

Relaxing Under the Caretaker Government

by A M A Muhith

FOR the last two years we have been under severe strains. Since March 20 of 1994, we have been visited by successive bouts of expectation and frustration. The nation has suffered grievously and the economy has paid very severe tolls. We have also experienced a number of denouements although there has been only one tragedy. The first climax was the failure of Sir Ninian's mediation effort. The second climax was the en masse resignation of the opposition coalition after a tense pre-resignation farce in the chamber of the Speaker. It was followed the next day by the momentous announcement in a remote village by the Prime Minister of her concession on resignation before election. All of 1995 was spent on negotiations, floating of balloons, dramatic concessions on both sides and constitution initiative by the G5. Finally the election schedule was announced and revised and re-revised. There were rumours about strong intercession by the ambassadors of donor countries and speculation on last minute agreements. But oh no! One party election had to be held and it was the first of its kind even though we had a short-lived one party rule years earlier. This was also one of the most rigged elections even though it was an uncontested election.

As for myself, giving up my short encounter with party politics, I was very disturbed, then frustrated and finally annoyed in December 1994. I regained composure and was encouraged in March 1995 as differences between the two camps appeared to have narrowed. But then as it led to no resolution I decided to forget about the whole thing like a true escapist. Like a cynic I did not pin any hope on Ishtiaq formula nor on the initiative of G5. I was convinced that the resolution has to come from direct negotiations between the challenging parties. The prospects seemed propitious in early 1996. But there was the final collapse on January 14, 1996. The election of February 15 woke me up. It was an affront to the nation but the powers-that-be had no anxiety nor any compunctions.

Our hopes were rekindled as the talks began only to be frustrated soon afterwards. As the people's movement gained momentum I was tense and restless. I spent hours around Janat Mancha looking for some hopeful signs. The passage of a constitutional amendment for the caretaker government, even though flawed, once again inspired hopes. But there was no respite as the credibility of the illegitimate government had dropped below zero. On March 30, I rickshawed back home to my normal routine, relaxed and optimistic. Though the composition of the Council of Advisers was indefinitely delayed I felt good when it was finally announced. This is what we needed, a council of sane and respectable people that can inspire confidence and stability. We are not looking for subject matter competence even though on that count also the team will probably score high. What we are looking for is a team with good reputation for integrity, committed to adherence to norms of civilised conduct and determined on execution of laws without fear or favour. They will conduct a free and fair election and, of course, carry on the day-to-day administration which had virtually ceased for a while.

It is indeed a pity that we have to sacrifice so much for a caretaker government. This is not the way a democracy should operate; elected leaders should rule during their tenure and then test their strength in free and fair election. But this was not to be at least after Magura by-election; our elected leadership was certainly not good enough to face a fair election and if need be to hand over power peacefully. It is interesting, however, that the two cases of election in our old history as cited by the Chief Adviser in his first address show that both the leaders

emerged from national crises, one from Matsannaya and the other from Habshi military misrule. In both cases the country had great leadership that ushered in two golden periods of our history. The consensus rulers were indeed great choices.

Professor Fazlul Halim Choudhury, whose sudden death we condole now, was a dear friend who used to drop in occasionally at my place without notice, particularly if he would be very agitated. On March 15 it was one of those days and both of us were agitated and concerned. We carried forward our discussions in a better but uncertain mood at a dinner on March 27. The anxious question was what was the delay for. It was perhaps two or three days before his untimely death that we talked

different from what they appear in the public eye. But surely a contribution can be made to the definition of possible tasks. This caretaker government unlike the last one has replaced a party in power who came to office with a mandate but then bungled it in its eagerness to hold on to power against popular wishes. It has replaced a highly partisan government which politicised every institution in the country. Further, it has replaced a government which earned a distinction for being incompetent and avoiding decision-making. In fact, it has replaced a government who were not willing or prepared to govern and took the reactive role of a minority party suddenly thrust into power. Thus the problems it faces are very difficult.

presence in the field should be strengthened. In addition to the offices established at thana levels there should perhaps be eight regional offices for the 64 districts. The regional offices may be set up not as permanent offices but as election time additions. The Commission, to be in a position to supervise its field offices better, could also be a body of three members, one of whom can function as the Secretary.

Third, the electoral laws need some revamping in the following areas: for preparation and enforcement of a code of conduct, for regulating post-poll disturbances or difficulties (it is provided for pre-poll or poll-time period), for suo-moto cognizance of vote irregularities.

a hundred only. They hold the entire campus hostage and give bad name to student politics. They are legally associated with political parties, thanks to Ziaur Rahman's regulations for political parties. Recently, at the behest of the BNP most professional associations have been turned into fronts of political parties. This has certainly been prejudicial to professional interests. Anyway, the umbilical chord between students and political parties must be cut: students should have their own politics as they mostly used to have in my student days.

The recovery of arms will require the willing cooperation of the three major parties - BNP, AL and JP; the fourth one will have to toe the line. They

black laws, separation of judiciary or activation of Ombudsman are for the elected government to consider. The caretaker government at best may prepare position papers on these subjects as advance preparatory action.

With a change of government many appointments become the point of focus. It is customary for political appointees - in whatever post they may be - to tender resignation as their party leaves office. It does not happen routinely in Bangladesh and a caretaker government has to take the unpleasant step of recalling or removing them. A tradition should be established and all political appointments should be terminated with the installation of a caretaker government. Institutions that have been defiled by partisan inter-

lagged. Revenue collection has suffered and also public expenditure has been short.

The economic actors have bounced back vigorously and it seems that production loss may largely be recouped. Some difficult problems need special attention. In February and March scheduled food imports were about half a million tons, but it could not take place. Another about 400,000 tons were due in the following three months. Perhaps overall need will be larger and hence food import and food movement need special care. The distribution system for fertilisers should be revamped particularly to eliminate political rent-seekers. The quantity that dealers can lift and the credentials of dealers should be judged according to efficiency criterion. The loss and or inef-

may involve commitment on future retail price for energy supply.

In the financial sector ideas on arrangements for restructuring the equity of the commercial banks should be re-examined. And urgent steps should be taken to enact regulatory laws already greatly delayed. Legislation relating to bankruptcy, fair trade practices and financial courts were cleared long ago but the Ostrik policy of the government have held them up. They should be cleared urgently. The caretaker government perhaps will not be able to initiate any new privatisation move but they should give priority to preparation of cases so that the elected government can reach decisions rapidly. In fact, it should be a job for all sectors to make an assessment of the situation and provide for alternative courses of action or strategy choices. Such exercises should be carried out by individual ministries with inputs from relevant other agencies and also from outside the government.

We have no five-year plan now, we only have some indications of a fifteen-year perspective plan. A plan of the kind we have followed in the past has become irrelevant. We have done well in producing sectoral policies and visions. But for the economy as a whole some vision and targets for the short-term are necessary as a frame of reference. The caretaker government will not produce it but it may initiate the work. It will also have to carry forward the participatory perspective plan exercise filling in the crucial gap of institutional underpinning. Some methodical work on the structure of the local government (virtually an extinct species now) and division of powers and resources between the national and local governments may be left by the caretaker government for their successor to look act and deliberate.

Corruption in high places has become a fact of life in Bangladesh and such corruption needs deterrent action. The last caretaker government had also to deal with this subject, but investigations did not catch big fishes except one. The normal law of the land should apply in the rest of such cases but investigation needs separate arrangement and procedures. A body like a commission on good government should be considered as a permanent institution with constitutional standing. Neither the Bureau of Anti Corruption nor the Ombudsman (when appointed) can take care of the issue as it concerns high-level leaders of government. Prompt investigation, adequate powers to withstand high level pressure and authority to pry into secrets and informal arrangements are essential for successful pursuit of corruption at high places.

The caretaker government between scylla and charybdis: it cannot take up the institutional question nor can it beg the question of prompt investigations. Perhaps in the tradition of the last caretaker government it should make some special arrangements for initiating investigation rapidly and leave for its successor dossiers of cases for which evidence must be collected last before they are destroyed or doctored. They can also formulate some thoughts for a permanent institutional arrangement which can be considered by the next government.



Shops remaining shut for days

- Star photo



Law enforcement personnel patrolling empty streets

- Star photo

on the telephone. I was very relaxed and mentioned that I do not have a worry in the world: everything will fall in place. I asked, "Don't you see the promptitude with which every thing has returned to normal? Doesn't the proverbial Bengali resilience amaze you?" Fazlul Halim was not so sure. He promised to debate the issue when we meet next. Now I wonder what was in his mind, what actually was bothering him. The Vice Chancellor, that is how I always addressed him, was a great man, a man of strong convictions and a friend of all his students. I consider him the most distinguished Vice Chancellor in the country. A leader with a commanding presence and above all a true and affectionate friend Professor Choudhury will be missed very much.

It is about 10 days the caretaker government is in office. They started a vigorous arms recovery drive which has, however, lost its vigour. They have started the process of reconstituting the Election Commission. Some administrative changes have also been made and a policy for redeployment of field officers is being worked out. This is fine, only that speed is of essence.

Fourth, the Commission can

achieve a great deal in containing electoral expenditure. Besides rules and regulations and punitive action, the Code of Conduct is extremely important in this respect.

Fifth, there is the question of eligibility of the bank credit defaulters for the election. It seems that the law which has lapsed cannot be tightened for the upcoming election and would have to be simply reauthorised. The BNP has given a cushion deal to the defaulters who contested the farce of an election on February 15 (mind that there were reportedly 57 of them). The new candidates cannot rightly be discriminated by some stricter provision of law. So we have lost an opportunity to regulate, not eliminate, black money.

The caretaker government is required to distance itself consciously and demonstrably from the government whom it has substituted. It should be remembered time and again that the caretaker government is the fruit of people's movement and not an willing concession from the party that was in power for the last five years.

A perception of continuation, although some measure of continuity is inescapable, of the last government is detrimental to free and fair election. Such a perception, I am afraid, is slowly gaining ground perhaps for the wrong reasons such as slow but careful measures of change. This should be rectified promptly. A great deal of emphasis is placed on redeployment of government personnel. It has more of a demonstration effect than substantive impact except where termination of partisan functionaries is concerned. This should be a prompt undertaking.

The most important task for ensuring free and fair elections is the control of the so-called mastans. In the olden days they used to disappear at the thought of fair elections. But these days it is very different; they have been armed to remain active and they are not easily likely to hide in the caves. Mastans usually do not have political commitment; they care for their patrons.

The Sarbaharas have demonstrated this fact in the Magura by-elections. The most difficult and effective mastans are the "golden boys" of the higher educational institutions. I was told by many in the University of Dhaka that they are well-known, they are patronised by sections of coercive agencies of the government and they are very few in number - about

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