

Interim Govt by Ordinance is the Answer

by A M A Muhith

The solution lies in the resignation of the PM immediately on the conclusion of the dialogue. This is a proposition that should not be unacceptable to her as she has promised time and time again that she would resign well before the holding of elections. When she resigns there will be no valid parliament in the country and as such an interim government of parliamentarians cannot be formed. This will provide the opportunity to the President to make a reference to the Appellate Division recommending that in the absence of the PM and parliament he will set up the interim government under an ordinance.

Stop the Haemorrhage

Contrary to expectations that when the path of discussion has been taken, violence in the streets will subside, it is not only mounting but taking on dreadful new forms. To add to the clashes between the opposition and BNP processionists and those between the police and the opposition activists we now have a new ramification to the scenario: riot policemen coming under heavy mob attack taking it out on Mirpur police station, as on Monday, being distraught with lack of 'adequate support' from colleagues nearby. The Mirpur incident was also featured by an agitated mob attacking the police station.

It is a foregone conclusion that when the buttons of confrontation remain pressed despite talks of a dialogue, mutually reinforcing wrong signals reach the ears of activists on both sides. And they act accordingly. In the resulting fury and cross-fire pedestrians, vehicles, a party office or two, public or private property are all caught up.

The police intervening for the sake of controlling the blistering situation tend to be nervy and mistake-prone so that there can be, and sometimes is, a triangular input to overall violence. That is one way of looking at their role, the other way of doing so being the brutalities they sometimes inflict under pressure with professionalism taking a back-seat.

But when law enforcers lose tempers among themselves, as it seemingly happened in Mirpur we have certainly reached a point where some serious rethinking is due on how we are acquitting ourselves — at the political level. Someday the mantle of governance may fall on the opposition. When that happens, they surely are going to have to deal with such legacies.

Besides, consider the heavy but totally avoidable casualties occurring among the citizenry, be them opposition or ruling party activists, innocent passers-by or law and order people. The haemorrhage had better stop now.

We urge the opposition political parties to rethink their strategy of simultaneously taking the paths of negotiation and agitation and opt out of the latter. They will stand to gain from such a gesture as the process of negotiation is bolstered in an atmosphere of the much-needed trust.

Let the Port Breathe

A creeping fear that Chittagong Port might be avoided by foreign shipping lines looks very much real now. As its normal operation remaining suspended from time to time — the latest shut-down continuing for the third consecutive day as of yesterday — it is increasingly becoming a nightmarish experience for ships calling at our main maritime port. When the ships cannot unload their cargoes, have to wait at the outer anchorage indefinitely for no fault of their own, the demurrage borne by them, in the process prove too much of a burden.

Some shipping lines have started moving away from our territorial waters and unloading their cargoes perhaps at some other ports. If the trouble at the port continues, foreign ships will not only avoid the port but might hold it at a discount for a good length of time. A worst scenario to imagine as in that eventuality we would be cut off from the rest of the maritime world. The economic life-line will be snapped with no movement of goods to and from the principal port of the country.

So, it seems we have reached a crucial juncture in our political history when we must, for the sake of our own survival, make a few key economic decisions. The infrastructural set-ups — particularly those rotating production and exports and imports — must be immune from capricious politics such as the nation is gripped by. By hurting them we only precipitate the process of a national collapse.

It is time we learn to differentiate between national politics and partisan politics; between politics and vital economic interests of an independent, sovereign country.

Fertiliser Distribution

This time the fertiliser crisis has a qualitative difference from the last year's. As for the chaos, the farmers' reaction is bound to be alike when they run desperately short of an input as vital as the fertiliser. The crunch owes more to communication difficulties leading to snapped distribution than to production or stock shortfalls.

Despite the exemption of trucks carrying fertiliser under the non-cooperation programme of the opposition political parties, movement of fertiliser has been interrupted. The fact is that the opposition has made an announcement exempting fertiliser-carrying trucks alright but has not taken the initiative to ensure compliance with it down the line. In February only 12 days had passed without any political programme obstructing movement of vehicles. It is, therefore, easy to imagine how the supply of fertiliser from the factories to the dealers and from the dealers to the farmers has been affected.

Since the government — which had earlier taken a number of measures to obviate a crisis on last year's scale — and the opposition parties have recognised the need for reaching the vital input to the farmers, things should not have come to such a pass. Let the opposition parties in particular, take pains to ensure that their waiver on fertiliser distribution is duly implemented.

At least almost after two years there is some auspicious development. The issue which has long been the country's asunder is no longer an issue in dispute. We all agree that national elections should be free and fair and it can be ensured if we have a neutral interim government to conduct the elections. It is also welcome that at least we have entered a dialogue without the intermediating of outsiders. Yesterday there has been more good news, there is an agreement that by May the new elections should be held.

What this crisis represents is essentially lack of mutual confidence and trust among the political parties of the country. Politics is an art of compromise but we are not used to it mainly because of the inheritance of colonial and military regimes. After the salutary democratic resurgence of 1990 we have used this art only once. That was in 1991 when we unanimously decided to have a parliamentary system of government in this country. Since then it has been a story of frustrated hopes, broken promises and constant confrontations. Let us hope now that a good beginning has been made. We shall rely on the art of compromise and build up national consensus on important issues.

A political dialogue has begun on 10th March. In the first round parties have made statements on their positions which have been publicly known for a given time. BNP has provided a three-point programme; the opposition coalition has restated their five-point programme. The dialogue must narrow these differences and result in a consensus. In point of fact the real dialogue is yet to begin; because dialogue means direct talks between parties negotiat-

ing either across the table or in the lobbies and finally consensus. The President in our case is to act as a moderator and hopefully this process will start soon.

Behind these five points and three points there are basically three issues — one on which there is general agreement and another on which views are poles apart. On the main point that election should be conducted under a neutral interim government there is mutual agreement. The task that lies ahead is to develop a consensus on the composition of this government and the style in which it will function. Since ideas are already afloat and they have come essentially from the opposition camp, it is for the BNP now to come up with its own concept of an interim government and then negotiations can settle the issue. The other issue is how to bring into existence the interim government. What procedures should be followed to get it in place which may involve amendment to the constitution. The opposition has suggested that the President should act to set up this interim government and the PM should help by resigning from office. BNP on the other hand, has suggested that the MPs elected the other day should constitute the National Assembly and amend the constitution to provide for an interim government and then go

home and prepare for the next elections.

I believe that in order to go ahead with the dialogue and make it fruitful the two issues should be de-linked at least temporarily. Negotiations should begin on the first issue in order to build an environment of trust and understanding. I also feel that the climate for a fruitful dialogue should be enhanced by actions of both sides. It is gratifying to note that some steps have been taken to promote the climate of understanding. Release of political prisoners should be completed and exercise of coercive powers of the government should be halted. We all know that the election of 15 February has been a great farce. It is heartening to note that further elections in a few constituencies have been stopped. The next useful step for a healthy climate is the cancellation of these farcical elections altogether. The Election Commission has been extremely remiss in its duties and it behoves the EC to take this step of cancelling these elections. Immediately following that the Chief Election Commissioner should resign without waiting for an appeal from all the political parties. This will be the second measure to facilitate the climate for negotiations.

A very important third measure is for the opposition camp to hold its non-cooperation movement in abeyance. It is al-

ready quite hard on the country as a whole and we are all pining for some relief.

The fourth and final measure in which all parties have to play their roles is a public condemnation of widespread vandalism and a commitment to stop the patronage of *mastaans*. These *mastaans* do not belong to any political parties. They act when they get money and arms. They look for patronage and whoever can grant it to them they serve their 'orders', of course, taking their own pound of flesh in the bargain. This country is becoming ungovernable because the *mastaans* are flourishing so well. The liberation war brutalised the people and we have not fully recovered from it. Presently we are being *'mastaanised'* or being brought up in the tradition of disorderly conduct in such a way that restoration of law and order would be well nigh impossible.

Once the climate is promoted and negotiations begin, the first task of course, is to agree on the shape of the neutral interim government and the core of its functions. A strict schedule would have to be followed to hold an election within three months which has been agreed to by all. This government's main job would be the holding of free and fair elections. But day to day administration may call for decisions which may have long

term impact and there the hands of this government should not be tied down too rigidly.

Once consensus is reached on the shape of the interim government the question of how to bring it into existence will stare us in the face. Then it will be the right time to look at the second issue and find the appropriate solution.

Our constitution does not provide much of discretion to the president and there is no provision of residuary powers in this Constitution. Under Article 48 the president exercises discretion in the appointment of the Prime Minister under Article 56 (3), appointment of the chief justice under Article 95 (1). In all other matters the executive functions of the state are carried out by him on the advice of the PM.

Our constitution provides for three other articles which should be clearly examined in order to find the way out in this crisis. Article 106 provides for a reference to the Appellate Division of the Supreme Court of a question of law and of public importance. Our constitution also provides for declaration of emergency under Article 141. A. There are two other articles on the declaration of emergency namely Article 141 B and 141 C which restrict the enjoyment of fundamental rights. To me it looks that

emergency can be declared under 141 A stipulating that 141 B and 141 C will not be involved. The other Article to note is Article B which permits the president to promulgate ordinances. In all these matters the President is to act on the advice of the Prime Minister.

In my opinion the solution lies in the resignation of the PM immediately on the conclusion of the dialogue. This is a proposition that should not be unacceptable to her as she has promised time and time again that she would resign well before the holding of elections. When she resigns there will be no valid parliament in the country and as such an interim government of parliamentarians cannot be formed. This will provide the opportunity to the President to make a reference to the Appellate Division recommending that in the absence of the PM and parliament he will set up the interim government under an ordinance. Like every ordinance it will lapse as soon as a new parliament is in session.

This to me appears to be as the legal way of setting up the interim government on which I presume agreement is not difficult at all. This will also provide the necessity of amending the constitution and leaving the job to the next assembly to make desirable provision for interim government to conduct all national elections in the future. Our constitution has been raped time and again, let it not be raped again in the name of democracy.

I felt compelled to write this piece as a conscientious citizen. I have provided on interpretation of law believing that it is essentially common sense removed from the intricacies and technicalities of the views of constitutional experts.

Towards Restructuring Politics

by Imtiaz Ahmed

There must be proper elections, from lower to upper bodies, in each and every political party. And now that we have a 'model' before us, let these party-elections be conducted by 'neutral persons' or individuals who are not members of the party!

HAVE I then condemned the people beyond what they deserve? Critics probably will debate on that. My own view is to affirm the contrary. In condemning people, a precise dialectics is at work and that is, 'condemnation implies freedom'. Unless there is some space to operate, it is impossible for individuals to condemn others. And it is in broadening this space, or more precisely, in having people whose thoughts and actions are not constrained by history and structures, does our hope lie. I will restrict myself to two broad, albeit inter-related, activities:

Decentralising the Structures. The intrinsic relationship between democracy and decentralisation can never be minimised. Indeed, one thrives on the other. In one sense, the current 'caretaker' issue is an attempt to decentralise the historically acquired power of the ruling party, if not of the government, over the conduct of national elections. For this, the campaign has some merit. My fascination for the campaign, however, lies elsewhere. A 'neutral non-party caretaker government' will surely lead to a proliferation of conscious neutrals, i.e., individuals who would be interested to perform the 1-3 months job. This itself will be something of an achievement since Bangladesh politics is in dire needs of 'neutral persons'.

The resolution of the current stalemate, however, does not guarantee that there will be no further stalemates. On the contrary, the very foundation of polarized politics suggests that political parties will have other occasions to reproduce political stalemates, not to mention violence in the streets. Moreover, the resolution of the current stalemate contributes little to the task of erasing the ironies cited above. For the latter to take place, a far more radical decentralisation of things are required. I will focus on two areas, from less complex to a complex one.

Re-doing Party Leadership. There must be proper elections, from lower to upper bodies, in each and every political party. And now that we have a 'model' before us, let these party-elections be conducted by 'neutral persons' or individuals who are not members of the party! Moreover, the leadership must not be allowed to remain in office more than two (four-years) terms. This would not only ensure a steady growth of leaders in the party but would also keep the

party from being monopolised by some self-seeking individuals.

Reorganising the parliament. President needs to be decentralised. I have already mentioned problems with representation. Moreover, 330 MPs deciding the fate of more than 120 million people not only seems obnoxious but also remains vulnerable to corruption as accountability of the MPs becomes less transparent. The way out is to have several parliaments, at least one at the divisional level. There may be a common structure (i.e., a federal parliament), joining all these parliaments, but it will have lesser power compared to the parliaments in question. There is no doubt that such parliaments, apart from making MPs more transparent and thereby more accountable, would mellow down the cause of regional, local and ethnic dissenters. Other areas, suffering from centralisation, need to be decentralised as well.

Democratising the Senses. This is particularly relevant in the context of our being possessed by the past. In order to overcome polarised politics and violent activities, it is important that we organise and reproduce a culture more receptive to tolerance and non-violence. Such a task is particularly urgent in view of the fact that both political and civil societies, for reasons of history and structures, have thoroughly become polarised and violent. I will again focus on two areas, this time, from more complex to a less complex one.

Reinventing Education. In our eagerness to project the past and in keeping with the reality of being oppressed by undemocratic regimes, we have created an education which hardly reflects democratic norms, tolerance and non-violence and the like. Ironically, the very portrayal of domination recreates within us dominating and dominated souls. For reproducing democratic minds then, what we need is a democratic education (with spirits of tolerance and

non-violence ingrained in it) and an education which champions democracy.

Remaking Media. Radio and TV stations have a vital role to play in reproducing democracy, particularly in Bangladesh where over 65 per cent of the people cannot read and write. There is already now a demand that the government-controlled radio and TV stations be made independent. In this connection, I must stress that I see the demand as a non-starter. In fact, I would go all the way in saying that let the

old unsatisfactory curricula such a change was most opportune. More than 200 crore taka was borrowed from the Asian Development Bank for this purpose. Committees were formed for each subject with highly qualified teachers and educationists. But as Mr Huq was not sure if these people knew the priorities of the country, he together with some subordinate officers fixed the overall framework. According to the new curriculum, an SSC science student would have to take religion and agriculture as compulsory subjects, and only two elective science subjects (plus another as an optional, if desired). As a result, a student taking physics, chemistry and biology cannot take higher math or computer science. Mr Huq believes this new curriculum will make us competitive with the emerging tigers of the East, whose economy is based on modern hi-tech.

Being an efficient civil servant Mr Huq also forced the whole process through in record time, despite complaints from lazy participants of the programme. Designing the new syllabi, selection of authors, writing manuscripts for textbooks according to the new syllabi, selection of the best manuscripts, editing of the manuscripts, composing the edited manuscripts and proofreading them — all these steps had to be finished in about 11 months. Unfortunately, most of these new books are still not available. The Text Book Board has complained that the publishers are too busy printing notebooks first.

When the textbooks do come out, it is possible that they will have more serious flaws than the notebooks, given the inadequate time for writing, editing and proofreading. Of the 200 plus crore taka from ADB, about one crore was given to the committee members as honorarium. After the completion of the new syllabi there have been many visits abroad by the officials of the National Curriculum and Text Book Board, who, according to the members of the subject committees, had virtually nothing to do with the new curricula apart from providing meagre secretarial help. That must have cost a fortune.

Mr Huq knows that all But he cannot help it. Like any other leader, he is a victim of his own good intentions.

Mr Huq also introduced

OPINION On Looking and Leaping

The name 'Ershad' is not a very lucky one, somehow it gets associated with controversies. To join the deposed despot, now we have a top civil servant.

Mr Ershadul Huq, the Education Secretary, has asked to be relieved of the additional responsibilities of the Secretary of the Election Commission on health grounds. He could have done it much earlier, as it was apparent to everybody that no free and fair election could be held in the present circumstances. But the Education Secretary had a fascination for computers and could not resist the temptation of being involved with the computerisation of the voters' list and ID cards.

Hundreds of crores of taka was allotted and surely this required the able guidance of an experienced bureaucrat — thought Mr Huq. However, the most famous inclusion in the much vaunted list turned out to be Field Marshall Shaitan, son of Shree Shree Brahma, who even filed a case in the High Court challenging the validity of all governments in recent history. On the other hand, the Daily Star published frantic appeals from one Dr Wazed Miah asking Mr Huq's happy computer brigade to come to his Dhanmondi house to shoot his photograph (hopefully also his wife's) as he had no doubt seen in the TV news in the case of voter A R Biswas and voter K Zia. After the 'election' Mr Huq must have realised that computerisation does not solve most human problems.

But he could have reached this decision one year ago when mostly due to his insistence computers were introduced in the Education Boards. Nobody has ever seen a more fishy merit list in the SSC exam; there were more than one hundred and sixty examinees occupying the first 'twenty' positions, the majority being mid-ranking students from unknown schools. To cap it all, after the detection of the error in the English objective model answer sheet, and the correction by the Board following vociferous public protests, four students were jointly awarded the first position, a statistical impossibility that drew the attention of a leader writer of The Daily Star, among others. Mr Huq is a very diligent man and cannot be so naive as not to suspect what was going on.

supporting the ruling party has spoken in favour of holding election under caretaker government concept, because that, in the context of Bangladesh, can only, in my opinion, ensure free, fair and full participatory election. But what had happened in a couple of by-elections is known to all: for speaking the truth Barrister Najmul Huda, a member of the ruling party, lost his job as Information Minister.

Ignoring people's will the Feb 15, 1996 election was held in the name of upholding constitution. Unfortunately, the electoral obligation to the nation could not also be fulfilled. Election in a good number of constituencies could not be held.

Besides, in many cases, the elections were grossly marred by rigging and poor attendance of voters. Now if all these failures and alleged misdeeds of the ruling party are praiseworthy to Ms. Tasnina then instead of blaming her, I can only pity my wisdom. I would however conclude saying that Ms. Tasnina should know that critics are friends, not the sycophants.

Abu Imran 34A, Suktal Das Lane, Dhaka-1100

May Allah help Sir, Now the dialogue has started and Mr Mahfuz Anam once again, as he was continuing in the past, has expressed (DS 10.3.96) sensibly great hope. We all hope Sheikh Hasina will also climb down and show magnanimity. Let us all pray to Allah that a fruitful solution is arrived at with dignity so that the people can live in a lawful society in peace.

May Allah grant good human senses among politicians of this poor helpless country.

M R R Khan 38, Naya Khatun, Dhaka-1000

Recruitment of cricket coach Sir, Many great players like Sir Richard Hadlee, Clive Lloyd, Michael Holding are now in our neighbouring country. The BCCB should avail this golden opportunity to contact them and make any of them agreed to be the coach for our national team. The nation wants to see our team at the World Cup by fighting with the giants of

cricket.

Sir, In recent days, the number of air accidents has increased significantly. Journey by air is becoming risky day by day. The main cause of it is mechanical faults in aircraft during the flight. There are of course some other causes which include terrorist activities by some pressure groups. In a very recent air accident reported to be the second deadly plane crash in South America, a Peruvian commercial jet, Boeing 737, caught fire and crashed shortly before landing, killing all the 123 passengers on board including six crew.

At least 75 per cent people of the country including many

names suggests the need for strengthening the flight

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.

The third alternative

Sir, I wish Mr Abdul Mansur Ahmed were alive today. He might have seen some humour in a situation totally devoid of any. His very intelligent and sincere son goes on writing serious letters with all the earnestness of a young crusader. But Mr Ahmed was a realist. He would not waste good words on people who did not deserve it.

Why does Mr Anam think that either of these ladies whose only qualification for entering politics is having slain demagogue relatives will be able to deliver the goods? As past and recent history shows, neither is actually interested in the constitution or in a fair election. These are being used as gimmicks only to hang on to power or to grab it. Losing power is an unthinkable outcome for the party in government because all the state assets will invariably find themselves with long jail terms a la Ershad on account of the infinite corruption during the last five years. The other party is led by a person whose sole agenda seems to be the repeal of the indemnity act and vengeance for the death of the members of her family. As for the other two parties involved, the less said the better.

Why does Mr Anam think we are stuck with only these alternatives and can only choose the least evil? If every nation gets the government it deserves, we have by now more than paid for the sins of all our forefathers and merit a fresh start.

We the common people of this country would like to request the President to keep a third alternative in the referendum — do you want to disqualify all people who have

ever been elected to any public office?

If it is a free and fair referendum, I don't have to tell you what the people's verdict will be.

But then, nothing can unify these unsavoury characters more than an attack on common interest. So shamelessly did they embrace one another in Sangsad Bhaban, forgetting all party differences, when duty free car privileges were announced. Mr Ahmed would have written another of his masterpieces on that.

Hussain bin Fatima H-18, R-11, Dhanmondi, Dhaka-1215

Between democracy and devil

Sir, My attention has been drawn to the letter of Ms. Tasnina published in The Daily Star under the caption 'Between democracy and devil' on March 2, 1996.

In her letter, Ms. Tasnina has termed Mr Mahfuz Anam as an opposition leader for his positive criticism rather than appreciating him for his free and frank expression. He spoke the truth, and as truth is sometimes better, it, perhaps, has hurt her.

She, in my opinion, seems to be a votary of the ruling party. The learned lady seems to have high praises for freedom of press expression etc. I appreciate it. But what difference does it make if one is allowed to speak but his/her words are not heard and that goes something like crying in the desert.

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safety and security system. In my opinion, an international body should be formed under the initiative of the International Air Traffic Association, may be with the technical/financial assistance of UNDP and the like to examine the technical fitness of the old fleets plus recommending measures for strengthening the flight safety and security system of all the airlines of the world.

Let us ensure a safe and sound journey for all the air passengers and build up a global air-traffic safety network.

M Zahidul Haque Asstt Prof. BAI, Dhaka

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