

## FOCUS

## Law and Our Rights

## Election Violence 1996

Fayaz Uddin Ahmed

The long-awaited National Parliamentary elections was held on 12 June 1996. In order to ensure free and fair elections, a neutral caretaker government was formed for the second time in the history of Bangladesh. The first caretaker government was formed after a popular uprising in 1990. Five years later, its necessity was again apparent. But terrorism and violence, in addition to eroding the country's law and order situation, were yet the main impediments to the holding of free and fair elections by this government.

The following table covers violence during the period 18 May to 7 June 1996: incidents were compiled from national dailies.

Parties Involved	Number of Incidents	Number Wounded	Number of Deaths	Percentage of Total Incidents
BNP v AL	39	295	14	51.87
BNP v JP	10	123	0	13.30
BNP v Chhatra League	2	17	0	2.66
BNP v Chhatra Shibir	1	0	1	1.33
AL v JP	3	28	0	3.99
Chhatra Dal v Chhatra League	4	33	0	5.32
BNP v Jamaat-e-Islami	2	10	1	2.66
AL v Jamaat-e-Islami	1	12	0	1.33
AL v JSD (Roi)	1	6	0	1.33
Sartajab Party v Jamaat	1	3	0	1.33
Terrorists v Shibir Workers	1	0	1	1.33
Terrorists v Jamaat	2	0	2	2.66
Terrorists v Chhatra Dal	1	0	1	1.33
Terrorists v Chhatra League	4	10	3	5.32
Terrorists v BNP	2	42	0	2.66
Terrorists v Gono Forum	1	10	1	1.33
<b>Total</b>	<b>75</b>	<b>568</b>	<b>24</b>	

The table clearly shows that the use of violence is central to the major parties. The student wings of the main political parties also practice violence. Besides these, other important events include: the destruction of a shop of an AL supporter and a camp of an AL leader by the BNP (Bhorer Kagoj, 28/5/96 and 1/6/96); the violent murder of the Aagoraoon Ward Commissioner, S M Shahabuddin (Daily Star 1/6/96); attack on the house of AL leader Badal Alam of Chittagong-8 (Bhorer Kagoj, 2/6/96); murder of AL leader Jamaat Ali of Manikganj; murder of AL workers in Pabna and Manikganj by terrorists (Sangbad, 3/6/96).

In separate incidents, the following people were arrested:

Date	Place	Party Name & Number Arrested	Sources
31/5/96	Pabna	Chhatra Dal leaders	Daily Star Ajker Kagoj, Bhorer
2/6/96	Jessore	Chhatra Dal formed cadres	Kagoj, Independence Inqulab ('tefaq Sangbad, Janakantha
3/6/96	Shondip, Chittagong	BNP & Chhatra Dal clash with police following attempted arrest of 3 Chhatra Dal leaders	
4/6/96	Dhaka-11	Chhatra Dal clash with police following attempted arrest of convicted Chhatra Dal leaders	
5/6/96	Strajganj, Natore, Jhakhat, Narayanganj-2	BNP and Chhatra Dal (29) and JP(1)	
7/6/96	Kishoreganj	Chhatra League leader	

It should be highlighted that in the first ten days of this survey (from 18 to 28 May 1996), violent incidents were limited to 25. But during the second half of the reporting period (from 28 May to 7 June 1996), the number of violent incidents tripled.

The post-election situation is not very hopeful too. On the election day in different incidents near about 300 people were injured and more than 10 persons were killed. We have already been informed that voting in 123 center has been postponed. There were clashes between the three major parties namely BNP, AL, and JP. Police had to lathicharge, some of them were also injured. Bullet-boxes were snatched in Pirojpur, Swarupkhati, Moulvibazar and Bhola. The loose party attacked on the winning party and the most significant of all the incidents was that there were attack on the minority people in different part of the country. Among the other instances it was heard from reliable source that in Chandpur minority community voters were forcefully kept out of voting. Attack and violent threat were made against the minority population in different part of the country. These lead to abstention from voting by a large number of minority community voters.

## Violations of the Election Code of Conduct 1996

On 27 April 1996, the caretaker government announced a Code of Conduct (in eight sections) which was to govern the

election process. It asked all political parties and people from every walk of life to abide by the Code. But by monitoring seven national dailies for more than a fortnight (18 May-10 June 1996), we uncovered a dismal picture.

## Total Number of Violations of the Code of Conduct:

Party Name	Number of Violations
BNP	86
AL	61
JI	33
JP	20
Joker Party	05
Islami Oikyo Jote	03
Workers' Party	03
Sammiddha Bangladesh Andolon	03
Gano Forum	01
NDP	01
Khelafat Majlis	01
Islami Shashantantra Andolon	01
Independent Candidates	06
<b>Total</b>	<b>224</b>

## Violations by Major Parties by Code Section:

Section violated	BNP	AL	JP	JI
Sec:3 (prohibiting giving or promising to give donations or money)	5	6	1	0
Sec: 5 (1) (prohibiting disruption of another party's campaign)	4	1	0	0
Sec. 5 (6) (prohibiting use of government officials or property)	7	2	1	0
Sec. 5(7) (prohibiting posting over campaign posters, etc. of another party)	3	0	0	0
Sec. 5(8) (prohibiting setting up of camp on another's property and serving refreshments to voters)	2	0	0	0
Sec. 5 (9) (prohibiting use of government rest houses, bungalows, etc for campaign)	2	1	0	0
Sec. 5 (10) (restricting posters to black and white, 22'x 18')	10	5	5	4
Sec. 5 (11) (restricting use of microphone to 3 at a time, between the hours of 2-8pm)	1	1	1	1
Sec. 5 (12) (warning against misuse of public property)	1	1	0	0
5 (13) (prohibition on graffiti)	5	5	3	4
5 (15) (prohibition on using buses or other vehicles in processions)	5	3	1	1
5 (17) (to refrain from expressly or impliedly hurting beliefs of others)	21	15	4	7
6 (prohibition on use of arms or physical intimidation)	1	1	0	0
<b>Total</b>	<b>67</b>	<b>41</b>	<b>16</b>	<b>17</b>

## Warnings Issued by Election Investigating Committee:

Party Name	Number of Warnings
BNP	13
AL	09
JP	04
JI	06
Khelafat Majlis	01
Sammiddha Bangladesh Andolon	01
Islami Oikyo Jote	02

## Communalism in Sub-continental Politics

Every state must protect all ethno-cultural diversities within it. State exercising 'Homogenisation' must face the consequence of separation, writes Abu Sayeed Khan

'At a point in our history we, Muslims of the sub-continent, believed that we could not live with Hindus. Though we had lived with them for centuries and had adopted their cultures, suddenly we woke up to a new reality — that we could not bear to live with them even for another day. So, we purified ourselves — made for us the land of the pure-Pakistan.' This courageous statement was made by Mafisa Sha, a journalist of Pakistan, at a seminar held in Karachi on 'Towards Tolerance and Peace' as an event of People's Plan of 21st century (PP-21) South Asia.

It was the British, who created communalism through the policy 'divide and rule.' They were able to inject the sentiment in the people that they could not live with the neighbours in the same land. India could have been divided not into two parts, but into many parts. But the division on the basis of religion was wrong. History tells us that in ancient time India was not a single country. It was only during the rule of the Moghul that India was successfully turned into a single country.

Needless to say, it was not a firm conviction of the Muslim to establish a separate land for themselves. The Muslim unitedly with Hindus participated in the movement against the colonial rule. Muslim leaders, even religious leaders like Mawlawi Abdul Kalam Azad, Mawlawi Shawkat Ali, Mawlawi Mohammad Ali took part in the struggle to liberate the whole of India and not for to establish a separate land for the Muslim. Even Mr Mohammad Ali Jinnah, the founder of Pakistan, was once called the ambassador of Hindu-Muslim unity. It is a historical fact that there was a 'conspiracy made by the British-ruler to divide India on the basis of religion.'

The British was successful in making it to use Mr Jinnah's the two nation theory as an instrument. It has been proved that this division of India on the basis of religion was a blander and almost an act of suicide. It is clear that it was not practical that only one religious community should live in a separate land. Soon after partition of Pakistan was again proved to be wrong. Not only this, after Mr Jinnah understood it, that is why in addressing the Pakistan constituent assembly he said: 'we are neither Muslim



nor Hindu. But we are Pakistan.'

He also assured that every citizen would have equal rights, without distinction of religion caste or creed. It is needed to mention that in practice the contrary was the case.

The aims and objects of Pakistan were questionable from the very beginning of Pakistan movement. It was true that in 1946, Muslims, even the Muslims of East Bengal voted for Pakistan with a view to getting liberation from the zamindars and money lenders, most of whom happened to be Hindus.

Bengalees broke the emotional ties with Pakistan. In 1948, when 'Bangla' the mother tongue of majority was denied its rightful place as one of the state language. The Bengalees realized that they had been thrown into another prison, that was Pakistan. The language movement launched by the Bengalees ended in 1971 by establishing a new state on the basis of linguistic nationalism on the graveyard of Pakistan. After the independence of Bangladesh, the basis of Pakistan was again proved to be wrong. Not only this, after our independence, still the Pakistan government is trying to make Pakistanis into one nation through Islamisation. There in the seminar, Dr

Tareq Banuri, a noted economist of Pakistan said.

'Homogenisation is a wrong exercise.

and that it is better for Pakistan to protect all ethno-cultural diversities.

It is clear now that it was to divert not only the Bengalees, but also the Pathans, Punjabis, Sindhs and Balochis into a wrong track.'

Let us remember that to create a separate land for the Muslims, resourceful provinces of India, like Bengal and the Punjab were divided into two parts, one of which went to Pakistan, and the other to India. But we are lucky, our mother tongue 'Bangla' is undivided, that Rabindranath and Nazrul Islam will never be divided. But in the case of Punjab it is different. The Punjabi language uses separate Alphabets in two parts. The people of one part cannot read the script of the same language written in the other part and vice versa.

One participant of the seminar complained that a conspiracy made by the reactionary corner was also responsible for creating a difference between Hindi and Urdu. He mentioned that if properly handled, these two language could be turned into one language.

During a conversation, Dr Mehedi Hasan, Professor of Punjab University said that after partition when along with the members of his family, he was in a journey from his homeland in India to Pakistan, it was joyful to him though he was unable to understand the consequences of the journey. But the eyes of his father were full of tears. When he grew up, he realized the tragedy behind this journey. Dr Hasan added that his father always felt that he had been uprooted from his homeland. This eviction was intolerable to him, which was

the reason of his father's early death. Not only Dr Hasan's father, the lives of millions of people ended tragically.

I must say that the people of the sub-continent will have to suffer more for the historic disaster that happened in 1947. This partition on the basis of religion is also responsible for the conflict between Sindhs and Mohager in Karachi. Due to this the Beharis living in Bangladesh are now homeless. They claimed themselves to be Pakistani citizens, but they are not taken to Pakistan by the Government of Pakistan. Now a large number of them are in the Geneva camp. How long will they live in a refugee camp? The Bengalees in Karachi are also in a miserable condition. They have nationality cards like other citizens of Pakistan. But they are being harassed by the police. The Government of Pakistan is not ready to treat them as ethnic minority of Pakistan.

The partition based on religion has made of possible for politics based it religion to survive. And because of the use of religion in politics, communalism has been strengthened in society.

Though Bangladesh emerged with secularism as one of its State Principle, during the period of General Zia the term secularism was withdrawn through an amendment. At General Ershad's period, Islam as state religion was added to the constitution.

Soon after independence, a law was enacted by the Pakistani to oppress Hindus, was reintroduced by changing the name. Now it is called 'Vested Property Act.'

In our constitution, equal right is given to all. But in deed the religious and ethnic minorities are denied in superior services. Thus, it is adopting communalism.

India is always a secular country. But now religious based politics is being practised by some political parties. The neutrality of the state is now questionable. There is a complain that the state failed to protect the minorities' right. On the other hand Pakistan is an Islamic Republic, where the religious minorities are treated as second class citizens.

According to the Constitution of Pakistan, the President and the Prime Minister should be Muslim. There is no scope for a non-Muslim to hold any key post of the Govt in Pakistan.

Finally, I would like to turn to the proposals, which have been raised by the conscious sections of the region. That is, we shall have to stop the use of religion in politics. The state has to ensure that it belongs to all citizen without distinction of religion, sex, and language.

## Violations of the Peoples' Representatives Order, 1972:

Section	BNP	AL	JP	JI




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