

Unsettling Comments

Chief Election Commissioner Mohammad Abu Hena sounded almost caustic on Saturday when he told some newsmen that if law and order were not in the right shape he would 'seriously think whether to hold the elections on schedule'.

We are all worried about the law and order but that does not justify his rather cynical observation. For this obviously is out of step with the high level of public expectancy witnessed in the prelude to the forthcoming polls. All we can guess, however, is that he may have perceived the atmosphere to be a bit darkened, among other things, by the two major political parties' announcement to convene their last pre-poll public meetings at the same venue in the city on May 10.

While fully sharing his anxiety on that score we must say we discerned in his statement a modicum of miscommunication between the Election Commission and the caretaker government on the vital law and order question itself. This is unfortunate because not only are the caretaker government and the Election Commission mandated under the Constitution to work towards the same goal, the people's hopes, aspirations and confidence that they will successfully carry out their writ are also reposed in them. There is no scope whatsoever to deal with the law and order and the electoral operations in separate watertight compartments. These constitute an indivisible responsibility for the caretaker government and the Election Commission.

It is both expected of and incumbent upon the Chief Election Commissioner that he make his own assessment of the law and order requirement during the polls and indicate it to the government well in time. What, however, is important to note is the fact that the CEC will have control of the entire officialdom placed on election duty including the local administrative functionaries. While basically the Election Commission will be in operational command during the election, there are complementary functions which the political parties and the caretaker administration must themselves perform at their respective ends. For instance, nothing short of responsible behaviour of the political parties will guarantee a trouble-free atmosphere. For its part, the caretaker government has the goodwill to use with effectiveness.

We wish the CEC had not sounded as unsettling as he did about holding the polls on schedule being in such a pivotal position as he happens to be.

The Child's Place

Fifty-four national and international organisations affiliated to the Bangladesh Shishu Adhikar Forum have made a very timely appeal to the nation, in particular to the political parties, to accept the children and women issue high up on the national agenda.

We commend this group for their timely coming together to express a point of view which must now become that of the nation as a whole. The critical point that needs to be internalised by all, is that when we commit to give the children our best, we are actually committing to build the best future for ourselves. A society that does not put the "child first" does not put its "future first", which in reality means that the said nation is on a self-destructive course.

The "children first" appeal comes at an appropriate moment. As the political parties are finalising their manifestoes, and making decisions as to which issues to take to the people, they should make a special note of what these NGOs concerned with children rights are saying. The specific target that they reiterate, are the ones that we as a nation are pledge-bound to realise. Now all political parties should make those their own.

We call upon all political leaders to form an all-party platform about children's rights so that, regardless of which party comes to power, these issues get top priority. Please let us realise that empty commitment for our children amounts to fooling ourselves. Only serious governmental actions, backed by a national political will, can give our children the future, which we as parents and we as a nation, are morally and ethically — and should also politically — be committed to. At least about our children's right can we not have a consensus?

Mobin, the first Sacrifice

The mini-screen, or the idiot box, if you will, has taken its first toll of life in this nation. And the first casualty is but the beginning of a process. With the ever broadening coverage of the TV network — both home and satellite — millions of virgin minds will be exposed year after year to the diabolical cook-ups on the screen. Some innocent souls are sure to succumb.

Mobin, 8, died for nothing. He was a perfectly healthy child and the proof of that lay in his very normal response to horror scenes of the Ramonand Sagar phantasmagoria, Arabian Nights. He just fainted and died. Of the contaminated soul and diseased body take horror and violence and all violation of beauty and norm of human behaviour, known as exhibitionism, in our stride. Mobin's death will not make anyone, particularly of the television authorities, stop for a while and think over the advisability of telecasting such low-grade horror pieces. Here is no question of banning this or that film or programme. It is the matter of choice we want to emphasise. We, of course, can choose to show better material. Narcotic drugs are popular. That does not entitle these to be peddled in stores.

Mobin has died, physically. The rest of us do not do so. We keep on dying, mentally. Please think of the vulnerable crores in the villages who take for the truth every incredible hulk and bionic woman and the assorted geni of the Arabian Nights. While the myths and legends and fairy tales of the many cultures only enriched man's mind — the modern-day concoctions only rob it of creativity. Man is better dead than ceasing to be creative.

On February 23, 1977, the New York Times quoted an American thinker — "The worst the society, more law there will be. In Hell there will be nothing but law, and due process will be meticulously observed".

In Bangladesh there are frequent calls by various groups — social forces, belonging to money, business, land, religion, education, labour, press, bureaucracy, professionals and also military asking for more laws for safeguarding their 'rights'. But very often we tend to forget that the mere existence of laws do not necessarily ensure protection by these laws. It is the application or the use of those laws which guarantee the rights and benefits of various conflicting groups and interests eventually contributing to the growth and development of civil society. That is why sometimes I am tempted to be in total agreement with Gaetano Mosca who propounded so forcefully in the late 19th century — 'Level of civilization corresponds to the grade of JURIDICAL DEFENCE'.

Cynicism about law and its purveyors is endemic not only in our country but in many parts of the world. The reason is not far to seek: legal justice is a very lengthy process. Even in the US and Europe it is said that justice is only for the rich who can afford to reach the portals of the palace of justice. For the poor the process is a luxury. Otherwise why should many people believe that a lawyer's job is to manipulate the skeletons in other people's closets? In disgust Plutarch believed that 'all laws are useless, for good men do not need them and bad men are not better by them'. No wonder the government of Andorra, little known to us though, decreed in 1864 that the appearance in our courts of these learned gentlemen of the law, who can make black appear white, and white appear black, is forbidden!

A society, to grow and develop, needs certain threshold of behaviour. Hence the necessity of the Constitution whence the legal system/culture of the country flows. As Justice Mohammad Habibur Rahman said on January 5, 1995, at the 44th founding anniversary of the Asiatic society, 'law can be abused and it has been extensively abused during most of the human history. It can also be used for a good cause. There is a growing awareness of the rule that power should be used for their good as well'.

In Bangladesh the fruits of independence and sovereignty have hardly been enjoyed by the people. The blood of the three million martyrs cry out for justice, and the savaged honour of the two hundred thousand women stand as eternal sentry to ensure the weal of the commonman toiling away to earn their beeps. Thus the Chief Adviser's address of April 25 to the DCs and SPs assumes special poignance particularly in the context of his remarks on the glorious War of Liberation.

In disgust, Henry Adams bemoaned, 'Humanity they knew to be corrupt and incompetent from the day of Adam's creation'. Cynicism at its worst. But debasement in political and administrative morality — from good to bad in morals, manners and actions — in Bangladesh make us all wonder what went wrong. While listening to the anniversary lecture at the Asiatic Society, the words of Justice Habibur Rahman sounded very relevant and timely. He almost epitomised in one paragraph the cause, as it were, of the deep malaise afflicting us. In acknowledgement I quote him, 'It (Constitution) has already been amended 12 times (now 14th time) — twice to change the form of government, thrice to ratify the deeds and actions of extra-constitutional regimes, once to glorify an individual, and twice to qualify an individual otherwise dis-

To the Editor...

Democratic institutions

Sir, During Pakistan days we had no Constitution till 1956 and we were ruled by unelected people. Unfortunately in Pakistan there was no national election before 1965 except provincial elections. The impact of the authoritarian rule in Pakistan was the 1962 Constitution which was responsible for the mass upsurge of 1969 initiated by the students of Bangladesh. This resulted in the true and fair national election in 1970. But the transition to democracy was halted. Then Bangladesh emerged as an independent country in 1971.

In our 25 years of existence as an independent nation, Bangladesh has a history of only thirteen years of constitutional rule including boycott of Parliament by opposition for more than 22 to 23 months. For more than half of the 25 years the Constitution was suspended and the country was under Martial Law. Absence of the tradition of spontaneous democratic political institutions was to a great extent responsible for Martial Law. Socio-economic conditions in Bangladesh do not permit her to have the luxury of a laboratory of constitutional experiments.

With the recent restoration of democracy, and proposed election under the caretaker government, an opportunity for national revival knocks at the door. Economic emancipation is equally vital like the basic elements of the rule of

qualified. The provisions with regard to judiciary, were changed at twenty places. The amendment of the Constitution, which is the solemn expression of the people of the country, with such gay abandon perhaps typifies in many ways the Bengalee persona. Bengalees are known to 'weak their malice on rivals by 'due process of law'. They use the courts for the same purpose for which an Englishman employs a horse whip or a Californian his bowie knife. As Hunter said, the Bengali has reduced the rather perilous business of making out a prima facie case to an exact science. Hunter's imperialistic hauteur apart, the above fits into our character, with honourable exceptions of course, one hundred twenty-five years on.

Abuse of power is a well known method of enriching oneself or lining one's pocket. Corruption, another name of abuse of power, is a criminal offence. But in a society where you have checks and balances, the incidence of corruption is less. The widely known case of Japanese Prime Minister Hosokawa is always referred to as a benchmark of governmental transparency. Years before he became prime minister he borrowed some money from a personal friend to buy a house. When he assumed the office of the premiership, he was reminded by an Opposition member of the Diet that he did not pay any interest on the sum he had borrowed from his friend, although he had repaid the principal. The question that bothered the PM was fine distinction between propriety and abuse of power. He went into a meditation, came back to the Diet, and admitted to wrong doing by saying that an average Japanese would not enjoy the same privilege. He therefore tendered resignation. The Japanese democracy emerged the stronger. Resignation is a common practice in many other democracies. If only to underline governmental accountability. The recent Hawala case in India is an example. The late Lal Bahadur Shastri resigned after taking full responsibility following a train accident in which many passengers lost their lives. Back home in Bangladesh, industries minister Zahiruddin Khan followed the same noble tradition of accepting ministerial responsibility by resigning following the deaths of over a dozen farmers in the fertilizer crisis of 1995.

John Strachey, war minister in the British Labour government, in his book, 'The End of Empire', 1959, made some interesting revelations about Bengal. Lord Clive, in an effort to lessen the rampant corruption of the East India Company officials, legalised their right to private trade even though they were paid servants. Every officer got his share strictly according to seniority — a colonel got £7000 a year, a major £2000 (about £90,000 and £40,000 in present day value). This culture of loot and plunder began by the East India Company has surfaced with greater vengeance in our dear land. The exhortation from the Begum of Oudh by governor-general Warren Hastings bears striking similarity with the masted culture in to-day's Bangladesh.

While it is wrong to attribute all our woes to the doors of the British Colonial rule, it is interesting to note that the syndrome obtaining in post-Plassey Bengal seems to have returned to independent Bangladesh with renewed vigour. Before Plassey, the British

law and its enforcement through a well-knit structure of a civil and judicial administration. The cry for a revolutionary change bears, in the ultimate analysis, no weightage when 86 per cent of the country's budget is financed and 60 per cent or more of it goes back to the donor countries mainly in the absence of experts, technology, trade and commerce, managerial and administrative know-how. As a result, the benefits do not trickle down and fail to benefit the national economy.

Now to improve the economy and to minimise the dependence on aids and loans, a national consensus in this regard is a must. Politicians have to have the spontaneous joint role in this regard. Students' continuous and compulsory military training and participation for a part of the year in vital sectors including industry, agriculture etc. will undoubtedly facilitate developing a healthy situation in the country. It will work on the knowledge and skill as to train and develop future leadership.

Democratic and spontaneous political institutions — Parliament and the local self-government at village and district levels like Union Boards, District Boards — need to be practised. Educated, honest leaders need to be motivated to go to stay at their villages for ensuring healthy environment.

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Anatomy of Corruption : Mark III
Syndrome Bangladesh

(This is the last of the three articles under this series)

A society without a sense of history and respect for historical memories is an ideal breeding ground for corruption and corrupt practices. We have got it here in more than our normal share.

In the absence of any other goods for which there was a market in India, were exporting gold and silver to buy our cotton, piece-goods, cotton yarn, muslins, indigo, redwood, silk, etc. The exchange of these precious metals was a kind of net investment in our country. But following Plassey this transfer stopped. The unrequited value of the drain from India between 1757-1815, according to some researchers, amounted to \$1 billion (to-day's value of over \$20 billion).

Mir Jafar and Jagat Seths conspired with the East India Company to seize power from Nawab Sirajuddowla. They were propelled by arrogance, ambition and greed. If they had foreseen the consequences of their betrayal they would have perhaps paused for a moment before delivering the coup de grace.

The Bengali Muslims, throughout history, have shown tremendous amount of resilience and creativity in spite of the unfriendliness of the British and even the Moghuls. But they have not, unfortunately, shown much sense of history. It is not a surprise, therefore, that the recorded history of this region stretches only over seven hundred years, although there was human habitation in this area for thousands of years.

Because of our relative lack of sense of history we Bengali Muslims have made many mistakes. We have believed others without checking up the authenticity, whereas we have shown a tremendous amount of lack of confidence in ourselves when the crunch came. We believed historians like Marshman who said that Hindus and Muslims were perennially arch-enemies, forgetting our thousand years of living in peaceful harmony. Thus in 1905 the Muslims of Bengal supported the partition of Bengal for the same reason. With the benefit of hindsight, many historians believe that for the Bengali Muslims it was a folly to render support to the Pakistan movement unconditionally. So

the martyrdom on February 21, 1952, the six-point covenant for the Bengalees and the Declaration of Independence on March 26, 1971 was but inevitable milestones in asserting our sovereignty and independent nationhood. It was left to the indomitable courage and the historic vision of Bangabandhu Sheikh Mujibur Rahman to redress the centuries-old injustice suffered by the Bengalees. After March 71 Bengalees could again feel proud to be known as sons of the soil, true and proper, instead of tracing their ancestry to some imagined Persians, or Iraqis, or even Afghans, Pathans or Turks! The sudden awareness of the Bengalees of a governance, accountable to the people, as in the preamble to our constitution, 'freedom, peace and co-operation in keeping with the progressive aspirations of mankind'.

ENCHIRIDION

Waliur Rahman



We could hardly see our house in order when history again stopped in Bangladesh with the brutal assassination of the founder of the nation. Again the Bengalees tried to turn the clock back on history as they did in 1757. The events of August 15, 1975 happened under the cover of darkness, the result of a cabal of a conspiracy. An extraordinary level of Bengalee energy was spent to put the clock back, to distort history, to vandalise our natural persona and our true identity.

It is not a surprise that unlike other countries of the world we Bengalees have not learnt the art of building libraries and museums. A society without a sense of history and respect for historical memories is an ideal breeding ground for corruption and corrupt practices. We have got it here in more than our normal share. We notice that many of us have little respect for traditions, little respect for law and discipline. The 'rallying power of law' has very little meaning for them. There is always a search for bending or going round the law, mostly by the so-called respected and ruling elite of the society. Lack of re-

spect for our traditions makes it even easier for many of our compatriots to smuggle out the cultural heritage of our country. The Mainamati plunder of the early eighties is a glaring example in which 12 rare Buddhist period statues were stolen and later found in the personal baggage of an officer at Chittagong port. The investigating officer carefully closed the file in these lines, 'I can see the face of the thief in the mirror but I cannot catch him! Rule of law did not work because of scant respect for governmental accountability'.

Twenty-two billion dollars or so pumped into the country in the past quarter century is hardly visible. Has the lot of the common farmer improved qualitatively in the past years? GDP growth according to WB report was 7 per cent in 72-75 whereas it is hardly going above 5 per cent per annum in the past 22 years. In the early seventies, about 50 per cent people lived below poverty line, now it is about 80 per cent; unemployment was 15 per cent, now it is 45 per cent. This progression of grotesque poverty can be rolled back only through a governance which is truly accountable and responsive to the need of the people.

NGOs are showing better results than the government sponsored programmes. Many development programmes supported by foreign aid reportedly have become breeding grounds for in-built localised corruption, because of alleged political manipulations. A Grameen Bank lending process has near hundred per cent recovery rate, a BRAC or Proshika gives a better account of themselves in reaching out to the poor. A CARITAS or more responsive to the local needs in educating people. Why? The failure of the administration machinery can easily be blamed on bureaucracy. But it is less than fair. Bureaucracy cannot be absolved of its share of responsibility of course. As we have recently seen in some news items/columns that certain members of the bureaucracy were responsible in assisting the former government in retreating over 100 senior civil and military officers, including secretaries, ambassadors, additional secretaries, IGs, top bankers etc under a law which cannot be used save and except in cases where questions of national security or loyalty to the state/constitution is involved. It is thus a Black Law, plain

and simple. It is not for nothing, therefore, that between 1972-1991, as many as four different governments over 20 years used this law only on 5/6 officers of the Republic. There are documentary evidence, according to those reports, that in all the cases only a handful of officers, purely for personal reasons, under the cover of political patronage, prepared summaries to retire them. With a minimum threshold of transparency in decision-making process, resort to such debased and corrupt methods couldn't have been taken.

From time immemorial there is a popular saying in Bengal that 'dharma col batashay noray' (the mill of justice moves by the wind). It is significant to note that in Bengal when we fail to get justice through normal process of law, we take resort to the super natural, to the noumena. When a commission was set up in 1993-94 under an honourable retired judge of the High Court to establish, inter-alia, whether there was a flooding in Bangladesh in 1988, alarm bells rang all over at home and abroad. In the UN parlance a commission is set up only to convert a horse into a camel! But a commission as above, set up with considerable cost of the public exchequer, beats the imagination in its absurdity.

What is the way out of this? A government truly responsive and accountable to the people. And total independence of the Judiciary from the Executive. And a free and fair election for electing our law-givers, members of the parliament. Chief Election Commissioner Abu Hena has struck a hopeful note exhorting people's right to choose freely without fear or favour.

India's annual CEC (N) Sushant stated recently that election corruption is the biggest corruption in India. Our problem is even more serious. When a former Cabinet Secretary returned elected a la 15th February syndrome reportedly stuffing over 80 per cent ballots in his boxes, one felt rather small and diminished. This symptom itself is the disease. If need be a surgical intervention is welcome.

Abu Hena, with his three magi — Abdur Rahman, Mustafae Ahmed Chowdhury and Faisur Razaque — could deliver that. World Bank's Pierre Lendil Mills with liberal Cambridge background, must take some responsibility in helping us find a happy middle ground for accountability. His initiative as the team leader of the donor community would be timely. Administrative reforms drawing on the works of the USAID and UNDP together with a free and fair election could provide the critical mass for that moment to arrive. The caretaker government can do the needful for creating the momentum. Transparency Sir, all transparency...

Parties and Polls in India

Is National Government Possible?

"We must have a national government for the next five years, otherwise the country may break up. Rajiv Gandhi, Bhadrinath Singh Shekawat cautioned during a conversation at Jaipur before the polling. He said that different political parties should come together around a minimum programme.

There is no gain saying the fact that India would do better if it were to have political peace. There are too many problems, too many demands and too many pressures. No government of one party can cope with them, the job does look easier when the pulls are limited.

Shekawat's remark, coming as it does from a top BJP leader, assumes importance. Party President LK Advani has also said in an interview that there are no political untouchables for the BJP. What it connotes is that the party is willing to work with any other party.

Still, such statements do not add up to cooperation with other political parties. The basic point is whether the BJP is willing to give up the Hindutva, which has distanced it from other parties. A national government or a coalition has no meaning unless parties, joining hands, have or develop a common approach to certain issues. Except for the BJP all parties concur on keeping religion separate from politics. Will the BJP do it? Can the party retract from its Hindutva thesis publicly?

It is difficult to imagine the party turning a new leaf. Advani has admitted in an interview that the 'Hindutva has given the party its strength', not secularism. Many BJP leaders, like him, believe what singles them out in the country is their 'Hindu nationalism'. Not only that, Advani and the like-minded are convinced that the BJP will gain by building a temple at the site where the Babri Masjid stood before demolition. That the case is pending before the Allahabad High Court does not, deter them. This, however, speaks volumes about their respect for the law.

The BJP has yet another problem. It cannot cut off itself from its life-line, the RSS, which wants to establish a Hindu raj in India. Atal Behari Vajpayee and Jaswant Singh like Shekawat, belong to a liberal school of thought. But none of them has the courage to go against the RSS.

In one form, the experiment of associating the BJP

was tried in 1977. Then the party's name was the Jan Sangh and it had merged into the Janata. Both Vajpayee and Advani were members of the Janata government. Jayaprakash Narayan, who helped Janata come to power, was confident that the former Jan Sangh members had snapped their tie with the RSS. But he died a disappointed man. When the chips were down, the Jan Sangh members donned the Khaki knickers like any RSS activist and stood in a drill.

Again in 1989 when the BJP supported the Janata Dal government from outside, it kept its fundamentalist flag atop. The BJP wheeled its rath through northern India on way to the Babri Masjid. The party ditched the Janata Dal the moment its Bihar government stopped the rath and detained Advani. How can such a formation reconcile to a setup which will be opposed to the mandir philosophy?

The party has not only been ploughing a lonely furrow but also taking an intransigent stand on several national issues.

Even the programme of economic reforms does not present major difference. There is no objection to foreign capital. The dispute is over the field to which it should come first. The infrastructure and the hi-tech industry are on the top of most parties' agenda. Congress has been indiscriminating. But it has realised that the foreign investors' preference for consumer goods has given the party a bad name.

All these things, however difficult, can be sorted out. The real hitch is the Hindutva. It all depends on the BJP because no political party will compromise on the point of secularism. Muslims in India are an integral part of the nation. It is no democracy if they got a feeling of inferiority or inequality.

Who should head the national government will be the question if the parties are able to shed their differences. The tallest among political leaders is West Bengal chief minister Jyoti Basu. But Vajpayee, Laloo Yadav and Narasimha Rao can

ments in the states on the ground that the party's defeat at the Lok Sabha polls indicated that it had lost the confidence of people. This inference was wrong. Indira Gandhi made the same mistake by dismissing the non-Congress governments in 1980 when she came back to power.

Crowding out the state administrations on the basis of parliamentary elections has set a bad precedent. It can whittle down provincial autonomy which the southern states particularly may not pocket quietly.

The people elect the state representatives normally on issues affecting them directly. But when they vote for parliament they have a larger perspective in view. It has happened in many elections that the people have voted one party at the centre and another in the states. They have often done so even to balance things to ensure that pulls from the centre are thwarted by the counterpulls in the states.

It goes to the credit of Narasimha Rao that he did not disturb state governments which came to power in 1991. The BJP, the Janata Dal and the communists have ruled their respective states, even though there has been a Congress government at the centre. He even left the governors, appointed by the Janata Dal, untouched.

However, Rao's own choice of governors has been defective. He should have felt embarrassed over the appointment of Sheila Kaul, exposed to ridicule by the housing racket. Maharashtra governor P. C. Alexander has done no good either by juggling in his assembly constituencies, the winding up of Sri Krishna Commission, to find out who killed Muslims in the Bombay communal riots in early 1993. And Krishna Rao in Kashmir has done the worst by using brute force for solving a political struggle.

A government's success or failure is, however, not dependent on the governors, not even the president, who has been called upon to play a historic role. The quality of MPs will matter. Political parties are important because the anti-defection law gives them an absolute control over them. Ultimately, the question is how far the various elements are willing to subordinate their interests for the sake of the country. The commitment of MPs is as important as that of parties.

BETWEEN THE LINES

Kuldip Nayar writes from New Delhi

sues, Kashmir is one example. All parties are committed to article 370 which guarantees special autonomous status to the state. But the BJP wants to abolish it.

In other fields there is practically no difference between the BJP and other political parties. Their 1996 election manifestoes read differently but say the same thing. Take the policy of agriculture which affects the countryside where 80 per cent of Indians live. Congress wants to accord agriculture the status of industry, while the BJP says it will give agriculture same benefits as industry. The Janata Dal favours an equitable balance between agriculture and industry.

The idea of national government may well turn out to be only hypothetical because the BJP believes that it will one day get a majority in parliament on the slogan of Hindutva. The first attempt will be to keep the BJP out. If it does not succeed the question of BJP will arise. Whichever the coalition, it may be shaky. It is going to be tough for the country.

The next government should not, however, complicate the situation by doing what the Janata did in 1977 after assuming power. It dismissed the Congress govern-