

Still Uncared for

As the tales of shivering to death and the bone-chilling hardship of a vast majority of our 124 million people unspin, we get uncomfortably aware of the mitigation measures touching only the outer fringe of a pervasive human suffering. A tropical country completely unused to fire-place or heater-blower culture has suddenly had near-western world inclemency with eye-level dense fog and overcast sky that would not allow sunlight to penetrate for normal warmth into the habitat. Barring a few days' interval, from perhaps tomorrow, the Met Office says, the cold wave is likely to re-visit us in a worse form around the second week of January.

So, this is still a sordidly developing situation which we must approach and rise up to with the benefit of lessons learnt from the hopefully receding first phase of the cold wave. The distribution of clothes and banquets was Dhaka-centred and ill-organised as this was, a greater number went away empty-handed cursing the government more than their own lot. Apparently, there was more of tokenism and display under the TV camera rather than a noticeably caring and effectual governmental activism. But have we not been rudely shaken into realising that a cold wave can bring forth as much of a national exigency as a cyclone or flood does?

There is, therefore, no way we can trivialise the arrangements needed for reaching adequate relief to the cold-stricken people. The Daily Star suggested through this column on the very first day the chill had made news that schools, colleges and UP buildings be turned into night shelters and that the armed forces pitch in with tents wherever possible. While the government looked less than proactive in its own domain it could not also stir up social involvement and participation in the alleviation exercise. Even as political parties, the ruling AL and the opposition BNP, failed to show the kind of activism people expected from them.

A cold wave leaves some hidden dangers and vulnerabilities to people's health — lung and respiratory tract infections, for example. Let's get on with the task of containing and treating such afflictions.

Revenue Worry

Revenue collection is in doldrums. With the first half of the 1997-98 fiscal gone, the target shortfall has been put at Taka 550 crore against a projected figure of Taka 6803.29 crore. This syndrome has been there right from the beginning. Collection in the first quarter was about Taka 221 crore short of the target.

What worries us in this connection is that the depressing trend in revenue collection looks all set to be holding in the days to come. Because the series of devaluations that Taka has undergone against dollar has made import costly. Naturally, less import duty is likely to pour into the exchequer.

The authorities have attributed the general sluggishness of the proceedings to a number of reasons. 'Evasion of duty' by the importers particularly car importers is said to be one of them. This seems to us a very uninformed response — if it is one at all — to the problem at hand. As far as the 'evasion of duty' by the car importers is concerned, the government would do well not cry over it any more simply because it looks unretrievable.

What it should really look forward to is a change in the devitalising culture of duty evasion. It may not do a great deal to boost the import duty if Taka continues to slide against dollar in a phase that seems to be no worse than a nightmare for Asian currencies in general but it can and it ought to look for ways to plug the legal loopholes to stop duty pilferage by a section of dishonest and unscrupulous businessmen for whom national economy is of no meaning. The finance minister has referred to the revenue unfriendly nature of our legal system more often than not. We believe time has come for the government to look into the matter more seriously.

Revenue collection has to pick up some speed and that too quickly together with a tightening the legal lasso which brooks no delay either. Without setting the house in order it would be unrealistic of us to expect improvement in our economic health through mere pumping in of FDIs and capital from outside.

Unsold Heaps of Yarn

Yarn spinners have put the government on notice. Certain government decisions have made a very adverse impact on the domestic demand for yarn produced at home. Heaps of unsold yarn are piling in the spinning mills. The Bangladesh Textiles Mills Association has, in a memorandum, expressed their resolve to close down their mills if the government would not rescind the hurting measures and take steps that could bring local yarn back into demand.

So it's a glut of yarn that is hurting our spinners. First, there was smuggling that hit a saturation point. As Bangladesh yarn costs somewhat more than the smuggled stuff even government owned mills forsook government mill-produced yarn and went for the foreign varieties. The BTMA has in their memorandum enumerated the reasons that push up the local price. Across the border they grow their own cotton and spin it on locally fabricated machines with labour adding to it a century's accumulation of skill and efficiency.

It will take Bangladesh years to reach that stage and compete with their prices. What to do then? Closing down the spinning mills would not help any cause, far from helping reach that stage. It would take away jobs by the tens of thousands and make the nation dependent. And at the same time the norms of market economy cannot be flouted so early in the day. The BTMA has called straightway for protection at least for some years. The situation is such that it perfectly calls for a protected market for local yarn.

Now, there are also examples galore of protection rather stunting development and the price for that being exacted from society. It depends on the government to devise ways that would avoid malignant protection and yet make our spinning industry a viable and profitable one.

Thoughts on the Crises of Our Governance

The standard application of law for all would involve some sacrifice on the part of the privileged by subordinating themselves to the "due process of law" even though they are in a position to evade it.

In a bizarre reversal of trends and priorities in the statecraft the people at the helm are today seized with an issue as basic as governance. It has assumed almost the same importance as those of nationalisation in the late 60's and privatisation and free market economy since the late 80's as if all of our future developmental prospects hinge to it. That is how it is viewed at least by the pundits of the international monetary organisations who are nowadays increasingly demanding sound governance and eradication of corruption as preconditions for the grant of the aid money to the developing countries. They together with donor countries and United Nations agencies who had been monitoring our state of governance find it to be in a kilter.

There is hardly anything attributing to governance functions in Bangladesh. The country's normal political process is interrupted with the parliament virtually paralysed. The law and order is at its nadir. The administration is stagnant. The economy is wobbly. The growth is marginal. The production is ever declining. The social scenes are chaotic. The politics is purposeless. Only things that thrive are corruption, violence, extortion, unrest, nepotism and so on. When seen through the prism of donor agencies the governance has come to a stand still. The symptoms abound all around us to suggest that there is no authority in the country to impose an order.

Where do we go from here? How do we turn to an effective governance? The United Nations agencies and donor countries promptly come up with elaborate prescriptions, which if achieved, would hit upon the 'open sesame' to sound governance that they have been insisting. This is not however grossly different from what our

social scientists and myriad other academics have been suggesting and exhorting in seminars, symposiums and round tables. When summed up these are all about an uninterrupted political process ensuring democratic elections and public accountability at all levels. The recipe also calls for a public information system providing free access to accurate data. There have, of course, to be an independent judiciary, an enterprising private sector, a vibrant local self government and a civil service managed according to a standardised and transparent sets of rules. All these are in fact the essential ingredient of a vigorous civil society and by all means an excellent collection of characteristics to effect a sound governance. The crucial question, however, remains — how to go about achieving all these attributes. Aid or no aid, we all want that we have democracy with accountability, a vigorous civil society and other allied features for a good governance. So we still need to determine what practical steps can be taken to achieve them and what is more important, by whom?

At this stage of our statehood it is however somewhat intriguing and of irony for us that we are to take afresh a lesson in governance. Because we in Bengal were particularly groomed by the British for the rule of law and democracy. With their exit from the subcontinent the British left behind for us an elaborate infrastructure of governance: a legal and revenue system, a network of railway, road and P. T. radio, colleges, universities, hospitals, agricultural research institutes, a relatively corruption-free administration and above all democratic ideas — in fact, all the compli-

ments of a modern state which European nations took five hundred years to build up. We never had to embark on a historic struggle for rule of law, individual freedom and fundamental human rights as in Britain itself. By all reckoning it was a great inheritance. But even before that the India Act of 1935 afforded us the first direct exposure to governance. In 1937 Bengal had the opportunity to choose its own government and the period from 1937 to 1941 could be considered as a golden period for the development of parliamentary democracy in Bengal. Though

government. British administrators in Bengal established as many as 4000 Union Boards. The boards were primarily local security units which kept law and order and tried minor disputes. The local boards and district boards were used as training institutions for higher leadership. These were in addition to indigenous tradition of local people managing their own village institutions, discipline and orders. Where did we then stumble? What went wrong?

Our senior citizens would recall that the country was effectively governed even during the early days of Pakistan. The civil

cal governments by various regimes and through its politisation a very reliable tier of our governance was destroyed.

In

determined effort to make those self governing bodies subservient to the incumbent government we have undone those time honoured institutions at the local levels. The sound governance will begin to take shape in Bangladesh only when local government is allowed to come out of the clutches of the control of incumbent government and through a drastic decentralisation of governmental powers and functions a new devolution of power is effected down to local bodies with sufficient clarity.

Now turning to the higher plane of the governance it would be pertinent to focus more on the implementation part of the policies and laws enacted by the government. Bangladesh has a fine legal framework and a long history of law making. Although existing laws are sufficient to ensure good governance our rulers have a proclivity to over legislate for concentrating more and more power in their hands. Our failures are not so much in the making of laws or in their absence but in implementing them. Over the years the government institutions and administrative machinery have gradually lost their capacity to act upon the laws in a fair, impartial and effective manner.

The disregard for 'due process of law' is what lies at the core of most of the problems relating to governance. Good governance is nothing but the obeying of laws by everyone from the highest to the lowest in the same standard manner. When the laws are broken whether for good reason or bad the result are always adverse.

Unfortunately, breaking always begins at the top because then few can check the law-breaker at that level. One who breaks law at the top, however, instantly loses his moral authority to make others obey the law. Once the ruler at the top breaks or circumvents law, rule or tradition is left with no authority to stop those under him from doing so. This is the crux of the whole problem.

In our country there are often deviations and exceptions as regards the application of law while making political favour or committing nepotism. That sets in motion a series of actions deflecting one from 'due process of law'. In despicable culture of allotments, permits and quotas in our political arena one has to show utter disregard for this 'due process of law'. When the rulers begin to deviate from the established procedures the permanent bureaucracy also gets mutilated in the form of a desperate search on the part of the rulers for pliant subordinates thus compromising the competence of the entire administrative machinery.

It is indeed futile to institute a commission or consultancy or hold seminars and symposiums to discover the essential ingredient of good governance which is essentially the evenhanded implementation of law and government policy. Such implementation is possible only if it is done fairly with the same force over the privileged as over the poor. And the onus of this onerous task lies with the rulers who are customarily the privileged ones. The standard application of law for all would involve some sacrifice on their part by subordinating themselves to the 'due process of law' even though they are in a position to evade it. In a country like Bangladesh this sacrifice is perhaps the price of a good governance.

PERSPECTIVES

by Brig (Rtd) M Abdul Hafiz



The Muslim League government of the period functioned under 1935 Act with all its limitations it acquitted itself with great credit.

The democracy struck its root firmly in Bengal with surprising speed and success. The text book recipe of governance that we are today reminded of was exemplified by us with great skill. The political parties developed democratic norms and traditions. The political process was not totally interrupted even during the Second World War. The elections were not only held on schedule, the credibility of those elections was above the board. There was no violence, no criminalisation of politics. The civil servants were rarely blamed for partiality. There was vibrant local self-

society remained untempered for a period. A highly credible election was held in 1954. Even after many twists and turns in Pakistan's murky politics the election held in 1970 was admittedly free and fair although a visible erosion started taking place in other fronts of the governance. In an inexorable erosion of the rules and principles of governance during Pak period, the worst setback was perhaps suffered by the local self government. Because the successive governments were unable to tolerate strong governments at the local level which were henceforth able to function only under the wings of party or person in power. The local bodies were rendered virtually ineffective and in a series of experimentations with the lo-

Role of Speaker: Problems and Prospects

by M Harunur Rashid

The politicians of the country shall not forget that Parliamentary culture is a broad expression in which several aspects of representative democracy are subsumed. Parliament reflects people's power.

affiliation and not only becomes totally impartial but is seen to be so. He changes his lifestyle and no longer allows himself informal social activities permitted to other members. He may not pursue friendships which would appear to favour certain members above others. To a great extent he isolates himself from the camaraderie of Parliamentary life, at the same time remaining accessible to all his colleagues and ever a sympathetic listener to their problems, personal as well as parliamentary. This is in a nutshell, the whole concept of British Speaker though in reality it has got a different picture too. Leaving the concept of British Speaker aside, let us look at the Speakership in Bangladesh.

The Speaker is also equipped with disciplinary powers by which he can call members to order. He suspends a sitting in circumstances of grave disorder, orders a member to resume his seat or withdraw from the chamber for the remainder of the day's sitting. He calls on members to speak in debate and his choice is not open to dispute. He is also equipped with powers which emphasise the judicial nature of his office such as his power to rule on the admissibility of bills, motions and amendments; to decide whether a question of privilege should have precedence over all other business. Apart from these the Speaker has residuary powers to decide any matter arising in connection with the business of the House and its committees for which no specific provision exist in the rule and his decision shall be final.

Once elected, the Speaker sheds his previous political

involved in political activities. This is rather not humanly possible for a person to remain politically impartial so long he is to seek people's verdict in subsequent elections.

In the British Speakership a system has already been developed that once a member is elected Speaker generally he will be elected as member of parliament almost unopposed in the next Parliamentary election. Apart from these, in some of the Commonwealth parliaments there are long-standing Parliamentary practice which enables the Speaker to remain as a symbol of unity. But like it or not, we do not have, I am afraid, such a Parliamentary culture as yet to establish our office of the Speaker as symbol of nation's unity.

To maintain the impartiality of the Speaker some of the important things need to be politically discussed. These, to my little understanding, are when the Speakers are impartial in the chair do they retain party membership, attend caucus meetings, speak on issues especially those affecting their constituencies? The concept of neutrality and its value in preserving the integrity of the system in a partisan political environment needs also to be politically resolved.

The problems for presiding officers in reconciling non-partisanship in the Chair with election campaign, solving constituency problems and representing constituency in important political debates are also considered as role of the Speaker. In British politics these attempts of Speaker are popularly known as 'Behind the Speaker Chair' which, in fact, developed the consensual na-

ture of British politics. There are two other things which also need to be looked at in defining the role of the Speaker and these are: Role of former Speakers: Do they return to party politics and do the Speakers have more private influence with ministers?

The Speaker as Head of the Legislature faces a spectrum of problems with other organs of the state such as the Executive and the Judiciary. Recently I had an opportunity to attend a training seminar for Secretaries to Legislatures of Asia region held in Calcutta hosted by Commonwealth Parliamentary Association (CPA). In that seminar 'Independence of Parliament — concept and reality' was thoroughly discussed. The Resource persons during discussion made an observation that unless financial sovereignty of Parliament can be ensured, the independence of Parliament cannot be established in reality. Because the legislature particularly in this region have got very little control over the financial matter and expenditure, they sometimes get into a tussle with the Finance Ministry of the Government.

It was further observed in the said seminar that the problems highlighted above cannot be happily resolved in the absence of a proper Parliamentary culture. In developing a proper Parliamentary culture the political community should put their heads together in order that they can arrive at some sort of consensus on major political issues, which, I am sure, would pave the way for non-confrontational politics. Failing which democracy cannot be sustained for a long period of time in the midst of political disturbances in a country like ours.

The politicians of the country shall not forget that Parliamentary culture is a broad expression in which several aspects of representative democracy are subsumed. Parliament reflects people's power.

performs its function, primarily by making laws. The laws should reflect the collective will of the people. They should reflect and be consistent with what is understood as the Common Law or Natural Law which is distinct from Statutory Law. For example, Human Rights and Fundamental Freedoms like freedom of Association, freedom of speech etc., are natural and axiomatic and are, therefore, construed as part and parcel of the Natural Law.

Legislatures should also perform the function of securing the accountability of the Executive. It is the job of the Executive to run the Government on a day to day basis. In running the Government, the Executive wields enormous powers. Decision makers in the Executive are in the nature of guardians of public interest. But the question that has always been asked since the days of Plato and Aristotle is, 'Who will guard the guardians?' Legislatures being constituted by the representatives of the people, they are indeed to guard the guardians. This gives rise to the principle of accountability.

How does the Legislature participate in governance? It

OPINION

The Young Professionals at Bay

A Mawaz

The transcripts of the young professionals made interesting reading (DS, Jan 1). When the summarised proposals go to the government, how the regime is going to react, without going into the usual political verbiage?

There is some truth in the feeling that the professionals outside the public and the political sectors are treated with patronising indifference. As for the young professionals, their micro status has to be officially noticed with microscope. What the YPs are stressing is to pay some attention to the telescopic view of the country in the coming decades. The base for the long-term projects or the vision have to be laid now, counting the gestation and nurture periods. The sense of participation at all levels has to be created and ensured for the back-up support, so essential for any national enterprise. The Legislature is expected to participate in governance along with the Executive and the Judiciary.

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It is clear from the deliberation of the DS Roundtable that the new generation is not taking kindly to the hoier-than-thou attitude of the politicians and the bureaucrats. The images of these two pillars of good governance are eroding as far as future empathy is concerned with the future operators of the country. Islands are separated from the mainland. The question is: who are the islands, now, and in the near future?

The roles might be reversed, thanks to the aloofness of the Himalayan peaks represented by the people's chosen representatives.

The problem is not with the young pros, but with the old political and bureaucratic professionals, who quickly develop a unique insularity from the mainstream of the society, which can be detected miles away, in spite of the verbal cover-ups assailing the ears of the masses.

The rulers have to get familiar with a new technical jargon: interactive relationship, not one-way command politics and administration. Why we are poor at peer relationships? The social scientists may come forward to explain this phenomenon, for the benefit of all the influence groups and the vested interests.

It is definitely socially risky to ignore the young professionals. Happy New Year to them!

To the Editor...

"Banglapedia"

Sir, I read the feature on Banglapedia by Mr. Enayetur Khan, appearing in the internet edition of *The Daily Star* (January 8, 1998), with some interest. I myself have thought about what would involve creating a mega-encyclopedia of Bangladesh. The project being undertaken by the Bangladesh Asiatic Society is definitely a pioneering move, something that will forge a national identity.

I feel that every Bangladeshi citizen has a contribution, if not a responsibility to make a contribution, to this project. For that purpose, could you or any one provide us with a way of contacting the persons involved in this project, so that we may be able to contribute in however small a way? A contact address, preferably an e-mail address would be most helpful.

Syed Faisal
(By e-mail)
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The rickshaws

Sir, Yes, sure let us get rid of not just a number of rickshaws but let us do away with all of these vehicles that are not polluters of our city streets, which do no make our heads reel with their stinking smoke.

Recently, there has been a

outstanding difference is that it is choking with leaded air because there are no rickshaws to prevent concentration of the horribly nauseating air.

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DU and winter vacation