

## Thank You, Sri Lanka

A thousand million eyes and more in the dozen and odd cricketing countries saw on Sunday history being made on the miniscreen. No, not all world championships or even the Olympics make history as did the final of the Sixth World Cup cricket between Sri Lanka and Australia. In Bangladesh we counted it as a rare privilege to see a small nation rise to world eminence with sure-footed ease and grace and a crowning humility. And the Sri Lankan achievement, made visibly in a matter of hours but indeed coming at the end of decades of assiduous cultivation, had in it lessons galore for us to imbibe.

History was made when an outsider — coming about the last in all earlier World Cup outings — clinched the tournament and did it by chasing and won the encounter by a vast seven wickets. These are what they did and what is recordable and already recorded. But more important was the way they did all this and much more.

Both in technique and talent as also in recorded performance it were the Aussies who had been leading the field — overwhelmingly — this time. The highest that could be said of the Sri Lankans was that they were not wanting in any department. Then what subtle factor decided the match in the underdog's favour — and so decisively? The simple answer is spirit shot with grit that comes from character. Spirit that makes one man of eleven.

A news agency report said 'the contest was clean — clinical'. Yes, the Lahore match will be remembered long as a high expression of the spirit of cricket. It was cricket there from beginning to finish.

Ranatunga added vitally to this spirit by not allowing standard cricketing lore woven around winning the toss and choosing batting or fielding and about pitch and ball and light condition to bother him the least. The ball was there to be hit or caught and the wicket to be spreadeagled.

And there was the de Silva factor that made the difference. The Sixth Cup final will be christened the de Silva final. It was aesthetic experience of the highest order to watch him treat the ball — every ball.

It is gratifying to see that of the Six World Cricket Cup tournaments three have been won by nations of the subcontinent. This they have done before England and New Zealand. Now when will a fourth subcontinental nation make it to the tournament and eventually win it? Sri Lanka will be a perpetual source of inspiration for the cricketers of Bangladesh. If they can, why not we — is no more an audacious thought for us. Thank you, Sri Lanka!

## US Assistance

It seems that a USAID squeeze is knocking at the doors of Bangladesh. This sordid possibility lurks following a US Congress-imposed cap on social sector expenditure by the Clinton administration. In real terms, this could mean a stoppage of food aid under PL-480 to Bangladesh up to September, 1997 and a rationed flow of aid to some other development projects here.

This is what Bangladesh and some other countries perhaps are reaping from the tussle between the Democrat administration of President Clinton and the Republican-dominated Congress over ways to balance the US budget. In passing, it is worthwhile to recall also that the US government's contributions to multilateral development financing agencies were not spared cut-back bids from the US legislature. On this score, as well as on the possibility of any alteration in the US' role as the second largest bilateral donor to Bangladesh, after Japan, we have to look to the upcoming Presidential election in the USA for a change in the perspective. We are basically keeping our fingers crossed there in a vastly changed international scenario where camp politics has yielded place to confusing multipolarity and compassionate spoon-feeding to exacting standards of integration with the global market.

For the present, we have to carry some points with the US government in the event that the food aid is stopped and the flow of project aid is diminished. Our foreign currency reserve had earlier come under pressure due to food imports and this is going to be more so as further cereal deficit lies in store due to production losses. If the US food aid is completely withdrawn, needless to say, the misfortune will be compounded terribly. So, the US administration may help us retain a reasonably comfortable foreign currency reserve to underpin the macro-economic stability by giving us a relief in terms of debts repayment.

Simultaneously, cereals production and internal resource mobilisation need to be stepped up by means of some special measures.

## More Ports

Chittagong port remains troubled. It is sought to be administratively resuscitated. An ultimatum had been issued from Singapore that if things did not improve by March 19, foreign shipping lines would boycott the port. Under the 'non-cooperation movement' of the opposition an all-party action committee in Chittagong has decided to enforce, what it calls, a 'people's curfew' in the port area — from yesterday morning.

Chittagong port has had one or the other problem dogging its footsteps, such as the inadequate handling capacity — compounded by labour troubles — leading to congestive failure at the wharves and outer anchorage or between them while containerising. But never before did it go as dysfunctional as it has of late.

The present crisis goes to highlight the risks involved in putting all the eggs in one basket — our critical, rather precarious, dependence on Chittagong as virtually the sole maritime port of the country. We ought to have hedged our bets.

This is not to belittle Chittagong port in any way; in fact, we want to see it fully developed into a modern, thriving entrepôt. At the same time let there be a deep sea port with the Mongla port extended, equipped and modernised at par with the Chittagong port.

# Constitution and Institution

A 25-year-old nation cannot afford to spend its 20 years just in arguing about whether the elections are fair or not.

**I**t was very heartening to note that, constitutionally almost 'powerless' President of Bangladesh was given some responsibilities at this critical hour of our political disarray. The power so bestowed had nothing to do with his normal obligations but, seemingly, sprang from a clarion call by the opposition parties to take up the responsibility of arranging a general election under a neutral caretaker government. There was also a request from the PM to the President to initiate a dialogue with the parties concerned. The nation as a whole felt a sigh of relief, at least for that moment, and expected that some positive developments might take place under the mediation of the President. In the meantime, the opposition relaxed some of the non-cooperation conditionalities to allow the economy to roll on. It was our earnest hope that no attempts would be made, during the 'period of lull' to hold elections in postponed seats, to call the parliament into session and tinker with any major policy decisions. Because those might fall upon the very fabrics of negotiations and ignite the opposition to use that as pretexts.

We fervently hoped for an amicable settlement to the current political disarray. The almost three-year-old political anarchy has already brought the economic wheels to a virtual halt, public administration to a collapse and an institution like EC to the brink of bankruptcy! As we mentioned earlier in this column, a sizeable portion of our garments

exports started to lose markets, few more are in the offing and thus posing immense pressures on the economy, new investments ceased to take place, prices of commodities, (especially of essentials) are soaring high. By and large, the country is hooked on to a political and economic crisis that seems no less severe than that experienced during the War of Liberation.

Back to the President's role at this moment. It is argued that after a switch-over to the Parliamentary system of government during the 5th parliament, the power of the Hon'ble President of Bangladesh has been reduced almost to zero. Jokingly, people say that the Hon'ble President is empowered only to attend *janaza* and *milad*. Constitutionally, the President neither can act nor can react to any policy changes that matter to the society. His much-publicised exercise of 'residuary' power that the opposition expected to operate could only be effective, as constitution experts tend to argue, if the PM resigned and the ruling party declined to form a government. The President had also been withdrawn from many other important activities. In short, the whole institution of the President of the People's Republic of Bangladesh is solely dependent upon the wishes of the PM's secretariat.

The constitution of a country is generally believed to set

a tone for movement onwards of the society. Unfortunately for us, it does not seem to work like that. It now seems that the constitution fails to address many of the vital questions that our society would ask answers for. The last 'particular' election of 15th February (let's not call it a general election since only one major political party partici-

count. This is not the fault of the constitution per se but a serious fault of our political leaders who are accustomed to take everything on 'ad hoc' basis and thus make no attempt to streamline constitutional hazards. To us, the current political stalemate does seem to reflect a constitutional crisis but undeniably it is a crisis of the constitution also. The crisis that our constitution holds is the product of the lack of farsightedness among our politicians. That lack of farsightedness to some extent, allegedly reduced the power of the President to almost zero. A gentleman threw to me the following question: suppose, in such a country, all the parliament members of a particular parliament die in a plane crash, who would then rule the state?

The above episodes have been cited to argue that our leaders should spend more time in finding out ways of minimising the ills arising out of constitutional crisis. We wish that once the current crisis is over, sincere efforts would be made to make arrangements that would help uphold the constitution in its true spirit as well as in words and to bring forth necessary ratification to suit future needs of the country. Bear in mind that many more resignations from the parliament, many more hartals and many more constitutional arguments might await all of us in the near future. After all, a 25-

year-old nation cannot afford to spend its 20 years just in arguing about whether the elections are fair or not. Nowhere in this world, perhaps, the fairness and neutrality of a general election are put into such severe questions as it is in our country. The national leaders of those 'lucky' countries are reported to be busy in moulding economic policies to build up their economies. Their politics hover around money scandals, protection of industries, free trade, employment, poverty etc. At the age of 25, the nation is crying for what a 5-year-old nation would cry: a free and fair election. Should not the government of a 25-year-old country feel sorry and poor for this state of affairs?

While the president was drawing applause for his attempt to rescue all of us from the current political malaise, his abrupt decision to draw a curtain to the show apparently frustrated the teeming million. It is argued that he should have explored other avenues and sources, taken a few days more and declare the results of the negotiation in a more transparent fashion. Allegedly, there is sufficient scope to believe that the President was driven more by a particular government's interest than by the interest of the state. After all, a president heads a state and a PM a government, and the interests of the two might not converge all the time. At the moment, the constitution hardly allows such distinction to be made. This is a back-lash in building democratic institutions.

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## Beneath the Surface

by Abdul Bayes



pated in that election) clearly shows how a constitutional continuity syndrome could help arise public hatred and anguish. All appeared constitutional but triggered more heats than cool, more questions than answers, more problems than solutions. Suppose there is no stiff resistance to the holding of the Sixth Parliament and to that effect also, there is no need to argue for a neutral caretaker government. It would then follow that 'constitutionally' the elected forces in 15th February 1996 should rule the country for another five-year term. Is not it? Whereas people inside and outside the country came to

outcome of such an election might be called constitutional in narrower sense but turns out to be non-representative and incredible in the eyes of the public. How can a constitution allow such an ambivalence to take place?

The resignation of the opposition en masse from the parliament and the functioning of the assembly afterwards also went in tune with the constitution but allegedly neither of the acts could console a larger part of the citizens of the country.

There are, perhaps, many more instances where our constitution is made to fail to take public will into due ac-

count. The writer is happy that his colleague, Barrister Am-eerul Islam, of late agreed with him on this point. Supreme Court, the final interpreter of the Constitution, should have given a chance to give its advisory opinion. Consensus of conflicting political parties is not necessary at all for reference to the Supreme Court by the President.

Political crisis can never be resolved by force and wisdom. Summoning of the Parliament by the President is an obvious expression of political immaturity. It has dragged the President in an ugly political controversy. The President's decision is, to use the language of constitutional moderation, unjustified to the point of constitutional impropriety.

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## President's Initiative and Summoning of the Parliament

by MA Mutaleb

**W**e must look at the UK and India for practices and conventions of parliamentary democracy. UK is the oldest country practising parliamentary system with success. India has been practising parliamentary system since its independence. The parliamentary system of government never works well without a titular Head of State whether he/she be a King/Queen as in the UK or a President as in India and Bangladesh. On 28 March 1957 Pandit Nehru declared in the Lok Sabha: 'We chose this system of parliamentary democracy deliberately; we chose it not only because to some extent we had always thought of those lines previously... We chose it — let's give credit where credit is due because we approved of its functioning in other countries, more especially in the United Kingdom.' In the parliamentary system, the Head of a State has some routine works — he summons, prorogues and dissolves parliament, gives assent to bills, appoints Prime Minister, receives ambassadors, grants pardons, appoints all higher executives, holds supreme command over the defence services, reads speech in the parliament, appoints judges of the higher court etc. But these works are formalities. The Cabinet rules the

country under the leadership of the Prime Minister, but the Head of the State has the right to be consulted, the right to warn and the right to encourage. He very often acts as a mediator and uses his prestige to settle political conflicts. These are well-established conventions of parliamentary system of government.

Conventions have their binding force like laws. In 1913 and 1914 George V made efforts to secure agreement in the Home Rule Bill. The leaders of political parties failed to reach in an agreement, but George V succeeded to bring them together. In his address at Buckingham Palace Conference on 21 July 1914 George V said, 'My intervention at this moment may be regarded as a new departure, but the exceptional circumstances under which you are brought together justify my action.' In 1916, King's private secretary tried to settle the dispute between Asquith and Lloyd George as directed by the King which led to the resignation of Asquith. George V played a very important role in 1921 over Irish Home Rule problem. In 1972, Queen Victoria wrote to Lord Russell, without Prime Minister Gladstone's knowledge, not to move for papers on Alabama question so that the government should not be embarrassed.

Time to time concrete proposals designed to find solution to some urgent problems facing the country' (Indian Express, New Delhi, August 19, 1974).

The philosopher President of India Dr. Radhakrishnan was a wise Head of State who advised, warned and encouraged when occasion demanded. In an exclusive interview with Promila Kalhan Venkatraman, who was then Vice-President of India and a Congress(II) nominee for Presidency, he expressed the view: 'The President of India was not meant to be a second seat of power by the Founding Fathers of the Constitution of India. He can guide, advise and warn the government and should the Constitution seem to be breaking down, he can take necessary action to protect it. Otherwise his role is limited.'

When asked, 'Suppose the Prime Minister does not listen to the advice of the President, what can the President do about it?' 'Nothing,' he replied.

The interviewer intervened and said, 'I suppose much depends on the personality of the President.' His answer was, 'That is for you to say' (The Hindustan Times, July 5, 1987).

The President in a parliamentary system, like the King of Britain is not a

mere figurehead but actually vested with a pervasive and persuasive role by conventions. His office is of great dignity and he exercises a great influence over policies and administration of the government. He is above party politics, according to conventions of parliamentary system.

In Bangladesh, the presence of the President was not felt during the long period of political crisis. At last, he appeared on the scene, but his initiatives according to his statement, had failed. Report from different sources show that the 15 February elections was a shame and a farce. The President has summoned the parliament on 19 March without resolving the political crisis. The President's action is a hurried one. He could seek opinion of the Supreme Court under Article 106 of the Constitution describing the whole backdrop including the real picture of the 15 February elections. Constitutional law

yers are aware of the constitutional conventions. The present writer is happy that his colleague, Barrister Am-eerul Islam, of late agreed with him on this point. Supreme Court, the final interpreter of the Constitution, should have given a chance to give its advisory opinion. Consensus of conflicting political parties is not necessary at all for reference to the Supreme Court by the President.

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## OPINION

### If, I May Say So?

Shama K Moinuddin

I sit with a pen in my hand looking out of the window, wondering what to write about the present wait, watch and waste of the country's standstill. How long will we, the mothers, wives, sisters and onlookers look at the closed doors of the people's educational institutes, business houses, shops and offices. Wonder is it this what we fought for, gave our chastity honour blood to achieve an independent country called Bangladesh. Lots of words, songs and studies have been written on the issues of the sacrifices made by our sons, brothers, husbands and even sisters. To build a happy home on a free independent soil, still soiled by the blood, who loved their people, the nation and the land. Is it to see this present acute socio-economic ruin — ruin of our hard-earned stable business industries to fall short and be heaped by other neighbours. We appeal to the political arena to stop this deadlock and save us from total loss of both financial and productive mass loss.

We shudder to think what the daily earners are facing? The fruit sellers, the flower and other traders (both small and large). Please mesdames if you love us — the people, the nation and the children — then come to a solution and save the wait, watch and waste problem soon before its too late. What shall we answer to the growing future? Why is our schools closed? Why are not the cars moving?... Why the rickshaw-pullers don't want to come our way? These are the points to ponder. Please do. All this restricts the positive impact if any of a government to be or to come and leaves out the majority of the populace. It is for this reason that politics has come to be the most widely and passionately discussed topic of our country. It affects practically all rural and urban classes. The latest is that even the lowest employee in the public sector needs to understand connections to protect his or her rights in political fields to gain so the result of an election involves repercussions for a large number of people in the city if elections are free and fair with the elite in authority, the people are the most important power in the country.

We would suggest for the sake of peace and political amity in the country that Begum Khaleda Zia may kindly hand over power to any of her senior colleagues in BNP temporarily, pending amendment to Constitution and holding of a free and fair general election under a neutral caretaker government.

We hope that both Begum Khaleda Zia and Sheikh Hasina would prove their foresightedness, wisdom and love for the people and thus save the country from the great crisis.

This should not be deprived of their economic rights, they have a social rights to live soundly with basic necessities in work, bring in the income but in reality it is shrinking.

The writer is former Editor of *Keya* and a free lance journalist.

**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.**

### Flowers instead of arms

**S**ir, The total crisis of our country would begin to be solved from its deepest roots when some of those who are using and relying on arms realise that there is no future for the zealous and tolerant people of Bangladesh by the deadly means of arms.

If only a few partisans on both sides start to put their psychological and physical weapons aside and exchange, instead, flowers with their bitter opponents, the whole country would change. Those processions in the roads of Dhaka and all over the country would be signal of the real radical transformation of the society so much needed. We can't fight against one another all the time — we should begin with great courage and honesty to recognise one another to accept one another as legitimate parts of the country. We should forgive one another and work together with tough control over one another. Both the opposition and the government parties have done a lot for the country and its people. Nobody should try to wipe out the other side.

Both sides belong to the history and to the present state of our country. Let us only shun our thing the intent to destroy one another, to kill one another. Let us become small Haji Mohsin, small Gandhi because we believe in the highest value of active non-violence.

Sheikh Hasina is constantly saying that these are people's demands. I would like to know who are these people, she is referring to? Did she ever asked for opinion outside her party? People want relief from the unbearable situation and if it could be done passing the bill of a caretaker government in the JS, of sixth parliamentary election held on February 15, they have no objection to it. They only want it to be done as soon as possible and thus spared from further agony.

It is now only the people who decide about the fate of the nation. Truth is, coming forward more and more. People of all walks of society are coming forward with values we are so much missing among our rulers, among the party hardliners, not to speak of the mastans, the corrupt officials, the rascals.

The fate of the nation is still at stake. In a few hours or one or two days everything can be hopeful again, or totally disastrous for a long time.

We know that when the

body of a living thing is deprived of nourishment, which sustains it for a considerable time, it starts dying and a time comes when every effort fails to revive it. I am afraid if that is happening to our country! Our economy, education, health and many other sectors are badly affected and if the current situation does not change within a short time, we will only face