

In Lieu of Hartal: Options for Opposition

by Ahmed Ziauddin

If BNP genuinely feels that citizen's fundamental rights of freedom of assembly and association have been violated by DCC's decision to impose restrictions, they should challenge the order in the Supreme Court, a constitutional forum for enforcement of fundamental rights.

Only Flexibility Will Help

Although the combative hardness of both government and the BNP seems to have thawed into a bit of amenableness, it appears it would still be some time before a durable solution to the tumbled problem over the meeting sites is found.

While marking a rather emotive return of public meeting to the historic Paltan Maidan (outer stadium) after some 19 years, the Prime Minister showed the olive branch but did not quite extend it to an indignant opposition when she said, "We will consider other proposals besides the seven designated venues".

On the same day Mayor Hanif who called on Mr Shahabuddin Ahmed to inform the President of his plans for a rapprochement observed that the ban would remain in place. The remark is significant because it sets at nought the very demand BNP has been pressing for: that the ban on street meetings be held in suspension before a consensus is reached.

Viewed in one frame as hints for a possible consensus the Mayoral statement sounds rather too jarring for the ears, inflexible for a dialogue to begin. How can there be a unity even for common sense's sake with such centrifugal tendencies in attitude? They appear all the more confounding when one thinks of the common knowledge of the disquiet caused by the mindless continuation of a solvable issue.

It is amazing the war of egos every party including the DCC seems to have indulged in. The fact that the crisis is an outcome of monstrously inflated ego becomes self-evident in that no quarter is saying anything about one problematic feature that looks set to remain irrespective of the playing around with meeting places in the city. Has any one thought about the effect of the dispersal and the collection around every meeting place on the city traffic? Not any the people have heard. This particular aspect makes it all the more imperative that the venues for public meeting be chosen very prudently and holistically, otherwise the purpose will not be entirely served.

Both AL and BNP have to put sympathy for public sufferings over partisan egos to come out of a deadlock of their own creation. And for that this present trend of divergence has to go; some sort of a working convergence in utterances and actions must prevail. And essentially whenever a chance cracks open for reconciliation it must be seized with utmost inflexibility by the government side.

Missing Money

The Bangladesh-style diffidence to go on paper with money earnings to evade income tax payment should make an immaculate entry into the Guinness Book of World Record. When an increasing number of our citizens splurge at home and abroad with dirt-rich high consumerism and emblazoned prodigality which could be putting even the super-affluent elsewhere to shame, it is downright ludicrous that income tax returns are filed by only 2 lakh persons in our country populated by 120 million people.

Leave aside the unearned incomes running into thousands of crores in foreign or local currencies whose possessors enjoy a waiver to invest in the country with virtually no questions asked, there is a large and growing class of solvent people who elude the tax-net. The sense of missed money is overwhelming.

A cash-strapped government having to go for heavy borrowing from the banking system largely because of the ill-managed, inefficient and low-performing public sector corporations also takes recourse to indirect taxation whose burden is borne mainly by the poor income people. While the banking system busies itself with recovering overdue loans, its capacity to extend credit to the private sector dwindles. But the government has to raise money domestically anyway as counter-part finance for implementing the foreign-aided development projects.

To keep the whole economy well-oiled and give fillip to the development process the dormant and evading income tax payers must come to the surface and honestly file their returns. They show high incomes while proving their credit-worthiness to the financial institutions but do the exact opposite when declaring their taxability or otherwise. The potential number of directly taxable people is put at ten to fifteen million, according to a premier Bangla daily.

They are not solely to blame though, several tax collectors deem it as their unwritten privilege to act in tandem with the tax evaders.

A Fair Deal for the Aged

The nation observed on Wednesday, with the rest of the world, the International Day for the Aged. This is a new day we have been observing for some years. Treating the needs of the aged persons as more than a purely familial matter is also new. The awareness of the necessity to recognise the elderly people's problems as a matter for social action is dawning gradually in this ancient society.

In the joint family, counting scores of members, the most aged was the most powerful. He or she was the lord, or lady, of the house. The family lived for the old one, and the ancient man or woman, lived for the family. With the rise of the nuclear family has come this new problem of old age insecurity. Mostly because the old ones now have to fend for themselves, all by their own. For good or bad, what is still now a trend would become a universal practice in a matter of decades. And old ones will become as lonely and cast out of society as they are in the west. This cannot be a desirable development.

Due to doubt to the rise of *mastani* or bullying by youth musclepower overtaking both politics and society to a horrendous level, the aged are being treated socially as little better than pariahs — as vulnerable as a girl child out on a desolate road and into a dark night.

It is a good sign the government has proved it is conscious of the needs of the aged who are also poor. Five of the most aged and indigent persons in each ward of the country are going to get a government dole out of a 50-crore taka fund. The wonderful act, alas, is not being matched by generosity of mind. Why it couldn't be 500 crore? West Bengal, a province, has a much broader dole base for the aged. Why can't we?

OPPOSITION political parties led by Bangladesh Nationalist Party (BNP) have chosen the street as the venue to vent their grievances against the government of Awami League. Already, a number of local, regional and national strikes have been organised, half and whole day varieties. The reasons for the protest, BNP maintains, have been: sudden steep increase of petrol and other petroleum prices, oppressive acts of the government through the police, attacks by its armed cadres, targeting BNP activists of arrests, beatings and armed attacks, inaction of the police in the event of attacks on BNP, denial of opportunity to speak freely in the Parliament, passing of Gram Parishad bill to strengthen Awami League's hold on the village, signing of Ganges water treaty with India bypassing the Parliament, negotiations with Jana Sanghati Samity on Chittagong Hill Tract's future without apprising the Parliament, ensuring fair prices for jute, rice and other agricultural produce, prevention of smuggling of Indian goods into Bangladesh, the Dhaka City Corporation's (DCC's) unilateral decision not to allow public meetings on the city streets except in seven designated venues, removal of the bridge connecting the mazar of Ziaur Rahman etc.

BNP arguments, for the purpose of brevity, could be categorised as follows:

Government harassment under the cloak of law: BNP had been making lots of noises about victimisation of its leaders and workers soon after it went out of power. It usually takes two forms: arrest of an activist followed by detention under the Special Powers Act, 1974 and implication in false and fabricated criminal cases.

Criminal attacks on BNP activists: Regular physical attacks by the government's political supporters, its student wing and others, have become a feature for BNP members. It claims, such attacks often result in death and in injuries.

Attacks are also carried out by the police and in other circumstances, police fails to provide any security to BNP.

Denial of parliamentary rights: In Parliament, BNP points out, the government including the Speaker, do not provide the opposition members opportunities either to raise matters of national interest or even of a discussion. Often, BNP maintains, the government use up the time of the Parliament in attacking BNP and then its members are not allowed to reply.

Laws for partisan purposes: BNP believes that the government deliberately created conditions to keep BNP out of Parliament so that it could pass the Gram Parishad bill into law. The Gram Parishad law, according to BNP, is intended to institutionalise Awami League's hold in the villages. The law has not transferred power to the people but to a 'controlling authority'.

Curtailment of democratic right to protest and organisation: BNP suggests strongly that recent decision of DCC to designate specified places for meetings and manifestations, and use of police force to enforce the edict are undemocratic and aimed at the opposition to prevent protest against the government's misdeeds.

Endangering sovereignty of the country: According to BNP, Bangladesh's independence and sovereignty are not safe in the hand of AL government. BNP believes that the government is run in the interest of 'other country'.

Signing off national interest in international and other political agreements: BNP thinks the government already has signed off vital national interest in the form Ganges water treaty with India, allowing India

overland transit rights and has made dangerous concessions to the insurgents of Chittagong Hill Tracts in various agreements, all by-passing the Parliament.

Failed economy: BNP finds the government incompetent and incapable to run the economy of the country. Sudden increase in petroleum prices and depressing prices for agricultural produce, share market bungling etc., collectively catalogue the government's failure.

BNP argues, for the above reasons, the party has been pushed into a corner by the government and a strong anti-government movement to dislodge the incumbent from the power thus has become inevitable for the sake of the country. In other words, these are BNP's justifications for hartal.

This article is not designed to examine the veracity of various BNP claims but to find out whether indeed BNP has reached the end of the road, as claimed, and whether all other means have been exhausted save the hartal.

Hartal is, without doubt, the most damaging programme a political party can take in the name of the people. A classical newspaper a day after Hartal reports loss of life and injuries, that hartal paralysed normal life, all markets and shops remained closed, offices and banks were shut down etc. The loss is quantifiable, at least, that was what Mr. Kazi Jafar Ahmed, a current enthusiast of hartal, revealed while in Ershad's government. He even figured out an amount of national loss for a day's country-wide hartal.

Business leaders already have expressed unequivocally their concern for Hartal. Big or small, every type of business suffers in a hartal. Chambers of

Commerce and Industry including the Federation of Bangladesh Chamber of Commerce and Industry (FBCCI) and the largest exporting sector, Bangladesh Garment Manufacturers and Exporters Association (BGMEA) urged BNP to refrain from calling hartals in the greater interest of the country's trade, commerce, exports as well as foreign investment. The suffering of the general people is all to see. The press also has condemned what they dubbed a 'new pattern of vandalism' during the hartal when the cadres and activists enforcing hartal, attacked press vehicles and robbed the journalists and photographers. The Daily Star has gone so far to question that 'if people can be respectful to the Geneva Convention even in war times what stops the mere political activists to be differential to some norms that have been approved by their leaders'.

In response to government's arrest and harassment of BNP workers and leaders, the party has more ways than to resort to hartal. Though reprehensible for a government to use legal measures for political ends, BNP has options to petition the Supreme Court for unlawful arrest and detention. The Supreme Court quite zealously guards people's liberty. Some time back, four high-profile leaders created history, in habeas corpus applications, when the Court awarded pecuniary compensation for their illegal detention. Their cases were disposed off much faster than a normal detention.

That said, BNP has some other course to follow. Although BNP was a part of the Joint Declaration of the three Alliances and pledged in November, 1991 in Clause 4 (c) to rescind all laws those con-

flict with fundamental rights, and did nothing in this respect while in power between 1991-96 to fulfil the commitment, yet it now can mount a legal campaign challenging the constitutional validity of the Special Powers Act, 1974. Such a legal challenge will receive supports from the public and a bad law removed from government's hand without jeopardising citizen's right during hartal.

Law and Courts can also come in hand of BNP to get protection of law for themselves as has been done recently, when BNP filed two cases in Chief Metropolitan Magistrate's Court accusing Motiheel thana OC Akhtarzaman and ASP Haider Yasin alleging attempt on the life of BNP chief Khaleda Zia and trespass on the party office.

The Gram Parishad law is an 'Act repugnant to the Constitution, repugnant to the people' writes one leading opposition leader. Since the re-introduction of Article 59 and 60 in the Constitution following the 12th Amendment, there is no place for any un-elected body in any tier of the local government, which, the writer-lead finds in the Gram Parishad law. If this is what BNP believes in and is sure about, the Supreme Court seems to be a better place to challenge new Gram Parishad law for contravening the Constitution. The results will be swift, certain for BNP and less painful for the people.

DCC's decision of restricting meeting places, similarly, has alternatives. BNP vice-chairman and the Deputy Leader of the Opposition in Parliament denounced the government for denying his party the constitutional right to hold rallies. He said, 'there are provisions in the Constitution that anybody can hold rallies, processions etc., anywhere and anytime

he/she likes'. The Constitution of Bangladesh in Article 37 states, 'Every citizen shall have the right to assemble and to participate in public meetings and processions peacefully and without arms, subject to reasonable restrictions imposed by law in the interests of public order or public health.' If BNP genuinely feels that citizen's fundamental rights of freedom of assembly and association have been violated by DCC's decision to impose restrictions, they should challenge the order in the Supreme Court, a constitutional forum for enforcement of fundamental rights.

About water treaty with India or CHT peace treaty, if the agreements infringe people's law and other rights, the BNP and other opposition parties, and for that matter, any citizen's, can take recourse to Supreme Court. Bangladesh Supreme Court did deal with International Treaty signed by Bangladesh in Berubari case.

So, BNP and other oppositions who claim to raise demands for the country and try to convince the general mass that hartals are the only available instruments, and to endure the consequences are simply misleading. They have more options than to adopt hartal's self-destructive path. If they fail in exhausting legal, constitutional, democratic, peaceful and non-confrontational methods available and prefer the politics of hartal, then the conclusion might be that BNP and others in the process of bringing down the AL government will also bring down the country and its economy.

The downward cycle of hartal has already begun, the losses and casualties are gradually mounting. The victims usually are the general public, their business and shops, cars and auto-rickshaws, and often their lives and limbs. What recourse, a citizen has, against a mighty political party which calls and enforces general closer and destruction of private properties through organised way?

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BANGABANDHU MURDER CASE

Verbatim Text of Cross Examination of Seventeenth and Eighteenth Prosecution Witnesses

Continued from yesterday

Cross-examination of PW-17 in Bangabandhu murder case, Havildar (retd) Shamsul Islam, began when the court resumed Wednesday morning.

Advocate Khan Saifur Rahman, defence counsel for accused Lt Col (dismissed) Syed Farooqur Rahman, completed his Tuesday's incomplete examination. Following are the excerpts:

Q: Parade means left-right, attention... etc.

A: Parade means what the commander orders the troops. It may be with arms or free hands.

Q: Practice with cannons is taken place in firing range.

A: Yes.

Q: Does the Artillery have any practice range?

A: Yes.

Q: Artillery practice in public places is not allowed, excepting the war time.

A: The practice may take place with permission from the higher authorities.

Q: Did you know about firing shells in public places?

A: No, it was not known to me.

Q: Where did you go on that night — on practice or exercise?

A: We went to Balurghat from the ground for practice.

Later, we went to Dhanmondi Kalabagan ground under the order of Major Muhiuddin. He told me that it was also a practice.

Q: Was there any opponent in the exercise?

A: I don't know if there was any counter force at that time.

Q: Did you think that there was an opponent when you heard heavy firing from other side of the lake?

A: I don't know whether they were really opponents. However, hearing shots I thought they were opponents.

Q: Did you five men take the

five shells?

A: We — three men — brought the five shells following order of Havildar Number 1.

Q: Were the numbers of shells and cartridges specified for the respective cannons?

A: Yes.

Q: Did you take the shells live?

A: Yes.

Q: Every shell has separate fuse on its head. The fuses have hands like watch.

A: Yes.

Q: The fuses of the shells and the hands were in your pocket.

A: This is not true.

Q: The headquarters of Artillery and 46 Brigade were in the same place in Dhaka.

A: It was not known to me.

Q: An ordinary soldier like you were not confirmed whether the directives received in Balurghat and Dhanmondi came from the higher authorities.

A: Yes, I am not supposed to know it.

Q: Was there any break on way to Dhanmondi from Balurghat?

A: No, we came without any break.

Q: Was Suvedar Hashem with you?

A: He was with Papa Battery Commander Major Muhiuddin.

Q: You saw a tank moving towards Dhanmondi 32 from Mirpur Road.

A: This is not correct.

Q: You heard the sounds of tank when you were leaving the Kalabagan ground.

A: Yes.

Q: Battery personnel are under their respective Battery Commanders.

A: Yes.

Q: Would you go to your Regiment Headquarters?

A: Yes.

Eighteenth Prosecution Witness

Cross-examination of Havildar (retd) Abu Taher, the PW-18, by advocate Gazi Zillur Rahman, state defence counsel for absconding accused Lt Col (dismissed) Khandakar Abdur Rashid:

Q: Was the night parade on August 14 pre-scheduled?

A: Two night parades used to take place every month.

Q: Was there any specific ground for the night parade?

A: Yes.

Q: The regular night parades took place in that ground.

A: The previous parades were held at the ground.

Q: When did you come to the first fall-in on that day?

A: After the Magreb prayer.

Q: In your own ground?

A: Yes.

Q: When did the training complete at that ground?

A: No training was held at that ground on that day.

Q: Did the soldiers from three other batteries, beside your own battery, take part in the fall-in?

A: Yes.

Q: Was the time and place same?

A: The time of fall-in at the unit's ground was the same.

Q: Was the training of the four batteries taken place altogether or separately?

A: Separately.

Q: Did the daylight exercise take place at the unit's ground?

A: No exercise was held at that ground.

Q: Were there separate training commanders for the four batteries?

A: Yes.

Q: Was there any rules for inspecting the night parades?

A: Yes.

A: If the senior officers wished they could.

Q: How long the night parade used to continue?

A: Usually up to 12 midnight or 1 am.

Q: There is a provision of first light training in army.

A: I don't know about it.

Q: Did the CO and other officers come for inspecting the night parades on other occasions?

A: Yes, they came.

Q: Did you take part in the Liberation War?

A: Yes.

Q: And later you joined the Bangladesh Army.

A: Yes.

Q: Do you know when Rakkhi Bahini was formed?

A: It was not known to me.

Q: Where did the Rakkhi Bahini reside?

A: The Rakkhi Bahini headquarters was in Sher-e-Bangla Nagar in Dhaka and its training centre was in Savar.

Q: Was there any clash between Rakkhi Bahini and Army? (Judge Kazi Golam Rasul rejected the question).

Q: You didn't tell the IO that the CO had come for inspection.

A: I told him.

Q: You didn't tell him that you had taken an SLR and the canon of which you were in-charge.

A: I told him.

Q: Who else were with you when you went to Mirpur Road?

A: Lance Naik Shanu Mia and Gunner Abdur Rab. I can't recall the names of two others.

Q: Army personnel were moved after selecting them from fall-in.

A: All of those who fell-in at 3:30 am were moved.

Q: Were all who fell-in in the evening present in the fall-in at 3:30 am?

A: Yes.

Q: Why the runner informed you about the parade?

A: As I was outside with my family.

Q: Where had you been with your family?

A: At MES quarter.

Q: Where did you say your Magreb prayer?

A: At the unit.

Q: How far was the ground from where you said your prayer?

A: About 15 yards.

Q: You came to the ground wearing uniform from your house.

A: Yes.

Q: You joined the fall-in after saying your prayer.

A: Yes.

Q: You all had personal arms. Where from you received the arms?

A: I issued my arms from the armoury and joined the fall-in.

Q: Two Field Artillery is an unit.

A: Yes.

Q: Each of the four batteries under the regiment are called sub-unit.

A: We don't call those sub-unit.

Q: The armoury of regiment and battery were separate.

A: In different rooms under a quarter guard.

Q: How long you were in MT garage ground during your night parade?

A: For about half an hour.

Q: How many batteries fell-in at the MT garage ground?

A: Four batteries.

Q: How many batteries had guns?

A: Three batteries.

Q: The number of members

A: I don't know about others.

Personnel of my canon were present in the two fall-in.

Q: All incidents took place under your own responsibility and to your knowledge.

A: I took the canon number 3T under the order of higher officers.

Q: Examination of Havildar (retd) Abu Taher by Advocate TM Akbar, defence counsel for Lt Col (LPR) Muhiuddin:

Q: Where do you live?

A: At my village home at Laxmipur.

Q: When did you come to Dhaka?

A: On Sept 28.

Q: You deserted the army in 1971.

A: Not true.

Q: Did you ever join any night training before August 14?

A: Yes.

Q: On which dates?

A: I don't remember.

Q: Where the trainings were held?

A: At the Two Field Artillery unit ground.

Q: How long the night trainings used to continue?

A: Till 12:30 am.

Q: Night parade, night training and exercise are the same things.

A: There is a little difference between parade and training.

Q: What is that difference?</