

A Crucible for Both Government and Opposition

by Muhammad Anisuzzaman

Disgusting

Pictures of women students kicking or dragging each other, tugging at clothes or tearing their and pulling each other by hair — as carried in different dailies yesterday — were disgusting, to say the least. We are invaded by a sense of nausea not only because the country's largest university-college has been brought to so much disgrace but also because its students could stoop so low as to belie their education and social standing. Politics is showing the ugliest of its faces on the campuses with an added venom and vengeance.

We condemn this spread of poisonous politics into newer territories of education. Women or girl students here were never known to be so awkwardly militant. We are afraid the fracas by the Jatiyatabadi Chhatradal (JCD) and Bangladesh Chhatra League (BCL) wings of the Eden University-College was out of place and most unfavourably compares with the historic anti-imperialist role played by Ela Mitra, Preetilata Weddedar, Kalpana Dutta, etc., let alone the contributions of many of its illustrious products in shaping Bangladesh's history thereafter. Women dormitories of the university and the female hostels of colleges have become increasingly suspect of harbouring illegal weapons of male cadres. Although police raids have failed to recover arms from the women dormitories so far, the suspicion lingers.

The situation has been further complicated by male cadres from outside joining in the fray — allegedly at the invitation of the female students. This bodes ill for educational institutions meant for girls and for women's education in general. Politics must not be so nasty as to take away the sense of dignity and sanctity which is so fundamental to the concept of higher education. The type of violence witnessed on Eden College campus should set off the alarm bell for the government. If student wings of the political parties get busy establishing their stranglehold on all types of educational institutions and dormitories, the blame must be taken by the parent parties in the first place but the ruling party only more so because it is at the helm of affairs. The new government's nice words have not as yet been matched by deeds, so far as containing campus violence goes. We want to see action replacing the rhetoric.

Unsafe Water

Dhaka city's daily requirement of water is only half-met through the WASA network. In other words, some three million people in the heartland of the country have no access to tap water. With such a large number of people remaining vulnerable to health hazards any news about chinks in the existing water supply coverage can be extremely unnerving.

WASA has had a run of good luck with tapered public questioning about the quality of water supplied by it — thanks largely to media concentration on surface water plants required to make a quantum jump in water availability. Nevertheless, a front-page item in this newspaper on Friday did raise a question about the quality of water being supplied to the city-dwellers. The potability of water has been found suspect in the case of Pallabi extension in Mirpur after bacterial tests were conducted by the Department of Environment (DOE) on receipt of specific complaints from residents of the area. But there is a strong likelihood of similar findings seeing day-light in respect of other localities, should the consumers decide to have their water tested. In fact, we would like the WASA to carry out routine surveys to determine how safe the water piped by them. The presence of coliform, a faecal contamination in three households of the seven covered by the tests sounds dreadful enough. More probes need to be carried out by WASA without waiting for complaints to be formally lodged with them.

The remedial measures ought to be taken on two levels: first, WASA must get its reservoirs and pipelines repaired and cleansed, basically on the undersides, according to a time-bound plan.

In the interregnum, it should not fail to chlorinate the supply-line water. Secondly, the household owners will have to take the responsibility of periodically bleaching their underground or overhead water reservoirs. Media could help sensitise them but there is need to develop servicing units in the private sector.

Salute to Mahathir

The National Day of Malaysia passed yesterday leaving an imprint on our minds. We feel we ought to take a leaf out of their book of progress. We have had an opportunity of reading it in an abridged form of a newspaper supplement brought out by the Malaysian High Commission on the occasion.

What is there in it that has endeared the country and its leader Dato' Seri Dr Mahathir Mohamad to us in a very special way? Plenty. Mahathir's Vision 2020, based on attainment of high growth rate with social justice on a self-reliant course of national development marks him out as a leadership example in the developing world. We have just about started striving for growth with equity, a development path that is hardly strewn with roses given that the vested quarters are instinctively against distributive justice.

Mahathir's stress on South-South cooperation at a time when economic groupings dominating the world trade and investment scene have somewhat diluted that concept, is reflective of his passionate advocacy of internationalism with a collective independence of mind in the Third World.

Malaysia stands out as a standard-bearer of socio-political coalition amidst ethno-religious diversity, a set of ethos that has served as a driving force for her rapid economic growth.

Let Malaysia-Bangladesh cooperation be elevated to the status of long-term partnership between two brotherly and forward-looking countries.

The Nature Of The Issue

MAHABHARATA, the celebrated epic, puts law and order as the acid test of a government. It relates two basic social institutions — viz., the family and the property — to government. A man should first choose his king, then his wife, and only then amass wealth; for without a king in the world, he would wife, and property by (XII, 57, 41). Many of us read it, but don't give it a hearing it deserves. The new government of Prime Minister Sheikh Hasina seems to give it a hearing as both AL-backed Bangladesh Chhatra League (BCL) and BNP-backed Jatiyatabadi Chhatradal (JCD) are poised to test their strength on campuses all over the country. This write-up attempts to comprehend the nature and consequences of violence committed by students to demonstrate their strength as progress to either the party in power or the party-in-opposition.

Little do they realise that in arming students to carry out acts of violence, both government and opposition are committing the worst crimes. On record, however, both AL and BNP stand for the maintenance of law and order and punishment of the terrorists, irrespective of party affiliation, as if there is no party patronisation of student fronts. The PM goes a step further asking the police to arrest terrorists even if they belong to her party. If any terrorist belongs to my party, he or she will not be spared. [The Daily Star (hereinafter DS), 15-7-96 P.12].

BNP chairperson Khaleda Zia recently visited the injured JCD leader in the hospital thereby strengthening the suspicion that BNP does patronise student fronts. The VC's comment that "the roots of DU terrorism are outside the campus." (BO 3.8.96 P.12) is precise but tense. Even a casual observer knows what the term outside means.

The Grim Tale

Unfortunately for the country, the change of government was followed by a series of strikes between government and opposition. It has been a political culture to occupy the Dhaka University campus, and the halls of resident-students by the supporters of the party-in-power. JCD followed the tradition occupying most halls. As BNP lost to AL, the JCD must be ousted from the halls, and replaced by BCL supporters. This is the crux of the problem. On August 20, the two conflicting sides BCL and JCD held a six-hour-long gunfight, forcing the university to close down for three days. The goings-on at the Dhaka University do not speak of there being any authority there and the whole place is anything but a seat of learning... If it (govt), allows the campus situation to deteriorate further, it will become as helpless as BNP was in the latter's need to save the campus from pervasive brutalisation by its student wing. The government has so far said about all the right things in the matter. But it is the results they produce which is material to the nation. [DS 22.8.96 P.4].

The Deputy Leader of the opposition demanded the resignation of the Home Minister for his failure in tackling law and order. The police arrested 28 DU students which JCD described as unleashing a reign of terror on the campus under cover of

the law enforcing agencies. A former DUCSU Vice President and a BNP State Minister, commented: "The AL while it was out of power had wanted a terrorism-free campus. But now in power, they have let loose a reign of terror on the DU campus, forcibly ousting the students and 'Capturing' residential halls." [DS 25-8-96 P.12]. Another remarkable phenomenon is that DUTA which is quick to condemning such acts has not criticised terrorism in hall-occupying. Instead of mentioning the gun-battle between BCL-JCD and between JCD and police, it now expresses concerns over 'outsiders' in different halls. The concern is well taken, but has been rather late in arriving. On the face of united stand the teachers on the campus, no terrorism can exist for long. Such a stand is yet to be demonstrated, while its absence serves to raise doubts that our learned teachers, too, might be divided on party lines just as their students are.

Not just the DU campus, other campuses around the country fare no better. Almost similar, if somewhat smaller in scale, took place at Chittagong, Salimullah, Dhaka and Sher-e-Bangla Medical Colleges leading to closure. JCD and BCL activists accused one another for the clashes. Their teachers were reportedly divided among themselves. One JCD unit claimed that the DMC Academic Council had first decided to reopen the college

The sad fact seems to be a gap between profession and practice of both parties. However, it is too early to fault the AL. It has been in power for a couple of months. It must be given a reasonable time to grapple with it. The question of terrorism looms large if the party-in-power does not act resolutely on the issue.

but changed the decision later under the influence of some Mujibbadi teachers [DS 18.7.96 P.12]. If true, it would be most unfortunate, to say the least. The BCL-JCD fighting is so frequent that it makes headlines from time to time.

There seems another dimension to this scenario — sharing of booty. As the report goes: "Besides political reasons, rivalry between the two BCL groups has mounted over toll collection from a 10-crore taka construction work near the Science Library." [DS 19.8.96 P.1] just pause a second to imagine how low have our students stooped if the report is true!

Another dimension to note here is the splintering or factionalism on the hall occupation business. The BCL itself being divided into two rival factions — has consolidated its position in four halls. The Faridpur faction 'has strong holds at Jagannath Hall, Salimullah Hall and Zahurul Haq Hall while the Gopalganj faction' has its hold in Shahidullah Hall. [DS ibid].

The JCD, on the other hand, has also consolidated its position in Mohsin Hall, Surya Sen Hall, Ziaur Rahman Hall, Bangabandhu Hall and Sir Af Rahman Hall. [DS ibid]. So the scenario continues with crescendo — forcing us to ask: QVO Vadis: Whither goest thou!

Later reports reveal that the Faridpur faction of BCL has also captured the Mohsin Hall and ousted JCD activists from reality and not an option. So, in the liberalised economy, competitiveness would be the key to determine the country's future, and naturally development of human resources will determine the competitiveness. Again on 18th August 1996 speaking in a seminar on "Budget for 1996-97 and Reforms Programme" organised jointly by Economic Reports Forum (ERF) and the Metropolitan Chamber of Commerce and Industry (MCCI) the Finance Minister emphasized the need for a national consensus for taking the hard decisions on reforms. While talking about the private banking sector the minister said, "I was looking with horror at the performance of private banks". He added that there is a need to protect public interest in the banking sector.

On the century the World Bank in its report 'Bangladesh, Agenda for Action' suggested that over the next two to three years, the government should privatise at least two of the three remaining nationalised commercial banks (NCBs) to get banking-sector into the hands of a 'competitive, well regulated private sector'. Regarding the

long term goals, the WB suggested the government to continue improving the legal framework. It suggested a ten-point programme to improve the financial sector. The programmes include: tightening loan recovery; strengthening Bangladesh Bank; restructuring private bank; privatisation of nationalised commercial banks (NCBs); strengthening accounting and auditing practices; implementing new information technology; developing staff skills; deepening capital markets; and restructuring state-owned development financial institutions.

The World Bank further said that instead of a financial sector that collects and allocates savings efficiently and contributes to economic growth, Bangladesh has a system in which borrowers fail to repay loans, fore closure is almost unheard of, and the government has to bail out banks. The World Bank was very critical about the inefficiency of the Bangladesh Bank and commented that despite recent improvements in Bank supervision capabilities and some staff training, the central bank re-

mained a weak regulator and was unable to react boldly and decisively to the problems. So, we find that in the report, 'Bangladesh, Agenda for Action' the World Bank has specifically suggested a ten-point programme to improve the financial sector of the country. Our government will have to follow the prescription of the World Bank as far as possible. long we cannot formulate 'home-grown' reforms and policy directions to move the country ahead in the 21st century. But our vision and policy choices for the future are not at all clear. We understand very well that it is imperative to discover our own real resources and our talents should not spend their time only in writing consultancy reports. Rather, they should be working on their own models and structures.

Our government has to commit itself to agenda reforms developed by itself which should be put to discussion in the parliament and in the civil society. The government should reach out resources to the poor and relocate productive assets in their hands. Capital assets have to be relocated to low income segments of the society. Packages are also needed to improve their productivity with a view to utilising that capital,

nowadays blaming all previous governments of the past twenty-one years for committing all types of negligence in duties to the country. We are bewildered and completely perplexed as to why most of the present respectable ministers, MPs and government officials did not wear 'Mujib coat' during the last twenty-one years? Who is responsible for committing negligence to duty?

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Because of the above reasons, countries interested in crippling our future generation are active (by supplying drugs). I would appreciate it very much if you consider to write an editorial in your esteemed paper. A Parent, Dhaka

Mujib-coat politics

Sir, Smartly dressed in 'Mujib coat' all the ministers, MPs of Awami League government and some bureaucrats are

may be. One vainly hopes that these are fabrications. If true, then the questions remain: Who keeps supplying arms to the student fronts? Where do arms and ammunition come from? To think of the government supplying arms to students is horrendous. Yet, apparently, these fronts are either government-backed or opposition-propped. If so, how can there be peace on campus? The political patronisation of student fronts at campus is: to be or not to be — that is the question — to quote from Shakespeare. If the political parties still need to know how the cross-section of the people feel on the issue, they might consider *Autumn*, a BTV series on public opinion telecast on 10-8-96 which identified political party patronisation of students fronts as one of the sources of terrorism.

Who Will Bell the Cat? The source is identified, but the remedy baffles us. We all know the cat. The question is: who will bell it first? The government or the opposition? If the PM can act rising above the party interest in effectively curbing terrorism and dealing with AL terrorists as firmly as she does BNP terrorists, then Bangladesh surely has a future. If she fails to handle the AL terrorists, she will surely go the way Khaleda went in handling BNP terrorists. The sad fact seems to be a gap between profession and practice of both

parties. However, it is too early to fault the AL. It has been in power for a couple of months. It must be given a reasonable time to grapple with it. The question of terrorism looms large if the party-in-power does not act resolutely on the issue.

The resolve might be there, but it needs to be demonstrated for the sake of transparency. Who among the two major parties have the first duty to set the ball rolling? Suppose, the ruling party catches a terrorist who belongs to it. What is likely to happen? He may be apprehended and put to trial. Another two or three AL terrorists are taken into custody. What if the AL terrorists number exceed three or many more, and becomes alarming, will then the ruling party take action? Logic suggests that no action will follow for the simple reason that the ruling party — fearing loss of a support base — might look the other way. That one action, if taken might encourage the opposition to indulge in terrorism on the plea that the ruling party terrorists are at large.

So terrorism cuts both ways — with government and opposition serving as cannon fodder and sustaining casualties. This imbroglio will continue till both parties realise that they can't get anywhere in this madness except to annihilate themselves and ruin the students. Campus is a centre of learning not a cock pit. It's a place where issues can be debated but not fought with arms. The only

occasion in dealing with the law and order situation.

(d) Parliament: What about the Parliament? The PM wants the Parliament to be in the frontstage. Why not initiate legislation to deal with the terrorists irrespective of party affiliation? Such a bold step calls for united move of both government and opposition. A strong lobby outside the Parliament must be created providing technical support. The existing laws may be reexamined in terms of their suitability. New laws, where necessary, can be enacted and applied. The parliamentary committees may be made more active in overseeing the law and order aspects of the university students, teachers, and then political party — so as to recommend amendable actions. It may be necessary to ban all political activities on campus of all political parties and their campus organisations.

The Missed Opportunity Early in office, BNP initiated a roundtable with all political parties to grapple with such issues. If I recall correctly, after one or two meetings, nothing was heard of it. The AL is now calling upon the BNP to join hands in such matters. The BNP does not seem interested to work with AL in any matter whatsoever. It boycotted the national seminar on law and order on the plea that the matter be debated on the floor of the House. The leader of the opposition has been conspicuous by

her absence in the House Committee. The opposition walk-outs have been too frequent beginning from the first day of the Seventh Parliament. It seems that the ghost of the continued hartals and ceaseless non-cooperation of AL and its supporters during the last two years of rule has been haunting BNP. It might not miss an opportunity to harass the AL government, as it does right now regarding DU riotous government makes mistakes, its small aberrations may be forgiven but big ones should not.

With years passing, the big ones are likely to multiply giving BNP occasions to pay AL back in its own coin i.e. grinding government to a halt, exactly the style shown by AL. Yet the political culture of Bangladesh — especially that of government and opposition — seems to have opted for confrontation, and not consultation. It feeds on suspicion and distrust. It breeds dislike and hatred. It eventually leads to a politics of revenge — which the PM has so thoughtfully said her party would shun.

It is of utmost import the areas of cooperation be identified between government and opposition without losing any further time. Such areas — however small — the beginning of working together with growing trust and follow-feeling. We witnessed in during the Fifth Parliament days how BNP and AL and other parties joined hands in amending the Constitution — thus enabling it to revert to a parliament any form of government (Twelfth Amendment Act, 1991). Since then, regrettably, the paths of BNP and AL have crossed — drifting away from each other with even small winds of difference blowing. This must be reversed.

Nurse the Sapling Parliamentary government is pro-missed on healthy opposition. It works as long as the party-in-power gives the party-in-opposition its due share of criticising the government for its failures and for corporating with it where it succeeds. This opposition must walk on two legs — one for opposing and the other for supporting. Unfortunately for the nation, the opposition during BNP government walked on one leg only. There was little or no cooperation with the BNP government by the AL opposition so much so that the government by the AL opposition could not work at all at the lag end. Let's hope that BNP, now in opposition would not fall prey to such temptation — thereby bringing down the whole edifice or parliamentary government.

Parliamentary government is comparatively a new experience for our political parties — a little over 50 years and that too with occasional brakes. This is yet to take firm roots with healthy tradition being set by government and opposition. The seed is sown and it must now be nourished carefully so that it grows unhampered. The real caretakers of this seed are the party-in-power and the party-in-opposition. Let's learn from our tree plantation drives: while millions of saplings are planted, only a few thousand survive for lack of adequate care. Our political caretakers just don't get along. That's our there's the rub.

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Countervailing Forces? University teachers: The two theatres of violence have been broadly identified. Sustained research might bring other actors to light. We know where the shoe pinches. Who will mend it now? The university students can be mentored by their mentors — their teachers. Unfortunately, they too are no less politically divided almost equally between the two major alignments. We have seen their pictures in the newspapers of celebrating the teachers' asso-

ciation election victory — one group going to Khaleda and another group to Hasina with bouquets, as if the two ladies have managed their elections by a distance mode of teaching. Nowhere in the world, teachers' association have anything to do with the president of the political parties.

(b) Service associations: The labour unions too follow the mode. So do our civil service associations — one pro-BNP, another pro-AL. Some have gone further. They put up separate podiums on which top level officers could be seen singing hallelujah for their party of choice and aversion respectively — while their supporters kept clapping. Our leading artists of Radio, TV and Stage seemed to develop their own model of politicisation. So, where do you look for a ray of hope?

(c) Bar And The Bench: What about our bench and the bar? Our judges the people we look to for heading caretaker government and for holding elections. It is to them that we repose our confidence in holding inquiries against political and administrative wrong-doings. Our bar stood up as a solid rock when a sitting chief justice's term of office was unceremoniously terminated. No lawyer attended the court of the Chief Justice who replaced the unceremoniously removed CJ. The latter sat on the bench without the bar i.e. doing nothing. Such acts are few and far between. Yet these are examples we adorn. The bench and the bar can rise to

the occasion in dealing with the law and order situation.

OPINION

Conventions are the Non-legal Rules of the Constitution

SM Abdus Salam

Many rules of the British constitution which are observed by the Crown, the Prime Minister, ministers, members of the parliament, the Judiciary and the civil servants, are not contained in the act of Parliament or Judicial decision but are to be found in the rules of conduct called constitutional convention. These have been described as rules of constitutional behaviour which are considered to be binding by and upon those who operate the Constitution but which are not enforced by any court of law or by the presiding officer in the house.

These conventions of the Constitution are obeyed by those to whom they apply not because of the threat of any legal sanction in case of breach, but because of the political difficulties which may follow if they are not obeyed.

The British constitution has been described as the product of evolution rather than revolution. The consequence is that many non-legal rules supplement the legal sources. These non-legal rules play significant part in the Constitution.

Convention can be seen to operate in all areas of the Constitution. The Crown's relationship with the Executives is significantly defined by the convention, i.e. the Crown must act on the advice of the ministers, must not exercise his own initiative in refusing to assent to the bills which have been passed through both the Houses of Parliament and must appoint as Prime Minister the leader of the party with majority of seats in the House of Commons.

Convention relating to the legislation includes the House of Lords, ought ultimately to defer to the will of the House of Commons. Parliament must be summoned at least once a year. Convention relating to the judiciary include judges shall not be active in party politics.

There are clear distinction between law and convention. Laws are enforceable in the court but convention are not. Conventions are not law in the true sense of the words. If any or all of them were broken, no court would take notice of their violation. Conventions are a body not of laws but of political or constitutional ethics and constitutional morality of the day, violation of which is not an offence, not enforced or recognised by the court of law.

Convention has several advantages over legal rules. They provide a means of bringing about constitutional change without the need for formal change in the law. They allow the legal power of the Queen to remain intact while allowing the democratically elected government to exercise those powers, and they allow flexibility.

Law is rigid and may be difficult to change. Convention allows the Constitution to evolve and keep up-to-date with changing circumstances without the need for formal enactment or repeal of law. As long as the convention are obeyed there is no need for legal codification. If a particular convention is disregarded then it can formally be enacted by an act of the Parliament.

The writer is the joint publicity secretary of Jatiya party and an external law student of the University of London.

To the Editor...

Recreation for our children

Sir, Kindly refer it to the incident that occurred the other night near the bridge of Buriganga where a student lost his life by drowning and his friends who were with him prior to drowning men arrested.

I am writing this letter with a lot of anger in my heart. Anger because it is a pity that these children had to go to a place like a bridge for recreation. What recreation has the government provided for our children? Why do they have to arrange private parties and go on drives for recreation? Is it not the obligation of our government to provide means for growth of healthy future generation? Why is there a free supply of drugs in every cigarette and pawn shop and nothing is being done by the government and the Drug Control Department to prevent them.

No sooner has the new government come, it has been pursuing its own interest, rather than look after our interested for which we voted.

Because of the above reasons, countries interested in crippling our future generation are active (by supplying drugs). I would appreciate it very much if you consider to write an editorial in your esteemed paper. A Parent, Dhaka

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