, which is almost akin to what had been agreed to by both sides at the last stage of their negotiation, was an admirable attempt to bridge the gap by a cleverly drafted formulation. The principal discord lay on who is to exercise the executive authority, the President or a member of the advisory council? Prof. Sobhan's proposal is that the executive authority should be vested in the President, who, in turn, will delegate it to a member of the advisory council. This arrangement, in fact, does not materially alter the complexion of the proposed head of an advisory council with executive authority, except for some nuances. Moreover, the question of delegation of Presidential authority to another person is neither sanctioned by law nor provided in the constitution.

The principal concern and apprehension of the opposition appears to be the exercise of the executive authority by the President in favour

of the ruling party. The President, though became non-partisan and neutral immediately on having taken oath of office, had been a BNP man and could tilt his favours to the latter. Even if this contention is accepted for the sake of argument, could not a formula be devised in which the President may not have any real authority to grant favours to his erstwhile party and against the opposition?

It does not seem altogether impossible to do so. If all the powers to be exercised by the President, which might have significant bearing on the election process and its results are virtually bestowed upon the Election Commission, the fear of the opposition could perhaps be mitigated. In fact the Election Commission has now been empowered by law with much more authority than before and the two sides can agree on its expansion as well as its modality of operation.

Secondly, as this could be a compromise with a face saving device for both and made in the greater national interests, none of the political parties should consider it to be a victory for it and refrain from seeking any propaganda advantage from it. The issues relating to making applications to the Election Commission and reference to the appellate division of the Supreme Court by agreement of the two sides would then pose no insurmountable barriers.

One is not at all sure if the two sides would be prepared to make an agreement at this late stage. But if they do, can there be a good samaritan willing to undertake this venture? Can one or more from the group of our eminent citizens make once more their laudatory mediation efforts? If there is success, our two leaders will earn immense gratitude of the nation and the nation will again be able to march on the road to democracy and progress.

New strategy for Opposition

Sir, How is it if all opposition leaders combine together very rigidly and select one independent candidate to vote by all opposition supporters? Then may be not a single BNP candidate can come out successful except those came out uncontested. Of course, before selecting the opposition candidate an agreement must be made with him/her that after coming out successfully he/she must not join hand with BNP to form Govt. If it can be successfully organised, it seems to me not a single BNP candidate may come out successfully from any constituency. And then the Op-

position's successful selected MPs may form Govt. to their pleasure! Then why boycott the election?
 A citizen
 Dhaka

WCC: A request to PSC

Sir, On February 14, 1996, there is going to start the 8th World Cup Cricket for which millions of cricket lovers are credulously awaiting. This tournament will be viewed by millions throughout the world including those of Bangladesh with keen interest. The cricket lovers are now in a state of cricket fever.

But, it is unfortunate for about 20 thousand fellows se-

lected for the BCS written test who will have to appear at the test scheduled on February 26, 1996. Therefore it is our humble request to the PSC authority to reschedule the date of the written test on a suitable date that does not coincide with the cricket fixture.
 Muhammed Ruhul Hasan Moomr
 21, Siddeswary Lane, Dhaka

Stranded Pakistanis: An appeal

Sir, The sore of Shamim Ahmed's murder, an inmate of Block-D Camp, Section XI, Mirpur, Dhaka still not healed up when another tragedy, at Mirpur Section X,

look place. The house of one Md Amin of Madrasa Camp was ransacked and razed to ground in broad daylight and all his belongings, cash and kind, were looted by miscreants and terrorists. And all this happened before the eyes of the Ward Commissioner, Ward No 3, Mirpur, Dhaka. Now a pucca office on the ashes of Md Amin's house is being built up by contractors ignoring all Govt orders. Of course the help of law enforcing agencies was very useful so the rest of the huts of Madrasa camp were saved, otherwise would have been destroyed.

As our approaches to the concerned authority particularly the DRRO, Dhaka, the custodian of the camps, to re-build Md Amin's house totally and miserably failed and so far no one has taken any positive steps against the terrorists and miscreants. There is a firm order from the Government of Bangladesh that the Stranded Pakistanis wherever living, either in camps or outside abodes, will not be disturbed till their repatriation to Pakistan.

The main intention of these terrorists and miscreants seems to be creating clash and chaos and disturbing the peaceful atmosphere, thereby to damage and defame the good image of the government and the peace-loving people of Bangladesh. Meanwhile, a grave and panicky situation is prevailing in and around Madrasa Camp, Section X, Mirpur, Dhaka, and many young boys and girls, for fear of their lives, honour and chastity are fleeing away to safer places, if they find any.

I appeal to one and all in the authorities concerned, whoever that may be and holding whatever position, to take drastic action against all those involved in such destruction and catastrophe for the sake of peace, justice and good image of the country and its people.

Al-Haj M Nasim Khan
 Leader of Stranded Pakistanis & Chief Patron, SPGRG, Geneva Camp, Mohammadpur, Dhaka 1207

Tomorrow: Parliament and its Members