

Attack on the Sit-in

Can anybody explain why the sit-in demonstration led by the DCC Mayor Md. Hanif was attacked by the law enforcing agencies and physically evicted in the early hours of the day? Compared to hartals, uprooting of the railway lines, burning of cars, etc. sit-in programme of Mayor Hanif was the most peaceful and democratic. Why then was this brutal show of force? We condemn it as a most undemocratic and anti-people act.

The ruling party seem to have a knack of shooting itself in the foot. The sudden desire for a show of force immediately after the 15 February 'elections' resulted in a humiliating surrender by the government and each arrested leader returning far more popular than when they went in. Yesterday's chase and counter chase brought the government a similar humiliation. After a whole day's show of strength Hanif's contingent is back where it was yesterday, the difference being that there were more people in the sit-in than the day before, and the government looks far more repressive than it had to.

It is not merely a question of tactics. More fundamentally it is one of principle. Yes, Mayor Hanif did indulge in hyperbole and infantile political rhetoric. But in Bangladesh who does not? And as long as these are confined to words, let it be. And let us not forget that Mayor Hanif is among the most sober of our politicians. To have an early morning swoop over his sleeping compatriots was repressive, brutal and against all norms of civic and political rights.

What we fail to understand is why Begum Zia's government decides to indulge in these 'shooting in the foot' exercises of show of strength, especially at a time when all parties concerned are looking forward to an amicable solution to this suffocating political conflict. Moves like these send all sorts of wrong signals which, given the volatile situation we are in, can set additional mischief afoot. This is hardly the time for the government to get down to a show of force, especially when the fundamental issues have been resolved. Within days we expect the caretaker bill to be adopted, to be immediately followed by the BNP government's handing over power to it. Such a move is expected to calm the situation. When such are the expectations, please do not add to the existing bitterness by any more police action.

Not by Muscle-flexing

Taiwanese Nationalist Party candidate Lee Teng-hui has swept the presidential election. Whether one recognises Taiwan as an independent state or not the importance of the election has to be conceded. Internationally it has been seen to be the first democratic and direct election in the 5,000-year history of the great Chinese people.

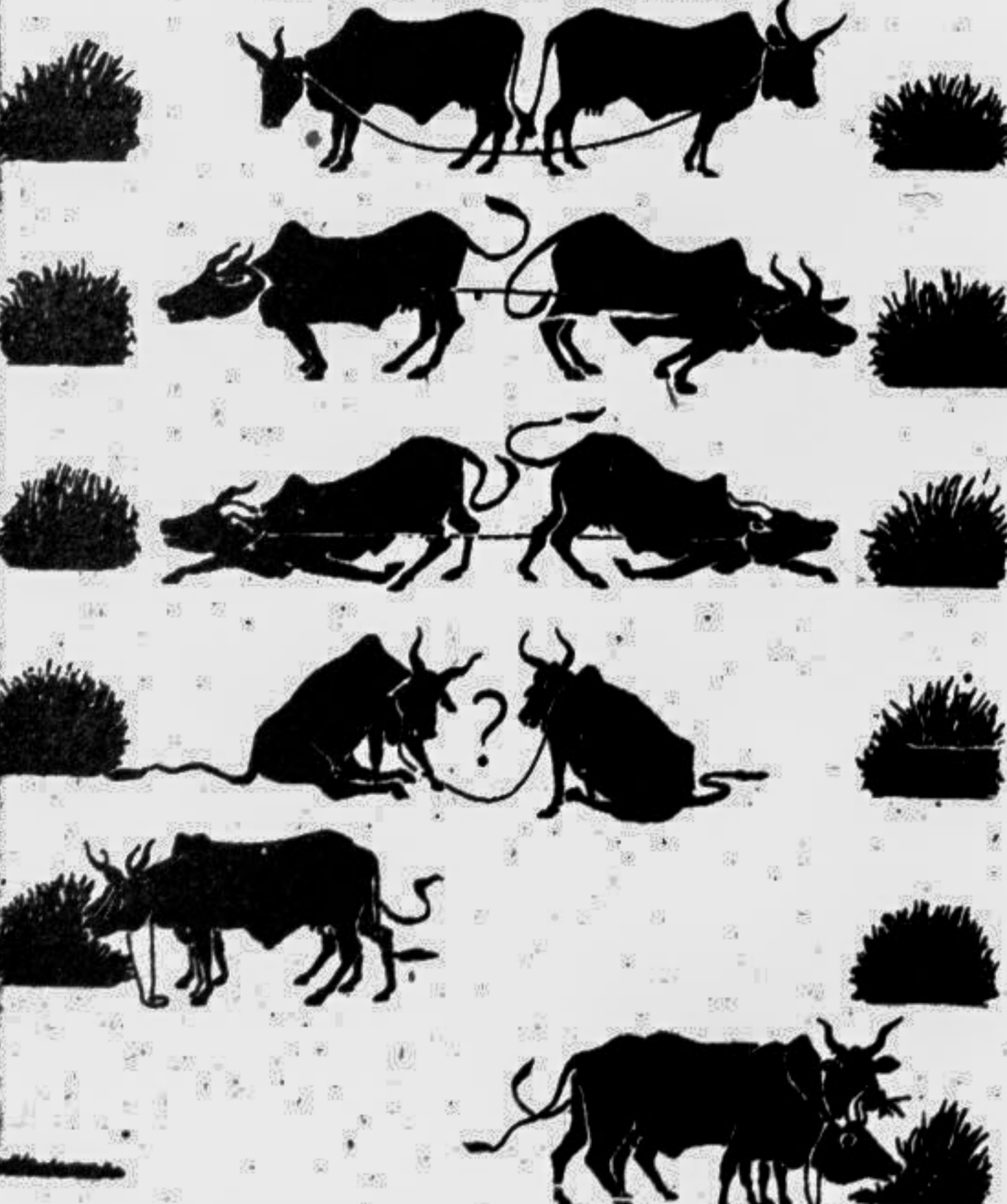
The highly significant event has been vitiated by Beijing conveying the message of its displeasure in a very unmistakable language of armour. Lee's win has been accepted as the Taiwanese people's mandate for independence — from China that is — and this China was not prepared to welcome.

The Chinese military exercises in the Formosa was plainly aimed at influencing both the conduct and the outcome of the election. Lee has got a bigger hand than he would have if the Chinese act of intimidation was not there. And moreover the Chinese action has compelled many nostalgic middle-agers in Taiwan to make a final choice and turn their back on Beijing.

Against all this there is one small understandable compulsion of the Beijing administration. On the eve of the Taiwanese polls it was necessary for it to stake its claim to Taiwan — and for that it chose this show of power.

The nations of the world are for one China. The collision course taken by China will only strengthen the Taiwanese case for independence — and influence many a nation to review their support to one China. All this could be avoided and the cause of one China furthered if Beijing would only bend its efforts to winning the heart of the Taiwanese.

COOPERATION KUUNGANNA



This cartoon has been sent to us by one of our esteemed readers, Dr A K M Habbibullah, ex-president, Soil Science Society of Bangladesh and president, Bhola Rural Education Development Society.

A 'Bill of Rights' for the Citizens of Bangladesh

by Dr Munir Qudus

THE recent political agitation has shown that the nation can be held hostage easily by one or more group of politicians or political parties. Without going into the merits or demerits of the current agitation by the opposition, I would like to discuss some implications of this type of agitation and make a case that the rights of the ordinary citizens may have to be constitutionally strengthened to enable them to protect their individual interests in the face of group political agitation.

Each day Bangladesh is shut down by a hartal or a non-cooperation movement, the nation loses roughly 1/365 of the Gross domestic product (GDP), as a direct cost. The GDP measures the value of the output of goods and services produced in a country over a year. Economists use this concept as the single most important measure of economic activity. The growth in the GDP enables us to compare economic performance over time and between economies. According to this 'back of the envelope' estimation method, the cost of a shut down is close to \$80 million or taka 320 crore each day (assuming a GDP of approximately \$30 billion). To make this number somewhat easier to comprehend, think of this as equivalent to one-seventh the cost of the Jamuna bridge, in other words, if every seven days the hartal can be avoided we would produce enough to finance a Jamuna bridge, by far the largest public project in the history of Bangladesh.

There are many tested means of political protest that are democratic and civilized. We know of the nonviolent protests based on the philosophy of ahimsa practiced by Mahatma Gandhi. One variant of nonviolent political protest is to court arrest perhaps on a mass scale. Another would be to go on a hunger strike something Gandhi practiced against the British and his political opponents with great effectiveness. Why haven't our leaders resorted to these civilized means of protest? One explanation is that the pain and costs of such protests are directly borne by the protesters, that is the political activists. It is limited and concentrated but could be on a large scale and very effective. However, the common man and woman on the street would not be denied their rights to work to earn their subsistence; the rickshaw puller would not be forced to give up his means of income, the shopkeeper could keep his shop open; the student would continue to have a school to attend and learn. On the other hand, the political figures would have to go hungry and may have to spend time in prison.

The other difference between the current mode of violent agitation and the Gandhian non-cooperation movement is that the national economy is spared destruction in the nonviolent variant. The foreign investors who have invested their savings in Bangladesh are reassured that whatever our internal differences, we all are committed to protecting their investments, and to the economic development of the nation. Thus there are important differences between the Gandhian tactics of non-cooperation and what is practiced today in Bangladesh. During the times of Gandhian protests, the country was enslaved by a colonial power and the struggle was for independence. Nevertheless, the non-cooperation was voluntary unlike today where coercion of common citizens is the principal weapon used by the political parties to force participation and make their agitation successful.

It is, therefore, necessary that we build a national consensus that such violent political agitation would never be the nation's lot and/or its sovereignty is at stake. Never is a strong word, but that is precisely what I mean here. What I propose below is a 'Bill of Rights' for the citizens of Bangladesh to be enshrined in the constitution. Perhaps this should be done, as a part of the same package in which the amendment for the caretaker government is considered by a parliament elected in a free and fair elections.

It is time that the common citizens of Bangladesh receive new constitutional guarantees, on top of the existing ones, to safeguard their lives and livelihood from the politics of destruction and disruption. A possible Bill of Rights for the common Bangladeshi would include the following statutes as amendments to the constitution. All political parties would sign this document publicly and commit to abide by it in letter and in spirit. A citizens group would be formed to monitor their behavior and any deviation would be publicly reported. The rogue politician or party would be penalized by the other parties until they agree to abide by their promises to respect the rights of the common citizen of the country as enshrined in the constitution (Bill of Rights). The freedoms that will be guaranteed by these statutes are:

1. Right to free movement: Freedom of movement is a basic right of every citizen. Except for the areas protected by the privacy rights, property rights and national security considerations, all parts of the country should be a public domain. None should be able to restrict others from moving freely in the public domains. In short hartals, or forced non-cooperation, or peoples curfew would all be illegal and punishable by the courts. The politician or the political party resorting to an open call for such agitation would be vulnerable to being sued by the irate citizens whose constitutional rights are violated. The local mastans or functionaries of the party who try to impose this by strong arm tactics would be treated no differently from a criminal caught in the act of snatching away my wallet, or trying to kidnap someone.

2. Rights to chose modes of transportation: Whether or not I use motorized transport to move around should be my business. However, I should ensure that others are not harmed by the pollution from my vehicle or in other ways. As long as my vehicle is registered, I obey the traffic and other laws of the country, the property rights of other citizens, I should have full freedom of using any mode of transport I desire. No politician or political party should be able to take this right away from me. I should have the right to defend my property, by force if necessary. If my vehicle is attacked by functionaries of a party in the name of a political movement, this would be illegal and duly resisted. Any damage should be swiftly compensated. Not only the persons who carry out the attack, but their superiors too would be subject to such penalties if the evidence is strong. This should include jail terms, monetary fines, and other penalties according to the riot act.

3. Right to carry out ones legal business activities open ones factories and shops without fear of damage: No one should be dictated what the business community can or cannot do as long as they obey the laws of the land. A political party can call upon the business community to join in a boycott or strike, but certainly should not be able to force them to participate. A businessman should have the priv-

ilege to seek damages in the courts if there is loss of property from a particular parties movement.

4. Right to vote or not to vote without any coercion: Every citizen has a right to vote that should be exercised. But it is also a free citizen's prerogative not to vote. However, there must not be any coercion in this matter. If I wish to exercise my right, no one should prevent me from doing so. Similarly, if in protest I stay away from the polling station, no one should be able to hold this against me.

5. Right to join in political activities or refuse to do so: I should be able to choose freely if I wish to support a politician or party's call for a protest, or consider it wrong and actively oppose it. This is my right as a voter and a free citizen and anyone who tries to impose a certain behavior on my part would be violating my rights and could be liable for damages.

6. Right to sue the politician for damage to ones life or property resulting directly from a programme of violent agitation organized by that politician.

7. Right to own and bear appropriate arms to defend ones life and property from mastans, toll-collectors, hijackers, common criminals, and mobs on the street who are politically motivated.

8. Right of the victim to a speedy trial for the perpetrator of the crime, especially bringing a class-action lawsuit (where a large number of aggrieved persons ask for damages jointly) against the leaders of the political parties whose programmes may have caused destruction of life or property.

9. Right to pursue education in a peaceful environment: The maintenance of politics-free environment conducive to academic progress has become a top priority for the schools, colleges and Universities in Bangladesh. All of the political parties have shown grave irresponsibility by involving the students into national politics

to serve their own agendas. The result has been a virtual hemorrhaging of our most precious talent, the young minds of the country. Brain drain on this scale can sap the energy and vitality of any nation, and therefore, must be urgently reversed. The students and their parents have a right to a peaceful environment on campus. The schools must be kept open. Nothing is more important than to ensure that the next generation of leaders, managers and civil servants have had the best education possible. The quality of their education would make or break a nation in the 21st century when we would have to race for economic survival, if not leadership.

These rights are already enshrined in the constitution of Bangladesh as they are in most other national constitutions. After all these are akin to the basic human rights duly enshrined in the United Nations charter and conventions. However, in the light of the destruction wrought by the indiscriminate and prolonged use of hartals and other violent agitation it is time to re-affirm these individual rights. If we must amend the constitution to reflect the provision for a caretaker government for ensuring free and fair elections, perhaps the nation also needs, to strengthen the individual citizen by adopting a Bill of Rights for the common Bangladeshi.

To prevent abuse by one powerful group (the politicians and political parties) we must counterbalance such power by clearly outlining the individual's rights. The challenge is not in the wisdom of the constitution and the laws of the land but in their enforcement. It is tragic that our judiciary is weak and in disarray. Reforming and strengthening our courts and the legal system in general has become a national emergency.

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Is the Judiciary Guardian of the Legislature of the Constitution?

by Mohammad Ashiqullah Kayesh

political parties outside the Parliament?

Third, does the Constitution permit the working out of a consensus as a prelude to seek a favour from the Supreme Court for creating caretaker government? Fourth, does the Supreme Court at all enjoy the authority to bestow that all important favour as envisaged in Dr Kamal Hossain's statement?

While it is clear from his statement that it is necessary to pass a bill in Jatiya Sangsad (Legislative organ) which will pave the way for forming a permanent system of caretaker government, how could the same process be completed by the Supreme Court (Judiciary organ) in the name of immediate solution to the crisis even if there is a complete consensus between political parties outside the Parliament? The Supreme Court may be approached for seeking clarification and interpretation of the constitutional clauses as and when required but it is not expected to supersede the enforcement of already coded constitutional provision. We are seeking immediate solution to the crisis possibly in the wrong department and in the wrong way bypassing the process of seeking permanent solution in the right department and in the right way. Will it be a constitutionally acceptable move?

Just as the Executive and the Legislative organs of the government cannot, in any way, influence the affairs of the Judiciary, similarly the Judiciary should not receive undue scope to intervene in the affairs of the other two organs of the government. The implications of the statement of Dr Kamal Hossain is that the Supreme Court not only can uphold the supremacy of constitutional laws but it can also supersede it.

All democratic-minded people certainly want the independence of the Judiciary but not the undue dependence on the Judiciary. Unfortunately, knowingly or unknowingly, sometimes we tend to make precedent of subjecting legislative issues unnecessarily to the scrutiny of the Judiciary at the opportune moment. As a result we find that even before a particular issue of national importance is sent to the Judiciary the entire judicial community gets sharply divided mostly in terms of their political affiliation rather than in terms of the finer and exact interpretations of the contention under consideration. We get ample testimony to this fact if we consider the views of our respected judicial people about

the present constitutional and political problems. If this trend persists, we might see that in near future, the authority of the Legislature is being undermined leading to a complex power-sharing problems with the Judiciary. It may not be out of place to mention here that in our neighbouring country, India, some kind of tussle is visible between the Executive and the Judiciary organs involving the investigation and resolution of the current sensational corruption cases. So, our country cannot afford to burn its energy in creating and resolving political and constitutional problems one after another. Let's allow the Judiciary to act as the responsible guardian of our sacred constitution, but not the Legislature itself. In other words, let the supreme will of the people find fullest expression in Legislature and let the Judiciary act as the defender, not the destroyer, of this supreme will of the people. The author is a teacher at Scholastica

Crisis in Bangladesh: Diminishing Opportunities

by Tahmina Choudhury

THE rapid deterioration of the Bangladesh economy and continued disruption of public life resulting from the country's lingering political crisis warrant serious efforts from all concerned for a solution without further delay.

Such a solution is still possible despite all that has happened in the recent past and are happening at present.

The lingering political impasse has caused immense damage to the country's economy. Any further continuation of the crisis is likely to have long-lasting adverse effects on all sectors of the economy and public life.

People of all ages and professions, rich as well as poor and rural as well as urban, are suffering. One institution of civilized life is crumbling after another every day. Educational institutions are already closed. Hospitals and Clinics are still operating but will have to shut down before long.

Foreign investment has already dried up. Remittances from Overseas Bangladeshis and foreign Donors are also likely to shrink in the near future. Stock Market is closed after suffering heavy losses during the last few weeks. Banks will be compelled to close down if they are unable to transport cash safely within the banking network. The entire banking and financial sector, already under considerable pressure for a long time, will encounter very serious crisis when the borrowers, many with their businesses seriously damaged, start failing to honour their repayment commitments en-masse.

The feared collapse of the country's economy and further disintegration of its public life can still be averted if the current political leaders rise

above their partisan interests and take bold steps in their own enlightened self-interests and in the greater interest of the country.

The responsibility for solving the present political crisis rests more with the Combined Opposition if its claim of representing the great majority of the country's people is correct. The Governing Party's responsibility is no less if one considers their claims for legitimacy. Putting the blame on one another can not absolve the Political Leaders of both the camps of their great responsibility to the people who depend on them for leadership and public well-being.

The Government having accepted the main Opposition demand for Neutral Caretaker Government and having placed a Bill for constitutional amendment to that effect in the first session of the controversial 6th Parliament, the stage is set for another serious effort at national reconciliation.

Opportunity has been lost for an all-party consultation on the draft of the proposed constitutional amendment. It is expected, however, that the amendment will meet with the essential elements of the Opposition demand in this regard and will be passed as promised. In that case it is hoped that the Opposition will not take any extreme adverse stand just for the sake of proving their partisan points in this regard.

Although Begum Zia has also accepted the Opposition demand for a fresh general election to be held in the month of May, 1996, it is doubtful whether it will be possible to hold the election that early after completing the essential requirements including the requirement of a revision/correction of the voters list without which no general election can have the required credibility. The Opposition may be expected to show some flexibility in this regard after Begum Zia and her Government step down and hand over power to the Neutral Caretaker Government formed in accordance with the provisions of the amended constitution.

Dhaka Day by Day

Bitter-sweet Quarrel

by Tulip Chowdhuri

He stands at the dining hall drinking coffee wondering what she wants from him. She stands in the kitchen, feeling her temples throb. Neither can remember how they started arguing about money when they were just having an animated discussion about a cultural show. But here it was again. Each silently asks why can't we stop arguing like this?

That's a question most couples ask at one time or another. Quarrel starts from nowhere and can quickly get out of hand.

"You never take me out," she accuses.

"When I want to take you out your complain of tiredness," he hits back. And so it goes on.

We live in a competitive society. Man and woman are clamouring for success — in their homes and outside. More than ever women find it hard to accept their wife's decisions. The endless quarrels about home, money and social issues seem to explode most unexpectedly.

There are times when these marital conflicts are serious enough to cause much unhappiness in the family. As individuals who have their own opinions, couples are likely to have their differences. And out of these differences arise the quarrels. Brawls between couples usually break out from insensitive comments, expensive purchases, undone chores, forgotten important days and sex or the lack of it. There are of course hundreds of other issues which may get couples into arguing with each other.

Couples' quarrels are however not always bitter only. These quarrels have some sweet elements too. Often couples feel renewed love for each other after a heated quarrel.

No wonder Poet Rabindranath Tagore has said, "Biroheri chando naye milon uthey purno hoye" (separation makes reunion complete).

Some couples act very strangely when they are under the stress of their quarrels. One such common reaction is to stop talking to each other.

"We stop talking to each other for days and during the time my eight year old daughter works as a mediator. After all the life has to go on whether we talk or not," says Mrs Salam. She also has this peculiar habit of putting her wedding photos upside down till their quarrel cools down.

There is Mrs Razi in my neighbourhood who starts cooking dishes which are most disliked by her husband once she is mad at him. And certainly, once the cloud has disappeared, the man's choicest dishes appear on the table.

Some husbands, when they are bitter start staying out till late hours of night or stop eating at all until the wives say sorry. (These tactics are quite useless with dominating wives). And there are, wives who pack up and go to their parents immediately after a heated argument is over.

To the gossip mongers couples' fights become an ingredient of the sweetest gossips. Although gossiping exist in all societies more or less, yet the Bangladesh seem to have developed a special taste for it. To such gossip loving Dhakaites listening through the keyhole to the couples fight next door may be the best topic for their tea-time. Relishing the story along with tea, they conclude "and the couples ended with pots and pans on each other's backs."

Just as couples quarrel over various issues, they also find their own ways to get over them. However if things get out of hands it is better to get the therapist's advice. There may be smart ways to avoid marital strife before it starts. It is up to the couples to find these secrets without getting into another brawl.

