

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. We 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. There 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 genii 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 no better by them'. No wonder the government of Andorra, little comfort for 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, 1996, 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 ruled 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 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 13th 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-

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 wreak their malice on rivals by due process of law. They use the courts for the same purpose for which an Englishman employs a horsewhip 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 practise 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 begun 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 mastan culture in to-day's Bangladesh.

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