

Towards Democracy

This is going to be a long day today. A day of days. An exciting count down over, the nation goes to polls today. A big turnout at the centres, a day of unimpeded and free voting. At the end of the day equanimous acceptance by all of the counting and announcement of results — and we will have crossed an important yet very elementary hurdle to self rule by an independent nation. We shall consider ourselves lucky if today's proceedings yield a convincing formation of government and smooth transfer of power. Why lucky? Because elements of unpredictability still loom large over the whole thing. Largely because of the presence of very large quantities of arms in private hands and some of the parties not being averse to have a recourse to them.

We had a good run-up but a decidedly poor quality of campaigning. The mean postures and utterances in the campaign have pushed the main contenders further apart and sharpened their existing conflicts to near fatal levels. Vile lies, understood as such by all including their pedlars, have been shouted as election mainstays by top leaders, compromising the prospect of this nation having dependable leadership in the near future.

And let us be very clear that this day is not going to be the be all or end all of this polity, as contenders of the top job have made it out. This smacks of lust for power — the mighty breaker of the inner strengths of emerging states and long living societies.

Today's polls, regardless of whatever verdict it returns, is here to bolster the props of democracy. The nation is yet to live fully and its freedom has to grow, both in form and content over all of future — and today's election will be a very important step in these directions.

This day holds a great potential for the nation's good. And it is also a test for the nation — and the nation shall pass it in spite of contrary performance by some.

The question today is not of who will govern but how will they govern. Corruption and private arms together with a pathetic lack of comprehension of the challenges of the new century have severely reduced the powers of all parties to deliver even a woe bit of what they have promised. It will now take the whole nation to get the nation out of the woods. And let the nation elect those that will involve the whole of our people in that task. That cannot be done without democracy. Towards democracy then!

Minority Vote

The minority communities in some areas of the country are facing a most hostile situation in which they are discouraged — directly or indirectly — to exercise their fundamental right of voting. Some quarters consider it expedient to keep the members of the minority community away from the polling centres today. Such threats and intimidations are in fact nothing new. But never before the issue was seriously taken up for a redress.

Happily, different bodies have expressed their strong condemnation against this evil design resorted to by certain quarters. Even the administration is quite alive to the situation. In one such incident the local administration has played a most creditable role. For long 22 years the minority communities in a large area of Chittagong could not exercise their franchise. When this was brought to the notice of the concerned police officer and the magistrate, they together took a personal initiative to ensure that the voters of that particular area can cast their votes without being intimidated. Arrangement for special police patrol have been made.

We do not know if local administrations elsewhere have taken similar steps to allay the minority communities' fear. Policing by the administration may give some comfort to the victims but this is not enough. If a sizeable portion of the voters cannot exercise their voting right, the democracy we all want to establish in our society loses its meaning. Let the minority vote casting be ensured everywhere. If there is the slightest possibility of trouble relating to voting by the minority communities, do not hesitate to call the army, who will remain stand by, to remove that possibility. Apart from that anyone found guilty of intimidating should be meted out appropriate punishment so that no one ever tries to play the trick in future.

Well Done, Police

The CID police, Chittagong, have unearthed a fire-arm factory in Naikhongchhari, Bandarban. Twenty-nine firearms, including nine light machine guns (LMG) were seized in the raid. For the police this is a major success against the illegal arms manufacturers, no doubt. The good work done by the Chittagong police only a couple of days before the election can have a positive influence on the voting process in the area.

However, one lurking question will be there: for how long has the factory been manufacturing arms and what are the receiving points of those arms. If the arms have reached gangs engaged in causing troubles on the election day, there is much to fear. If the other possibility of the weapons reaching the Santibahini is true, we have another kind of — and perhaps no less — a problem. The fact is we are confronted with a dangerous situation either way.

That the know-how of manufacturing sophisticated weapons is acquired by the forces inimical to the country's sovereignty or democracy is most worrying. The report does not say if the operators of the factory could be arrested. If they are not, they will soon open another clandestine factory in the forest. So, our suggestion is that the drive against manufacturers of illegal weapons be stepped until the operators are caught and any further possibility of illegal manufacture of weapons is removed once for all.

A Menu for Action: Expectations from the New Government

by A M A Muhith

BEFORE we know the results of the election this is a menu for action by a sensible democratic government. This is based on feasible and welfare-oriented election promises held out by the various parties, along with some other ideas which appear to many as good and necessary. There are two basic points about all the manifestoes except one (i.e., Jamaat), and those are (a) upholding of the democratic principles and norms as generally understood the world over, and (b) ensuring transparency of government, accountability and accountability of the government.

So what should we expect from the next government which has to take control of the ship of our state within this month. First of all, it should be a viable government, that is to say it should have the majority or form the necessary coalition so that there is no repeat performance of the Indian example. I have the personal feeling that if proportional representation is followed for the election of the reserved seats for women, there will be a clear majority party in the next Parliament and the threat of a hung parliament will be removed.

The bitterness of campaigning should be left behind and public announcement should be made about reaching consensus in broad areas of national interest. But the question of impeachment of the President for his partisan and disturbing alleged discrediting of stability and violating of electoral code of conduct should be duly considered. Some of the areas for national consensus should be identified immediately. My list of such areas will include: review of policy on national security and establishment of civil authority on defence matters, setting up of strong local government institutions, institutionalisation of parliamentary democracy, establishment of the rule of law and suppression of terrorism, rapid spread of education and improvement of its quality, macro-economic policy and administrative restructuring, relations with India including water sharing and trade cooperation, and solution of the festering Hill Tracts problem. It should be understood that economic performance cannot be improved without parallel political development as we have learnt so dearly from our experience of the last quarter century. During the last five years we have observed that even a propitious economic environment and macro framework cannot deliver growth without strong political underpinnings.

At the very first session of the Parliament some healthy traditions should be set up — institutionalisation of some

democratic principles and civilisation of the government both of which were neglected, albeit at our peril — on the last occasion. One constitutional amendment should be passed (i) voiding the two illegitimate parliaments, the fourth and the sixth; and (ii) legislating the provisions which are required for the continuance of laws and upholding the amendment for a caretaker government where President is simply the constitutional head as he normally is. The mischief done by the fourth parliament has largely been rectified at the decision of the Supreme Court in 1989 and the 12th Amendment in 1991. There is nothing left to preserve from the three amendments passed by this illegitimate parliament.

The thirteenth amendment has been found to be full of loopholes and mischief and we have experienced a kind of nightmare not knowing whether we were under a martial law or a Bismarck or under the caretaker government established with the majesty of popular will and after a great deal of bloodshed. The caretaker government must function in the pristine purity of parliamentary system and as such 58A, 58B (2) to (4), 58C (6), 58E and 61 should just be deleted with a new constitutional amendment. This is the first duty of the new Parliament to firmly establish the majesty of popular will and serve as a warning to dictators in the closet. The governments that functioned under the two illegitimate parliaments may have passed other laws or signed some other orders; these may be validated for maintaining the continuance of laws. These laws, however, should have no protection under the Constitution as a indemnity law so that they can be amended or rescinded at the will of the legislature.

Some quick executive actions are necessary to ensure the rights of citizens and remove the blemish of pomp and splendour of the government of a poor country. We have so many residences of our Prime Minister. We have a fort of an office of the Prime Minister which is chilling to a visitor and gives a feeling of great secrecy and conspiracy in the handling of public business. Our Prime Minister is beyond the reach of even the elite of the country; the Special Security Force Act of 1992 (which is only a continuation of President's Security Force Ordinance of 1986) is meant for the special protection of

the PM and other VIPs and it invests the Force with uncivilised authority. Hosting the PM turns out to be a tiresome hassle even in a private social function. Our PM and other dignitaries imitating her, notably the service chiefs, block roads and blur car drums as they pass the busy streets of Dhaka. We have fleets of transport at the disposal of our VIPs — ministers, corporation chairmen and secretaries — which are maintained mainly for the sake of prestige and not necessity. By one singular gesture, the Prime Minister to be, can do away with all these vestiges of pomp and waste and also secrecy of public operations and descend to the level of the people.

The fort, indeed, should be an international centre. The office of the Prime Minister should be in the main secretariat of the government. Except one official residence all others should be converted into appropriate offices or rest houses. The PM should reside outside the cantonment. The obnoxious Special Security Force Act, which was opposed

by the PM and other VIPs and it invests the Force with uncivilised authority. Hosting the PM turns out to be a tiresome hassle even in a private social function. Our PM and other dignitaries imitating her, notably the service chiefs, block roads and blur car drums as they pass the busy streets of Dhaka. We have fleets of transport at the disposal of our VIPs — ministers, corporation chairmen and secretaries — which are maintained mainly for the sake of prestige and not necessity. By one singular gesture, the Prime Minister to be, can do away with all these vestiges of pomp and waste and also secrecy of public operations and descend to the level of the people.

The fort, indeed, should be an international centre. The office of the Prime Minister should be in the main secretariat of the government. Except one official residence all others should be converted into appropriate offices or rest houses. The PM should reside outside the cantonment. The obnoxious Special Security Force Act, which was opposed

by the PM and other VIPs and it invests the Force with uncivilised authority. Hosting the PM turns out to be a tiresome hassle even in a private social function. Our PM and other dignitaries imitating her, notably the service chiefs, block roads and blur car drums as they pass the busy streets of Dhaka. We have fleets of transport at the disposal of our VIPs — ministers, corporation chairmen and secretaries — which are maintained mainly for the sake of prestige and not necessity. By one singular gesture, the Prime Minister to be, can do away with all these vestiges of pomp and waste and also secrecy of public operations and descend to the level of the people.

military budget is still a secret and sacred cow. The security policy is still not debated in public. The military establishment functions as an autonomous government. The ISPR is a strange body with virtually no relationship with the Information Ministry. The DGFI is a feared agency reportedly active in politics and student community. This organisation has the dubious credit of spawning two political parties under the guidance of two military leaders who assumed power with the false promise of returning it to the people. Political parties in this country have seldom played politics with the defence establishment. Instead military leaders, and perhaps a limited number of them, assured of the support of disciplined forces under them, have played politics. They have formed political parties, splintered established parties through coercion and bribe and set up auction mart for politicians. While in difficulty military leaders have tried to cultivate political parties for their own ambitious ends.

This state of affairs must be changed. First of all the DGFI should be abolished. A different kind of security intelligence agency cannot be created out of this tarnished body. Second, there is no place for an autonomous ISPR in the administration. It is the Ministry of Information that is responsible for public relations of all ministries. The Ministry with the largest manpower in the country, i.e., Education Ministry does not have anything like the ISPR. Third, the practice of one line budget for the Defence establishment introduced by Ayub Khan must give way to a publicly accountable budget. It is not denied that certain elements of it will be secret, but the plea of secrecy has been carried too far now. Finally, a national debate is necessary to evolve a security policy in the changed circumstances of the world. What kind of defence preparedness the nation should have; how should the land water and air border be watched and protected; what should be the strategy of defence; and what should be the appropriation of resources for defence. These are essential matters for public decision. The idea of abolition of standing army and the concept of national service by all higher secondary school graduates just cannot be brushed aside. Such national service while requiring military train-

ing, will be largely devoted to nation-building activities. Economic security or environmental security are much more moot today than territorial security. Again the economics of huge resource application for territorial security for a few hours has indicated by our last military ruler in the small global village must be put to serious scrutiny.

Simultaneously attention should be paid to parliamentary rules of business and perhaps a law for the autonomy of the Assembly secretariat. Legislative committees with permanent staff for each subject or inter-sectoral issue, as is dealt with by the executive, should be formed with the Chairman from the opposition benches. They should hold open hearings unless otherwise decided beforehand for special reasons. They should listen to representatives of the civil society. They should be attended by the ministers on a priority basis whenever their presence is solicited by a committee. All issues of policy such as Security Policy, a Memo of Understanding with the Aid group, Farakka negotiations, restructuring of finan-

cial institutions, privatisation programmes or Hill Tracts Problems should be discussed threadbare in these Committees.

The allocation of business of government should be approved by the legislature to prevent waste and pomp and establish the supremacy of parliament. Parliamentary questions are a very important instrument for accountability of the executive. This should be restored to its glorious role and a weekly Prime Minister's hour should be introduced. Adjournment motions are another means for securing the responsiveness of the executive, rules on acceptance of such motions should be made easier and flexible. These measures are necessary for institutionalisation of democracy on a permanent footing.

Another area of urgent action should be a piece of comprehensive law relating to the system of local government in terms of Articles 59 and 60 of the Constitution. The role and functions of the local government must be spelt out and they should be independent of the concurrent jurisdiction of the national government, who will, however, maintain national policy-making and inspection functions with no executive authority. There sources of financing should be determined and the bulk of it will be assignment from the

national revenues on some fixed principles. Today the budgets of all local bodies including gram panchayats assigned to them by the national government is a bare 5 per cent of the national budget. But under Article 59 they should undertake functions relating to administration and the work of public officers, the maintenance of public order (meaning police functions), and preparation and implementation of plans relating to public services and economic development. The devolution of public services including police functions and of economic development activities to local government will perhaps call for District Governments with Thana and Union Council as its bottom-up planning and actual implementing agencies.

A good framework is provided in the manifesto of Gono Forum and the structure needs to be established early enough to be vested interests of MPs are created to thwart empowerment of people. It should be stipulated that at least 50 per cent of the national budget current and development, is executed at the level of the local government. It should be borne in mind that fruitful social investment demands social mobilisation and that is not possible at any level other than the grassroots. The district government will follow the parliamentary form with the only difference that the members-in-charge of particular responsibility will have to work in committees constituted with proportional representation. A necessary corollary is the establishment of local government service which will be strongly resisted by the trade unions — legal or informal — of national government employees such as teachers, agricultural extension agents, construction staff of rural infrastructure, employees of public utilities. The interests of the people must take precedence over those of the public servants and for God's sake let there be no political patronage of such anti-development and anti-progress elements. The national employees will, of course, be absorbed in the local government service if they so please or they may prefer handshakes, not golden but in keeping with the means of the country. The plan should be to establish the local government structure in full within a year so that the next budget is prepared incorporating the new sharing of responsibilities between the national and local governments.

The writer is a former Minister of Finance and Planning, and a former Secretary to the government. The second part of the article will appear tomorrow.

Misuse of Powers, Legalised Misdeeds, Etc

by Mohammad Yusuf

Misuse of powers results in different types of misdeeds: the ones commonly talked about are corruption in the form of illicit gains, and favouritism. But there is a third category of misdeeds which involve doing things as per laws but not in people's interest.

In a democracy, people are called the source of power. The people's representatives, chosen through an election process, are supposed to manage the affairs of the people and the country as per wishes of the people. All activities of the representatives are supposed to be in the people's interests. When people vote for candidates seeking election as representatives, they have a vague feeling that the representatives would serve their cause in the national Parliament and in the affairs of the Government. Actually by electing a candidate, they practically give him a blank cheque or confer powers on him to do things as he deems fit.

While working a democracy, there are some very nice phrases and words, such as checks and balances, accountability, transparency, etc. To the bulk of the electorate they mean little or nothing in the Bangladesh context. The representatives while framing the Constitution of Bangladesh arrogated to themselves powers to make orders, rules, regulations, bye-laws or other instruments having legislative effect which, they in their judgement considered, are in people's interest. Some powers have been retained by the representatives, while others are delegated to Ministers and officials of the Government to run or manage the affairs of the country. As a result, all officials from Secretary

of the Ministry, Heads of Department and Corporation, etc. down to the level of peons exercise some powers depending on their rank and responsibility — all supposed to be in people's interest. The system of delegation of powers to all tiers of officials of the Government is a complicated matter. Powers have to be delegated, as without the powers no work can be done. The system spreads far and wide in a labyrinthine manner, not necessarily in a diminishing scale. Parts of powers delegated to Departments and Corporations involve making their own rules about which authorities delegating the powers provide only broad guidelines. Sometimes the guidelines contradict the laws under which the Departments or the Corporations were created, giving rise to confusions which are rarely cleared.

A representative, unless he rose from the bureaucracy, generally does not know how the mechanism of exercising powers works in the affairs of the Government. A representative only knows what he wants. He often does not know how to get it done. For that he depends on the bureaucracy. When a Minister and a working

bureaucrat get together, they can do many things including a lot of misdeeds.

There are hardly any administrative controls over the exercise of powers, because those who are supposed to control it are themselves involved in the exercise. The only controls are budgetary and accounting. But these are thoroughly inadequate, as we would presently see. Misuse of powers results in different types of misdeeds: the ones commonly talked about are corruption in the form of illicit gains, and favouritism. But there is a third category of misdeeds which involve doing things as per laws but not in people's interest. We may call them legalised misdeeds. A few examples are mentioned below:

(1) For construction of the Sangshad Bhaban that is the National Parliament of Bangladesh, it is learnt that about Tk. 200 crore was spent. The space needed for a building of similar cosy accommodation could easily be built for Tk. 5 crore. Whom are they trying to impress with the architectural monstrosity at Sher-e-Bangla Nagar? Why was this excess expenditure made out of the budget of one of the poorest

countries of the world? Was it not the duty of the representatives to oppose it? But none to our knowledge did it. (2) Any representative or official of the Government placed in-charge of administration of some affairs of the Government, immediately after taking over, makes sure that he has an office lavishly furnished, properly air-conditioned, wall-to-wall carpeted and tastefully upholstered, and brand new cars with smartly dressed drivers and attendants at his disposal. Such gorgeously furnished offices were not there even during the British colonial period. Who authorised the representatives and officials to do these things for their own comforts and convenience? They have a false notion that dignity goes with the outfit. Some years back the Chairman's room of one of the Corporations was found to have the type of furniture which was comparable to the furniture of French Emperors, at present visible in a Paris museum.

(3) Ministers and senior officials are often found to throw dinners and parties in State guesthouses and hotels to hundreds of guests involving expenditure of lakhs of Taka. They do not seem to have any

conscience. While arranging such functions the representatives forget that they spend the tax money of people 70 per cent of whom live in abject poverty.

(4) The rules of one of the Corporations recognise certain amount of pilferage by their employees. The driver of a car placed at the disposal of some consultants several years back in a Corporation, complained that he was getting poor salary compared to the other drivers of the Corporation. When asked to explain he said he was employed on a daily wage basis with a total monthly wage of about Tk. 750/- whereas the salary of regular drivers was about Tk. 1200/- pm. This matter was mentioned to one of the Corporation's executives. His reply was that the drivers were known to pilfer petrol of cars. So he would make up the difference through the theft. How much petrol he was supposed to steal, was not stated by the executive.

(5) Once a senior official of the Ministry of Planning, being frustrated with low utilisation of the ADP allocation, exhorted the executing agencies of projects to utilise the allocation with the remark: Go and spend the money. We know

there will be some wrong expenditure, but there will be some right ones too. He did not elaborate how much wrong expenditure the Ministry would accept. The examples of purchase of construction materials in June towards the end of financial year to forestall the lapse of fund are well known. It is also known that much of these materials get washed out by the ensuing flood waters.

(6) Most representatives most of the time are engaged in politics to improve their personal image and pecuniary matters by hook or by crook, rather than serve the causes of the people or the country. Idealism in politics is rarely seen these days. We are reminded of the notorious legislation about the import of motor vehicles duty-free by the Representatives in the Fifth Parliament. All the Representatives got together to pass this without any qualms of conscience.

Unfortunately our socio-political situation is so queer that days that most people consider a man as very clever when he says one thing, does another thing and apparently believes in still another thing. Such a man cannot be trustworthy. The word 'conscience' is not written anywhere in our Constitution. The principle seems to be: Make hay while the sun shines.

Perhaps these matters should serve as points to ponder by the electorate during the elections on June 12, 1996.

There will be some wrong expenditure, but there will be some right ones too. He did not elaborate how much wrong expenditure the Ministry would accept. The examples of purchase of construction materials in June towards the end of financial year to forestall the lapse of fund are well known. It is also known that much of these materials get washed out by the ensuing flood waters.

(6) Most representatives most of the time are engaged in politics to improve their personal image and pecuniary matters by hook or by crook, rather than serve the causes of the people or the country. Idealism in politics is rarely seen these days. We are reminded of the notorious legislation about the import of motor vehicles duty-free by the Representatives in the Fifth Parliament. All the Representatives got together to pass this without any qualms of conscience.

Unfortunately our socio-political situation is so queer that days that most people consider a man as very clever when he says one thing, does another thing and apparently believes in still another thing. Such a man cannot be trustworthy. The word 'conscience' is not written anywhere in our Constitution. The principle seems to be: Make hay while the sun shines.

Perhaps these matters should serve as points to ponder by the electorate during the elections on June 12, 1996.

To the Editor

Importance of female voters

Sir, Approximately half of the voters are female. Both leading parties, BNP and Awami League, lack serious efforts to reach these female voters, whose participation are very important in the closely contested constituencies between BNP and Awami League. Political rallies and meetings related to the elections are dominated by male voters. Because of the leading political parties, whose leaders are female, lack a cohesive strategy to reach these female voters. Among the two leading political parties BNP and its leader Khaleda Zia is very popular among the female voters. However, BNP is taking the female voters for granted. The party has put very little effort to reach them at home or door to door. These large number of female voters are considered to be the 'swing voters'. And they will decide the fate of a candidate in a closely contested election. In every closely contested election around the world,

'swing voters' always played a significant role in favour of the candidate who won the election. Usually, the margin of difference between a winner and a loser is one to three per cent of the total vote. In the recent Israeli election, the swing voters were newly arrived Jewish immigrants, who favoured the Likud Party for a secure and safe Israel where they can start a new life. In the last US Presidential election (1992), Bill Clinton was very popular among the female voters because of his support for "Women's right to choose for abortion." At the moment, President Clinton is favoured by 55 per cent of the voters compared with 48 per cent for his opponent Senator Bob Dole of Republican party. President Clinton's lead in the current poll was due to his popularity among women voters. These women voters are going to be the 'swing voters' in the upcoming US Presidential election. If Senator Dole fails to win the women's vote then President Clinton's victory in the November 1996 presidential election is inevitable.

In Bangladesh, the parliamentary election is going to be very competitive if a free and fair election takes place. At this moment, it is hard to say which party is going to win the majority seat in the parliament. However, it will be incorrect to say that the majority of the male voters are split between BNP and Awami League. So, the women voters will be the 'swing voters' who will decide the outcome of the election.

Khalid Abedin
Ashraf Villa, Cox's Bazar

Moneyed outsiders

Sir, With an assumption that the moneyed outsiders have better prospects in the polls than others, the major political parties invited some highly controversial personalities in their parties.

In this process Awami League, which still loves to boast for leading the nation's War of Independence in 1971 has received in party such people who had collaborated actively with the anti-liberation forces. BNP, which these

days criticizes the Jamaat for its anti-liberation role has also welcomed some known collaborators. It is surprising to see that some war heroes along with personalities of dubious character joined Awami League on the same day. Same is the case with BNP where people of diversified opinions staged their comeback to the party on the same day.

The motive of such people are very obvious. Securing a nomination to contest for a JS seat. Ideology cannot stand on the way for such personalities. This trend will obviously pollute the political arena. A perfect politician should have various qualities. He or she must be the upholder of principles, norms and values of a certain politics and above all, have the dedication towards his or her party and the people. When a person with such qualities is ignored by the party, a sense of demoralisation and deprivation seems to take over the person who have actually been serving the party at the grassroots.

Such persons who have rightful claims on the party

nominations may indulge solely in money-making process instead of working for the well-being of people since they may get the impression that it is nothing but money that can make concepts like ideology and principle unfamiliar. As a result the political system is bound to receive a heavy blow.

Many of these elites who have been nominated by the various parties are enjoying a luxurious life. They have hardly any idea about the rural society. If they are elected for the seats they are contesting for, their prime issue will be to recoup the money they spent to win the elections with a large profit margin by abusing their power as MPs. Because cost benefit analysis is the prime concern of a businessman.

Above all, they will not be able to serve the interest of the corresponding areas even if they are willing to do so because such members are not familiar with the problems that the poor constituencies confront everyday.

If this is the situation, the entire political system will be

exposed to the danger of being isolated from the people.
Dipal,
Dept. of Economics,
Dhaka University.

Election and observers

Sir, International organisations have sent observers to monitor the parliamentary election '96 — commonwealth 20, National Democratic Institute 30, South Asian non-government organisations 40, Japan 12, Norway 3, Cambodia 7, Sweden 3, Denmark 4 and Philippines 2. Besides, FEMA, which includes a large number of NGOs, will engage 30,000 observers at a cost of Tk 70 million.

Fifty-eight journalists from BBC, CNN, Reuters, AFP, ABC, Globe and Mail (Canada) and Far Eastern Economic Review will cover election scenario in Bangladesh. Are so many observers needed even when the election is being held under a caretaker Government?

Serajul Islam
Rd. 39 House No 31
Gulshan, Dhaka.