

President's Speech

There is a lot in the President's speech if one wants to see, and there is nothing in it if one does not. As expected, the President reiterates the fact that his powers are restricted by the Constitution and that he cannot act beyond certain strictly laid down limits. He also states that for a neutral caretaker government to come into being to supervise the next election there has to be an amendment to the constitution. All of this is expected and quite in line with both his powers and also his personality. The President also clearly states that there is no scope for a Presidential Ordinance to set up a neutral caretaker government.

However, the crux of the President's speech, in our view, lies a little down the line where he says that a Presidential reference, as suggested by some, may be made to the appellate division of the Supreme Court under article 106 to seek its opinion on the formation of a neutral caretaker government provided all parties agree. There is a lot to be read in this statement if one has the mind to. The constitutional route is something we all know about, and President Biswas merely reiterates it. But he opens up a window of opportunity for an amicable solution to the present political conflict by accepting the Supreme Court reference as a possible route.

It is our view that the government will not at all take this kindly. It would have preferred if the President had stuck to the first part of his speech and essentially closed the door on any path other than the one of constitutional amendment. For us, it is a sign of President's genuine desire to seek a negotiated settlement.

The question now is, will the opposition see it as a 'window of opportunity' and come to the dialogue table so that a consensus is worked out which can be sent to the Supreme Court? Or will it stick to its position of government's resignation and annulment of the 15 February election to come first before any consensus is reached? It is our view that the opposition's cause will be well served if resignation and annulment are made a part of the consensus deal. What we suggest is that the detail of the caretaker proposal is worked out with all parties including the BNP, and made subject to the conditions that the government resigns and the parliament is annulled. The way it stands now is that except for press statements by the two sides, there is no agreement of any kind on paper. The consensus should not be difficult to work out since the main issues of: a) next election in May; and b) neutral government to supervise it; have been agreed upon by the two sides.

It is our hope that the opposition takes the possibility of a Presidential reference seriously and explores that possibility as a means to resolve the present crisis.

Spurt in Radio Sale

As reported by a pronounced spurt in the sale of transistorised radio sets. The reason is not hard to see. In a politically volatile time, the commonest among the common becomes information-hungry. For information has become essential for his or her sheer survival. Just as a Londoner, before setting out from home, must take a note of the forecasts on TV or radio of the capricious British weather, our people want their daily quota of political information before they can make a programme for the morrow. Will the vehicles move tomorrow or the shops open? When will the post offices and banks resume work?

And none of this they can get on BT or Radio Bangladesh. They want all their information from BBC and VOA exactly as they did in the closing days of the nineties. Early in the morning crowds of people gather in village haats and on town streets and bazars to listen to Bengali programmes beamed specially to Bangladesh by those two giants.

This rejection of our national electronic media by the nation could be taken as discredit of the order that any sensible ministry or government would have resigned over and started on a path of creeping back to credibility. But that would be an impractical thing to expect from our government-owned media and its controllers. It is an old thing they are repeating. As time advances, so advances technical innovations. But substance remains the same. Feeding the people with disinformation in the shape of unending fairy tales.

Why do the professionals in the TV and radio organisations stoop so low as to dig literal graves of oblivion with their adulatory sycophancy? For the poor government that copies information ploys of governments that are no more one can say please heed in such turning over to foreign radio for home truth portents of bad things to come for you. Start realising that lengthy adulatory projections on a discredited medium only detracts from their true worth — and discredits them.

What a Game

Thursday's semi-final between West Indies (WI) and Australia was a spectators' dream come true. Its nail-biting finish made every minute of watching it worth its weight in gold. How could the West Indies lose this game? In spite of a brave performance by Law and Bevan the Aussies were bundled out for 207. Not a big total for a side like the WI. The openers gave the team a very good start with 165 for three. But then the WI team panicked and were all out for 202, giving Australia a well deserved victory of 5 runs. It is to the Australian team's great credit that after such disastrous start, it was able to reach a total which was not only defensible but was actually brilliantly defended. All in all, Australia proved to be far better team than the WI. They were far more mature, calculating and seemed to have game plan. WI looked invincible. But once the rot started, they fell like a house of cards. They did not seem to realise what hit them, and did not what to do. Like football lams they went and got slaughtered.

Both the Indian performance on Wednesday and that of WI on Thursday, show that ability to take high pressure when crisis comes has become a critical factor in the games. Players now should be given as much psychological training as they are trained about the techniques of the game.

Statesmanship is the Prime Need of the Hour

by M M Rezaul Karim

Whoever accepts the other's demand in this respect will win the heart of the distressed nation, make enormous political capital out of it and earn immense gratitude of the people.

THE use of the good offices of the President of the Republic, at the behest of both the ruling party and the opposition, towards resolving the deepening political crisis of the present day Bangladesh should augur well for the nation now almost being torn asunder by its political folly. The past few days witnessed a series of statements and writings from a number of non-political organisations and conscientious citizens giving vent to their grave concern for the future and suggesting measures of redress.

All these generally purport to appeal, some with a veiled threat, to the leaders of the two camps urging them to rise to the occasion and, by manifesting feats of statesmanship and applying human virtues, sincerely and effectively negotiate for a settlement. The principal issues identified as such, from both sides, are summarised below:

- 1) The government asserts that the 15 February election be allowed to, constitute the 6th parliament, which will have the limited mandate to pass the requisite amendment to the constitution and allow formation of an interim, non-partisan caretaker government promptly and the holding of a multiparty general election. In May next, as desired by the opposition.
2) The opposition demands that the Prime Minister must resign immediately, the 15 February election be cancelled and no consequential parliament be formed.
3) That the nature, functions, authority, time frame-

work and other ancillary matters relating to the formation of an interim non-partisan caretaker government could be agreed upon by both sides through negotiations.

4) The Hon'ble President has initiated special efforts to act as a catalyst between the two sides, at the request of the both, to help reach a settlement. He is already in the process of taking the benefit of informal counsel from several former Chief Justices and eminent jurists of the country, besides seeking opinion of a cross section of the populace. Later on, he or someone else may seek and invoke judicial opinion from the Appellate Division of the Supreme Court on matters relevant to the existing political crisis.

5) The opposition demands recasting of the Election Commission and revising the voters' list after the main issues are duly settled and agreed upon.

Several formulas have been worked out and advanced by learned jurists, intellectuals, educationists, journalists, business magnates, social scientists and prominent citizens of various walks of life for the purpose of aiding a solution. The crux of the problem still revolves round the stark necessity and fact that no workable formula presupposes an agreement by the two contending sides in order to make it effective and acceptable to

the public. This would apply to cases of substantive issues, be it promulgation of a Presidential Ordinance or a judicial reference to the Supreme Court or the holding of a referendum to elicit public opinion on a major issue. Our two respected leaders, however, having conceded some points in the past, need more persuasion to agree to the rest. The current exercise under the auspices of the President perhaps represents the final opportunity and hope for a comprehensive agreement.

The BNP contends that their stand on the validity of the 15 February election and the subsequent right to constitute a parliament and government, rest firmly and squarely on legal and constitutional grounds. In the absence of any challenge in an appropriate court of law or in the Election Commission on real substantive matters, none has the legal authority to dislodge the BNP from their existing legitimate positions.

The Prime Minister still maintains that she would resign from office before election and expects, not without logic and justification, to have a voice in the negotiated settlement envisaging the governmental set-up during the interim period before the election. She does not wish to resign, leaving behind an uncertain state of affair and an administrative vacuum during the period to follow.

The combined opposition, on the other hand, argues that in view of the low turnout of voters and alleged rigging in the 15 February election, formation of the 6th parliament would be unlawful, invalid and must, therefore, be abandoned. To substantiate their contention, they have not quoted any legal or constitutional provisions but based their strength on political and moral grounds.

The Hon'ble President has no doubt proceeded with great care and diligence. He asked the two sides to submit their respective positions on various issues and invited suggestions from all concerned to arrive at a consensus. He perhaps has the choice of organising round table or comprehensive meetings among the principal negotiating parties, holding further meetings separately with individual parties and having tete-a-tete with some individuals or groups whose wisdom, counsel and/or negotiating skills he values. He may use also a combination of all these methods and choose to apply them at times he would consider appropriate and beneficial. Since time is of the essence, one must act promptly and decisively.

The greatest hurdle in reaching a settlement which should be just, honourable and comprehensive, is to seek a synthesis of the first and the second issues as enumerated above. This does not appear to

be altogether plausible, since these are juxtaposedly opposed to each other. Many would, therefore, call upon our two venerable leaders, as Prof Rahman Sobhan did through these esteemed columns a few days ago, pleading them to exhibit a noble feat of statesmanship by accepting the other's proposition on these two issues.

Whoever accepts the other's demand in this respect will win the heart of the distressed nation, make enormous political capital out of it and earn immense gratitude of the people. Contrary to an outward semblance of capitulation, such a magnanimous gesture would represent a real and long term victory for herself and her party. It would also constitute a triumph of rest, dignity and of tolerance over belligerence and of prudence over intransigence. The leader will earn for herself not only the unqualified support but also spontaneous blessings of the general mass of people for having been able to save them from utter despair and despondency.

It appears that the third point about the interim caretaker government is easier to solve. After all, both sides have agreed in it in principle and broad terms need to be chalked out in due course. The question of holding a referendum, in the opinion of some, may perhaps have some relevance to this issue. Similarly, the question relating to the

Election Commission would brook no delay for a solution, once the principal issues stand resolved.

The fifth point converging on the Presidential role as a high powered negotiator to break the political impasse now rightfully deserves most attention and deepest interest of all and sundry. In the absence of explicit provisions in the laws and the constitution to meet some unforeseen political situation such as the one we are facing today, learned jurists of the land would definitely find ways and means to provide valuable assistance to the President in charting out the right course of action towards reaching a settlement.

In order to proceed smoothly in this regard, it is imperative that an atmosphere congenial to friendly negotiation needs to be established. Both sides should exercise utmost restraint and no precipitate action should be taken by either to vitiate the atmosphere and aggravate the situation. The government may take further steps in releasing the remaining political tethers.

The opposition, on the other hand, would in its turn, do well by suspending, if not terminating, the spate of continuous movement of non-cooperation, to start with and at least during the period of negotiation. A package deal, arrived at largely behind the scene through a method of give and take, may perhaps be strenuously worked out which will be acceptable to all. While Providence decides our fate, let us give it a helping hand.

To the Editor...

Legitimacy of government

Sir, It is interesting that commentators like Rehman Sobhan, Barrister Amrul Islam and the Editor of The Daily Star all now agree that prior to February 15, 1996, the BNP Government's legitimacy was "unassailable". (eg. The Daily Star 3, March 1996).

Throughout the last two years of street agitation the Opposition's main demand, particularly after they resigned from Parliament, was that the BNP Government should step down before its appointed term because it lacked legitimacy. Over this whole period these totally unjustifiable calls were faithfully echoed by the very same commentators who now admit that the exact opposite is true. Members of the reading public recall for example how we used to hear learned arguments that a Parliament with only one party was not representative and had no right to continue functioning.

Today the tune has changed and all we hear about is the "farical" election. No blame is ever assigned to those responsible for creating this situation, namely the Opposition parties who refused to contest the election.

This kind of double talk is unfortunately only to be expected of our politicians. It is really a shame however when supposedly independent thinkers who proudly call themselves "professionals" and "intellectuals" display such obvious bias and are unable, or unwilling to apply their critical faculties in the interest of the nation, rather than only serving one side.

Tariq Ehsan DOHS, Dhaka

(The legitimacy of the BNP government, prior to 15 February election, was never called into question by this newspaper. This continuation of the writer is not based on facts. - Editor)

15 Feb election

Sir, Begum Khaleda Zia in her formal press-conference held on the 18th ultimo asserted inter alia (i) Election held on 15th February was fair and peaceful, (ii) if there be any irregularities, the opposition alone was responsible, (iii) percentage of voters turning up to exercise their franchise was much higher in rural area than that of urban area and (iv) journalists and news media taking full advantage of press freedom are fabricating facts to mislead people.

Yes, the election was fair and peaceful according to BNP theory as its protagonists filled up the ballot boxes with 85% to 92% of total voters. The Chief Election Commissioner managed to announce the result declaring number of votes secured by victorious candidates and, later, omitting names of nearest rivals.

An ordinary citizen poses question if the opposition parties were responsible for irregularities in the election, why the law enforcing agencies who are always at her back and call failed to take legal action against them? As regard her contention about turning up voters, The New York Times categorically asserted that percentage of voters did not exceed 10% of total votes and in some instances it was even far below that. Donor representatives including British High Commissioner upheld the same views. Afterwards, US Foreign Secretariate admitted the

facts. Mr Bill Richardson, the Congressman from the US arrived in Bangladesh and exchanged views with the concerned political parties to resolve the prevailing political crisis. I welcome the sincere efforts of Mr Richardson, Congressman from USA but I cannot support the idea of resolving our political crisis through out side mediation.

The so-called election of the 15th ultimo and the non-cooperation movement going on shall be treated as a silent referendum against the BNP government. So Begum Khaleda Zia should resign immediately and make room for next people's government. To sum up, there's still time for Begum Khaleda Zia, the Chairperson of BNP to save the country from plunging into total chaos and anarchy and world-wide condemnation of her one-party election. So, the 15 February election should be declared invalid and fresh election for 6th Sahgasd arranged in the interest of the country and the people.

Dr A K A Aziz Chairman Bangladesh Krishok Somaj, Dhaka.

Stop killing in the name of repolling

Sir, The Election commission is still insistent on completing the election of the absurd sixth parliament. It is continuing doggedly with its programme of repolling in different constituencies. The performance of the law enforcing agencies in dealing with the people opposing the election has been atrocious. It is reported that already seventy people have been killed since February 15 of this year and a large number are either maimed or injured. But ballot stuffing and rigging like that of February 15 have reportedly been continuing unabated also during the so-called repolling. The Commission, it seems, is enjoying this orgy of farical election over the dead and injured. It appears, the Election Commission is confident that it shall not be answerable for its misdeeds, incompetence and dishonesty.

When the Prime Minister also has already termed the election as rigged one, who else in the country is going to see this new parliament working? None shall endorse this parliament and none shall call such members as elected through ballot stuffing and rigging the representatives of the people, the custodians of constitution and democracy. Choosing March 4, the day fixed for the Akheri Monajat of Bishwa Iztama, for taking oath as MP by the ruling party implicitly portrays its hypocritical and opportunist character.

When Ershad was forced to step down, the then fourth parliament could not be convened to pass the amendment bill for transfer of power of the caretaker government. The reason was simple, the reality made the convening of the parliament too dangerous for the MPs. To-day, the Election Commission is yet to complete the polling of all the constituencies and it does not know when and how it can do so. Moreover, the people are unlikely to legitimise the parliament. What the military rulers like Ayub, Yahia, Zia or Ershad had done or could get away with earlier, the people of Bangladesh in 1996 are not in a mood to allow the ruling party to repeat the same. The President of the Republic has finally initiated the discussion for resolving the on-going

political crisis, the fate of the February 15 election is sealed. We ask the Election Commission to remove the obscuring dark glasses from its eyes and find the right direction.

We ask the Election Commission to abandon the farical election forthright. Let us stop killing our own people and let us stop bloodshed. Let us not divide the nation and the people. Finally, we ask the Election Commission to estimate the damages and losses that have been inflicted upon the people and the nation due to its obstinacy. It cannot be above law and it is answerable for all its actions. We cannot absolve the Election Commission for its naivete with the well being of the people and for disgracing the institution itself.

Dr A K M A Quader Professor of Chemical Engineering BUET, Dhaka.

Hoist white flag

Sir, Despite admonition, premonition and repeated warnings by the well wishers why have we fallen into the political turmoil, economic disaster and uncertain future?

If we put ruling BNP on one scale pan and AL-JI-UP on another, we find the same weight of errors and derelictions on both the pans. The ruling BNP and the opposition parties are equally responsible for abuse and misuse of power and capacity for the present day chaos and confusion, law and order situation in the country.

What does the BNP want? To remain in power for another five years? What does the AL-JI-UP want? To come to power ousting BNP? The modus operandi of both the ruling BNP and the opposition AL-JI-UP is wrong. They have been committing not the comedy of errors but the tragedy of errors for the last 23 months at the cost of untold suffering of millions of people.

What is the root cause of political turmoil in our country? Simply the demand for a neutral caretaker government for holding a free and fair general elections in the country. How can we overcome our present political crisis? Forcing the Prime Minister Begum Khaleda Zia to resign from office? There are two ways, either violence or peace, to end our political crisis. If we prefer the former it would take years to solve the stalemate at the cost of life and destruction of property of our country. If we choose the latter it would take a couple of weeks to resolve our crisis for good and help establish peace, tranquillity and prosperity in the country.

Can't the Members of the sixth Parliament with two-thirds majority make necessary amendment in our Constitution for a neutral caretaker government for holding a free and fair general elections within ninety days consistent with the demand of the AL-JI-UP and the wishes of the people? Then why oppose it more? So long the demand for the caretaker government could not be fulfilled due only to constitutional bottlenecks, 'to be or not to be' attitude, optimistic and pessimistic views of both BNP and AL-JI-UP.

The long cherished desire of the AL-JI-UP and the wishes of the people for holding a free and fair general elections under a caretaker government is now knocking at our door. Should we lose this opportunity and go on quarrelling for indefinite period?

We call upon the people including the BNP, AL, JI, JP leaders and supporters to turn, and hoist millions of white flags of peace atop their houses, buildings, offices, rail road and water transports, towns and villages and urge the Prime Minister Begum Khaleda Zia and the Awami League Chief Sheikh Hasina to do away with their confrontation against each other and arrive at a consensus of opinion on holding a mid-term general elections 1996 under a neutral caretaker government as early as possible without further arrogance, obduracy and churlish quibbling.

O H Kabir Dhaka-1203

For the masses

Sir, Bangladesh was not made independent in exchange of a seaful of blood of the martyrs just to provide a free stage for holding power race among the politicians. Bangladesh was liberated for making a safe, poverty-free, disciplined and peaceful homeland for the Bangladeshis, majority of whom have hardly to do anything with the politics. What they want is a peaceful abode where they can enjoy a plain living with some joy to share with the nature.

Would our most esteemed politicians please ponder over this?

M Zahidul Haque Asstt Prof, BAI, Dhaka

For an way out

Sir, It seems our irresponsible politicians are bent upon prolonging our agonies in the name of democracy. Apparently, the generally accepted need is to have a fresh election as soon as possible under a neutral interim government. As BNP has accepted this concept, the opposition should not hold out on their demand for resignation of present government prior to an agreement to fresh election modalities. I don't find anything difficult to go about this process and suggest the following way, keeping the constitutional aspects unimpaired and at the same time satisfying the valid opposition demand:

- 1. All forms of hartals and street vandalism be stopped forthwith.
2. An Interim Govt. (as in the case of Justice Shahabuddin Govt.) be agreed upon (without giving the political parties more say in the matter) to function under the President and comprising of persons, maybe, from among the following: (a) the past three Chief Justices, (b) the three Chiefs of the Armed Forces, (c) the Chief of BDR, (d) the I.G. of Police, (e) Dr Kamal Hossain and (f) Dr Salman F Rahman.
3. A firm date of General Election based upon the existing electoral roll (to avoid delay and fresh bickering of the politicians) be decided upon.
4. The present CEC may be replaced by another Justice of the HC to be nominated by the Chief Justice.
5. The present government should step down by a certain date after an agreement of all political parties to these modalities is achieved, requesting the President to hold fresh elections by cancelling the election of February 15th.

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OPINION

"This Must Stop"

I must say that I was shocked by The Daily Star editorial "This Must Stop", March 11th, 1996 where it was demanded that "whatever the provocation — police or other, law enforcing elements shall not show people engaged in any form of political demonstration". Please spare us such bleeding-heart drive. Are political activists above the law? Since when have they been elevated to a separate citizen class whereby their actions, by dint of being judged "political", are not subject to monitoring or control by law-enforcement agencies, as are the activities of the rest of us?

If I threaten my neighbour's life and try to set fire to his home, are the police in the right to try and deter me, and shoot me, if necessary, in order to protect his life and property? Does The Daily Star advocate that the hands of the police be tied if I do the same things, but shout BNP or Awami League slogans concurrently? I have read numerous comments in your paper castigating the present administration for failing to fulfil its responsibility of protecting citizens, and public and private property. Will that task be made easier if the police are barred from using force appropriate to the situation? Your readers must be disappointed with such exhibitions of muddled thinking. Of course, unnecessary police brutality as in the case of the raid on Jagannath Hall cannot be condoned. However, blanket demands of police restraint, regardless of the circumstances, are equally indefensible. The police and security forces are already operating in the most difficult conditions under incompetent political bosses who sometimes blow hot and sometimes cold. They are constantly being asked to perform their duties in the midst of the most serious provocations. Should the police watch quietly while the so-called activists (read "mastans") main them, as happened in Narayanganj when half the OC's face was blown away by a political demonstrator? Though admittedly not the answer either, in the light of present events in the political arena, it would have been, on balance, more reasonable to demand that if the lives and property of ordinary citizens are threatened by politicians, the police should shoot on sight and ask questions later.

You are not right to aver that "the whole of this nation seeks instruction from the BNP government to the police to cudge angry provocateurs. I am one Bangladeshi that does not seek such instruction; let me assure you that there are others. I want to respect my fellow citizens' political views, but no matter how right those views may be, the expression of those views should not include burning my car or my petrol station or placing my person in danger while I dodge their 'cocktails' on the streets. When that happens, I want the police to offer protection. One hopes that they will not have to shoot people, but if they must they must. The alternative is anarchy.

The political rights that you appear to be so concerned about in your editorial are not always everyone's first priority. If Bangladesh was being ruled by a competent administration with a political imagination that placed the national interest above its own cynical political calculations, such a govern-

ment, faced with the breakdown of law and order and the economic catastrophe that we have been experiencing over these past long months, would have assumed emergency powers much earlier, used state power to restore order first, and then acquiesced to the legitimate demands of the community. Today, I would gladly sign away my political rights for a decade to the first person who could guarantee me unrestricted access to public roads, facilities, and services while I go about my daily life, and ensure my family's security so that I can concentrate on rescuing a failing business and my child can pursue a much-disrupted education.

These are indeed topsy-turvy times: we are living in when some apostles of violence are given red-carpet treatment at the Bangabhaban, and we scream for handicaps on law-enforcement personnel while they are ordered to do their dangerous duties in trying to stem the very violence tacitly encouraged by the President's guests. In such times, pat prescriptions such as your editorial offers are not the need of the hour. In this excuse of a country where the inmates have been allowed to take over the asylum, it hurts to see The Daily Star succumb to the swirling madness around us. We used to appreciate your newspaper as an oasis of sanity. Now it seems that a new editorial policy is in force at your paper, particularly with regard to political comment, whereby for every positive comment in favour of either the Opposition, there must be a balancing negative comment, no matter how tortured the logic is. Why? So that the paper is viewed as non-partisan? Neutrality is not equivalent to fence-sitting. The mouthing of namby-pamby platitudes is not adequate any more, either. One wishes to see more of the courage of conviction which The Daily Star used to have.

S Hasan Banani, Dhaka

The editorial was on the current series of police firings on political demonstrators. It did not purport to restrain police in their duty to protect the reader or any and all other citizen's from harm's way, with political demonstrations. Precisely with this understanding and also putting a higher value on a citizen's life than is done in Bangladesh. Modern states have devised many gadgets and strategies. And to much of these our government has access. Unfortunately, shooting and not the non-lethal recourses, has become standard as police response to situations of militant political agitation.

The Daily Star has always maintained that the other so many courses open to contain mob violence must first be exhausted and then authorised non-police quasi-judicial magistrate's specific instruction be received before opening the fire on a mass of citizens. Police shootings of this past month do not suggest these requirements were always met. This journal thanks the reader for appreciating the haplessness of the police institution when used as a political tool. Demonstrators are not above law and not all of them are mastans.

Editor