## It has Created More Problems than it has Solved

HE 15 February election has created more problems than it has solved. It has addressed only a constitutional obligation. In my article in The Daily Star issue of 26 January Lappreciated BNP for its rigid stand on the provisions of the Constitution. I also gave a list of viola tions/amendments of the Constitution for narrow party purpose which overshadowed its rigid stand.

In my other article in the same newspaper I tried to show the exit out of the abyss by invoking the good intention of the Prime Minister and the different articles of our Constitution under which the President has the sweeping power to legislate when the Parliament is either not in session or is dissolved and how such legislation can be validated in the next Parliament. This is over and above the residuary power and the power under the doctrine of necessity. which under certain circumstances, knows no normal law.

It also invited others to opine so that together we remain on record to have tried fairly to contribute to the efforts made by many eminent persons for solution of the existing impasse. These efforts are perhaps not lost. The result of the 15th February election has proved that those efforts deserve fresh consideration by

As it seems, the February 15th election has put BNP from frying pan to fire. Turnout in the election was about ten per cent. Election could not be held in many places. Ballot papers did not reach many polling booths. Results of many places could not be collected. Some presiding officers were untraced. In some places there were no presiding officers and BNP people were said to be acting as presiding officers as well as voters. They allegedly stuffed the ballot boxes. Some ballot boxes were snatched and burnt. About 15-20 people were killed all over the country and hundreds injured. Fighting is still going on sporadically between 'pro' and anti election forces. These are some of the events as appeared in the national and international news media.

It seems as though the opposition has won the war without fighting an electoral battle: They have been able, by whatever means, to prevent the

public from casting votes inspite of armed security personnel deployed by the authormy and assurances given for safety. They rather proved that election was not only not free under BNP, it is not free even when BNP is the lone contestant fighting supposedly against candidates set up by itself. It is an irony of fate that these candidates also complained against rigging in the polls. If politics is the art of running a government/state/ people, then BNP has failed and I see no chance for its acquittal.

Let us now see the problems as also the prospects of the post election period with a reference to different clauses of the Constitution apart from what has appeared in national and international news media and the opinion of the donor countries.

Art 119 provides that the superintendence, direction and control of the preparation of the electoral rolls for elections to the office of President and to Parliament and the conduct of such elections shall vest in the Election Commission which shall, in accordance with this Constitution and any other law- (a) hold elections to the office of President and (b) hold elections of members of Parliament. The question is whether the EC has conducted the elections as per constitution and law and whether the Election Commission has been able to hold election under Art 123(3) (b) which provides that a general election of members of Parliament shall be held within ninety days after dissolution. In our case, the Election Commission could not held and conduct elections in all centres within the period of ninety days after dissolution of the Parliament in the manner as provided in the Constitu-

The blame falls squarely on the Commission which postponed the by elections and then announced the general election and then again postponed it twice and fixed it in the holy month of Ramadan at the end of the ninety days pe-

The result is that we are not going to have Parliament within the definition and meaning of Art 152 and 65(2) which provides that Parliament shall consist of three hundred members to be elected in accordance with law from single territorial Con-

stituencies and these members shall be designated as Members of Parliament. And unless we have three hundred members, we have no Parliament and we cannot choose a Leader of the House as prescribed by Dr B Chowdhury. In order to ward off this difficulty, the CEC went back on his commitment to the nation that he would investigate the irregularities and cancel those elections, if necessary. The fact remains that what the CEC has done to help the government amounts to violation of the Constitution in an indirect way.

BNP allegedly induced a lot of unknown political parties to participate in the election. What these parties said about the election are known to us. The Chief Election Commission and the BNP said that it was not their look out who took part in the election. Now let us see how a "Political Party" is defined in our constitution: "Political Party" includes a group of combination of persons who operate within or outside Parliament under distinctive name . . . " What are the distinctive names of these parties who contested? Can the Prime Minister and the CEC mention their names without looking at the latest records prepared for this 15 Feb election? What is their political opinion/ideology? Can anybody please say this precisely? If the answer is honestly 'no', then could the EC hold such apparently farcical

The Election Commissioner stated that if he did not hold the election as per the constitutional provision, he would be adjudged guilty by the Supreme Judicial Council for not protecting the Constitu-

election spending millions of

taka costing life and property

of the people, and then show-

ing 'V' sign before a selected

Justice Sadeque's endeavour to uphold the Constitution is appreciable. But there is the other side of the coin which perhaps Mr Kibria has put in a nice way in his article in The Daily Star issue of February 18th under the heading "Election Commission Must Not Validate the Results. "Mr Justice Sadeque has a choice. He can declare that the elections failed to meet the minimum acceptable standards under the law. Or he can of course do what he has been doing so far by validating reby A Hasib

sults which are fatally flawed! Most jurists I have talked to have said that the Chief Blection Commissioner and other Commissioners are not above the law. If they are found to be 'flouting' the law the matter can be referred to the Supreme Judicial Council for its consideration.

The Prime Minister in her post election Press Conference admitted that there was rigging but she attributed this to the opposition to discredit the Government. In other words, in spite of deployment of four hundred thousand armed personnel (as reported by international media) rigging and other irregularities could not be stopped, also according to the admission of the Prime Minister. Let the PM investigate herself into the truth. But this proves one important thing: the contention of the opposition that national caretaker government (NCG) is neces-

N the backdrop of the fail-

ure by BNP government

and the mainstream oppo-

sitions to settle the issue of

holding the national election

under a caretaker government.

the Government of Begum

Khaleda Zia decided to hold

the election (on the pretext of

constitutional continuity)

without the participation of all

the leading opposition parties

including the Awami League. It

is really painful to believe that

a party (BNP) elected through

a neutral caretaker gover-

nment should oppose the same

idea after assuming power, and

could hold a one-party election

following the same line pur-

sued by the autocratic regime

has been held without any true

challenger of BNP deploying

400,000 BDR, police and

Ansar personnel throughout

the country to ensure free and

fair election. The credibility of

the election has largely been

tarnished due to very low

turnout of voters (only 5-10

per cent), widespread rigging

of votes and many other gross

irregularities. The above facts

got wide publicity through dif-

ferent national and interna-

Khaleda Zia expressed her sat

isfaction at the outcome of the

election in her press confer-

ence on 18.2.96. She declared

that she was given a mandate

through the election. She ac-

cused the oppositions for cre-

\*The Prime Minister, Begum

tional media.

The 15 February election

of General Ershad!

sary for a free and fair election and that no such election is possible under the BNP Government.

Now let us look at the prospect of this tragedy of election. The purpose of democracy is to bring more and more people under the democratic process so that they are not violent or less violent in achieving their objectives. Violence has no place in democratic process. The oneparty 15 February election is a negation of this concept. It has failed to involve ninety per cent people in the democratic process on the one hand and, on the other, it has given birth to violence. Prime Minister Begum Zia sounded conciliatory in her post election press conference as also pre-election address to the nation but she did not spell out how the dialogue could be started and the opposition brought in the process. If she said, for example,

that she would ask the President to promulgate an ordinance under Art 93 for NCG or make a reference to the Supreme Court for its opinion and hold fresh election under such NCG within a time-frame. say, sixty days of such promulgation or opinion, then there could be a starting point. But she never made things clear, before or even immediately after the so called election, for the opposition to abandon the confrontational course and to sit for a meaningful negotiation. Without this, there was no meaningful talk before and, even after the PM's address on Radio and TV on March 3 there, may be a fruitful talk now, particularly when the PM has herself admitted rigging and thus the credibility of the election and the validity of her government are, apparently,

under serious challenge. From a review of events centering round the controversial election it is clear that a starting point still lies with the Prime Minister.

Politics is a demanding profession, a compromising profession. Given that Begum Zia will do this, for we have to denounce violence for a meaningful political partnership for a prosperous Bangladesh. This must be on top of the agenda. The partners must have same perception on public interest though there may be different ways to do it. The Daily Star in its editorial of February 18th said "Already the cost of the confrontational politics has been roughly estimated to be one billion dollars. This cost might go up by leaps and bounds.

This election, therefore, should force all sides - particularly the ruling party - to take a fresh stock of their politics vis-a-vis the country's interest.'

It is, therefore, absolutely necessary that the Prime Minister takes lead and advise the President to call all the parties

for a fruitful negotiation for promulgating an ordinance under Art 93 for NCG and or make a reference to the Supreme Court for its opinion.

The opposition is unlikely to sit and talk with BNP after its questionable performance in the election. Delay to advise the President may worsen the situation.

Moreover, for a meaningful partnership in national politics, for a violence-free prosperous Bangladesh, leading lawyers, businessmen, journalists, retired judges and others who think about the country's welfare and public interests. should be included for talks. In other words, there should be a truly nation based consensus, not merely a consensus between the politicians of ruling party and the opposition.

The writer is an ex-Judge of the Bangladesh Supreme

## Reviewing une ating anarchy during the elecbring back a favourable envi-

tion time. She further asserted that her party workers were not involved in the rigging at all. Very few have accepted her contention.

If we judge the mandate as claimed by Begum Zia in the light of its meaning can it be said that 5-10 per cent of the total number of voters can give a mandate? If it is accepted then what is the status of the 90 per cent of voters who did not turn up to cast their votes or abstained from voting for it being non-representative? If such a claim is accepted and established, will it not be a threat to freedom and democracy? In such a case, any evil power will also validate itself by arranging an election and ensuring merely some per cent of votes. Hence it will be difficult for any freedom-loving citizen to accept Begum Zia's claim of a mandate on the basis of a controversial election of the 15th February. The BBC pointed out earlier

that a one-party election can hardly be called proper. At best it can be called a referendum. If the election is considered from that angle, it is a negative referendum for the government. Under such a situation, the legitimacy of the 6th parliament is in question and the claim of its validity to

amend the Constitution may

by Muhd M Huseyn

lead the country to a deeper crisis. As we see, difference between the government and the opposition has widened further after the election. The situation has further aggravated with the arrest of opposition leaders and workers by the government. The Prime Minister earlier gave such an indication during her election campaign at Rajshahi and Siraiganj. Mr Oli Ahmed, the Communications Minister, in a recent interview with BBC expressed that the opposition's movement was aimed at destroying the nationalist force. which they would not allow. It signifies that BNP is determined to suppress the opposition by force. But the confrontation against the opposition by BNP government through the use of force can hardly be conducive to the solution of the long political impasse.

Conciliation rather than confrontation by both the government and the opposition can only lead towards an amicable solution. For this, both the government and the opposition must put the interest of the people and the country above their party interest and personal ego. The government is to make the first move to ronment for discussion and dialogue and immediately forgo the path of repression. Both the sides should also refrain from making such statements which may create misunderstanding between them.

Since opposition's aim is to restore democracy through functioning of the democratic institutions properly, they should pursue the line of nonviolent movement to realise their demand. Non-violent movement will strengthen the opposition's acceptability among the people and weaken that of the government if it continues to be repressive and undemocratic to the opposi-

For the BNP government it is adviseable to seek a solution before it is too late. Whatever may be their strength, they are sure to lose people's support, if they pursue the policy of suppression.

Finally, it is suggested for the acceptance of the formula that has already been advised by some experts. A caretaker government through amendment of the constitution has now become disputable as the controversial election has taken place. The Sixth Parliament may be constitutionally valid, but it will enjoy no acceptence by the people. Hence, the government may consider to initiate dialogue with the opposition to form a caretaker government under Article 93(1) of the Constitution which reads as follows:

"93(1) 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 Parlia-

(2) An Ordinance made under clause (1) shall be laid before Parliament at its first meeting following the promulgation of the Ordinance and shall, unless it is earlier repealed, cease to have effect at the expiration of thirty days after it is so laid or if a resolution disapproving of the ordinance is passed by Parliament before such expiration, upon the passing of the resolution ....

In the context of grave national crisis, this method may be a very easy course to ball the nation out from the impasse. If wide range amendment of the Constitution including the Preamble during the Martial Law regimes could be done through ratification of the Constitution, the suggested course can also be taken, only if there is sincere will in both the sides.

## Nijera Shikhi Asks Education: Can You Change Your Spots? millions in the queue who ever for this essential fool for

INCE January 1st 1996. over half a million illiterate people and over 20,000 unpaid volunteers have become involved in the Nijera Shikhi People's Movement. This is not just a massive drive for national literacy, it challenges the structure and fabric of Education in Bangladesh.

Huge amounts are put into elitist education. The parents who buy it for their children together put in similarly huge, amounts to keep it going. At the other end of the scale, the Directorate of Non-Formal Education get, or do not get. miserable amounts to try to give the majority population. the illiterate, a wafer of a chance to get the minimum "Three R's" which the system has denied them all their lives till now. So far from saying "This is a humanright, these people should have the top priority" and providing these meagre amounts from the pockets of the national exchequer, the nation is content to make the Directorate's needs dependent on whether or not other nations will foot the bill.

The 20,000 Nijera Shikhi volunteers, and the half-million illiterates they have promised to help, want something different. They want a literate Bangladesh and are prepared to give several hours a week of their time and effort to get it. There are another 70

James Bond

want it too.

of shame amongst the literate in general. But Nijera Shikhi is counting on at least 1 per cent of the literate population to come forward to enable the educationally deprived to gain this national and human right joining the new "Bangla Language Movement." It has only taken two years to recruit 20,000. It ought not to take too long to multiply that number by 15. Their numbers are mounting daily.

There are parallels with the 1952 Language Movement. Bengali fury then led to martyrdoms, to preserve Bangla as the national language of East Pakistan. Forty-five years later. Bangladesh has had 24 years' experience of a separate national identity. Shame that a nation with so rich a culture should continue to be overwhelmingly illiterate in the language whose preservation is due in no small measure to the blood of martyrs ought by now to be felt much more widely

than it is. The message of hope brought by these volunteers to the illiterate adults and the adolescents is that they can become literate without schools or teachers. The message is embedded in "Nitera Shikhi's name: we can "teach ourselves" so let's get on with it, or else we'll be waiting for

living - for there is no sign yet There may be little sense of USS 5 billion arriving to carry out the official plans. The principle of 'teaching ourselves' - that in fact what we learn is what we choose to learn - needs heeding by others also. The literate should read much more. Many more libraries are needed throughout the country — a national campaign to encourage further education is overdue. "Nijera Shikhi offers a self-education pattern for everyone. The slogan 'Nijera Shikhi' implies something else too: we want the nation to say "We're not going to depend on foreign aid for a simple need like basic

> For social workers to get jobs teaching illiterates sounds good. But to Nijera Shikhi it sounds bad, because paying some workers destroys a people's movement, and in any case there is nothing like the amount of money available, either from Government or from the NGO galaxy (unless there is a change of heart, which is very unlikely), to enable the whole country to benefit, so if we rely on paid workers huge areas will be condemned to stay illiterate. Nijera Shikhi has not an aid agency looking after it, but a non-profit organ isation set up for Government to use as an agent for establishing Education For All.

> > BEFORE PLEASURE

education, we'll become liter-

ate by our own resources."

by John Hastings

voluntary workers, and producing better materials at lower prices, the Nijera Shikhi literacy system only costs Tk 50 per new learner. This is less than a tenth of the cost of literacy programmes by NGOs and the Government INFEP. II just 300 crores were channelled through Nijera Shikhi. as the Movement spreads throughout the country - it already has volunteers in 60 out of the 64 Districts and 212 out of the 490 Thanas - it will be almost automatic for 60 mil-Jion adults and adolescents now illiterate to be freed from their chains and enabled to contribute more effectively to their own and the country's development. Undoubtedly this would have a particularly important effect on the acceptance of family planning advocacy, and could reduce the number of births over the next 12 years by about 13 millions.

The low cost of the Nijera Shikhi People's Movement is possible because there are latent resources in Bangladesh. and when people really believe in what they are struggling for they dig them out to help it happen. Local people plan their own programmes and raise most of the cost of them by donations and fund-raising. This cost currently comes to

only Tk 32 per learner and in

By cutting out payments to some places the learners themselves contribute to it. Given sympathetic Helpers, you can in fact teach yourself for Tk 1 per week! The Helpers' shramdan is the biggest contribution of all. If the value of that were calculated, all other inputs would be dwarfed. Of course Nijera Shikhi has its expenses for management, publishing and training, and it is for these that the subsidy of just Tk 50 per new learner is needed. Government has not yet provided any financial subsidy, but Government representatives have been officially appointed to Nijera Shikhi's Board of Directors.

Nijera Shikhi has had to

tackle a basic problem created

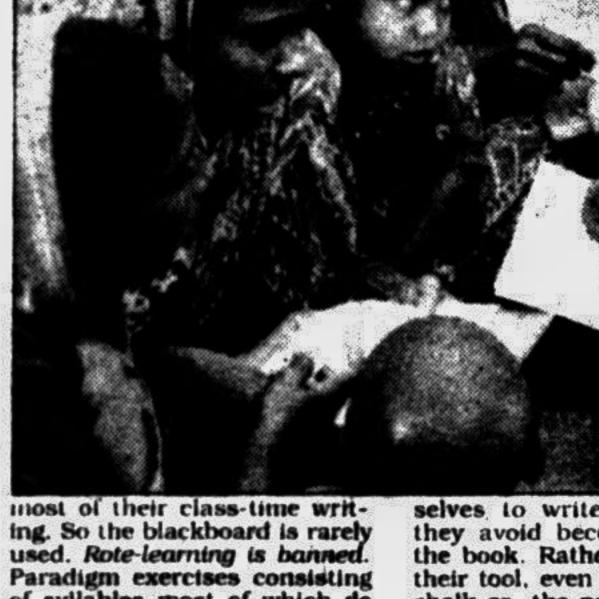
by traditional education. The

learning method handed down is painfully slow and is a major factor in the huge drop-out of children from primary schools. To have to learn Bangla after the old Sanskritic pattern would be the early death of any people's literacy movement. Learning "the three R's" is basically a simple process. The traditional method complicates it - deliberately, some say, to prevent education from becoming easily accessible to the masses. Bangladesh still has "litterateurs' who even want to go on teaching in schools the new unused short and long "li" (from Sanskrit) which are still found in alphabet primers in bazaar shops. The method is a failure lor perhaps successful - in keeping literacy from the masses!) because vast numbers of children take over a year to learn their alphabet, and leave school illiterate. Figures show nat more children nave been leaving school illiterate than those who leave literate. This is inexcusable, a terrible waste of financial and human re-

The old method is still followed in thousands of schools. It inculcates rote learning and parrot-paradigms, starting by teaching the cumbersome names of the letters of the alphabet, and by teaching reading before writing. The Nijera Shikhi method is radically new, and before Helpers start they have to educate themselves to get rid of old habits generated by their own schooling. If they spend enough time studying the new method of self-education in Bangla they become convinced of the logic of giving up traditional ways in favour of psychologically sound principles which are really only obvious common-sense. The Helpers are not teachers, but Shiksha-Sevis: they must avoid teaching, and especially showing-off what they know. Being directive obstructs and delays learning, learners must feel the pride of their own

achievements, and spend

sources for the nation.



of syllables most of which do not exist as words are excluded. So are jingles and word-depictive pictures, because the learner will remember the rhyme or "read" the picture without trying to read the words.

In Nijera Shikhi's self-education method learners do not start by learning the alphabets. but learn to write letters as they have need of them. Helpers avoid using the names of the letters until after the readers can read fluently. For instance, to read the word "asi" (I come), by the old system, learners have to say "Sware-a. a; dantya-sa, sa: hraswa-i, i ... asi." Not surprisingly many give up before the end. Nijera Shikhi simply helps learners to identify the signs for "a" and "st" as sounds and then put them together.

A basic rule is Write before you read - as "lekha-pora" itself suggests, learners first work out (individually or collectively — we encourage collective learning) how to write the sign of each sound they want, and group the signs as words. Only when they can do this do they open their primers and find the words there. This aids memory and builds confidence.

Write what you need to write is another principle. Traditional primers prescribe the writing of sometimes totally useless phrases. Our primer is called "Ja Chai" ("What we need"). With their primers closed, learners discuss a common need and prompted by the Helper decide to write something about it. They set about teaching themselves the signs they need a eventually produce the sentence they have set them-

selves to write. In this way they avoid becoming tools of the book. Rather, the book is their tool, even more so is the chalk or the pen. They are in control of this new skill. They will use it creatively to achieve what they set out to do. Their role is not passive, always to do just what the book says, so as to pass an examination and get a certificate out of their obedience to the

system. This should have far-reaching consequences. The country badly needs more creativity and initiative: education till now seems even to destroy these qualities! Nijera Shikhi wants the new learners to develop them through the process of becoming literate. Selfeducation has much more chance of being creative education than traditional institutional education. This is true of other countries besides those in this Sanskritic zone of the world.

Hence we are seriously asking this question of Education: Can you change your lebpardspots? Or are they an unchangeable part of your nature. putting you beyond redemption? Do you have to be the preserve of the privileged? It could be that the hitherto excluded people will change them for you. A leopard whose spots were changed would certainly have to suffer painful treatment!

The NGOs have ugly spots too - perhaps those spots too are indelible, natural to aidagencies. Some NGOs think they have to "conscientize" and then "organise" the poor. Both of these activities must be rejected. It is the NGOs themselves, and other well-off sections of society — both Asian and European - who need "conscientization," so they become aware of what is going on in the actual world of the

poorest and find the guts to act justly to put right what they easily can. The deprived of Bangladesh need little "conscientization" (and none which is ordered for them by people from another social group who have never known destitution). A man does not need telling his tyre has a puncture - though that is often the advice he gets. He needs a repair kit. Literacy with reformed education, and under their own control in a people's movement — is the

principal tool the poor need. I believe in neither "trickledown" enrichment nor in patronising "empowerment" Education is one of the fundamental humanrights. Basic education for the poorest has been criminally neglected by privileged society, both locally and internationally. Yet it is the key to development - both in the usual narrow economic sense and in the cultural and spiritual sense: can a person enjoy the fullness of human life without being literate?

The old spotty kind of education, as well as tolerating the exclusion of the poorest masses (who after all need it more than anyone since they have lew of any other resources), has reinforced privilege and created classiest divisions. We must have a new kind of education that is nondirective, and not geared to facilitate control, as the British colonial education system undoubtedly was for is. If we agree that we still largely follow it). Processes of education should never be used to indoctrinate politically, religiously, socially, economically, or in any other way. They have to be as free as possible of prejudice and entirely free of ulterior motives. So I hope that Nijera Shikhi's lead in self-education will take us some way along this path, not just to give illiterate masses the tool they most need, but ultimately to enable all of education to be

Nijera Shikhi is genuinely a movement for all people in Bangladesh. We are now looking for that I per cent of the literate population to join us. (Anyone willing to do so can telephone Dhaka 817804 or write to PO Box 8049 Dhaka 1216.)

reformed.

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