

Hartal : How Much Sensible Is It?

by Md Asadullah Khan

It is about time the middle class launched a movement to introduce probity and accountability in the system.

THE dawn to midnight hartal call by the BNP-led alliance comprising Jatiya Party, Jamaat-e-Islami and Islami Oikyo Jote (IOJ) on January 26 coinciding with the date of submission of nomination papers for the Pourashava polls in protest against the non-fulfilment of their 4-point demands has sent jitters in the conscious citizenry. The demands include resignation of the CEC, restructuring of the election commission, issuance of voter ID cards during the pourashava polls and stopping of harassment of their workers by the ruling party. It is now anybody's guess that the BNP candidate's defeat at the Pabna by poll triggered resentment in their BNP circle putting the CEC at fault. But if Pabna poll result had gone against BNP, was it all the CEC's lapses? What the Police, BDR and Army that were deployed there to deal with any such rigging, tampering or terror tactics did and why BNP remained silent about the role of these functionaries if anything had gone seriously wrong and harmed either BNP's interest or more precisely people's hopes and aspirations? The fact is that the moment an election is either rigged or foul play reported to, political savagery escalating into violence, kidnaping, looting and killing engulfs the country. That means long term goals or gains achievable through democracy are sacrificed at the alter of short term goals for the individual.

This has been a very lame duck issue for the proponents of hartal call to throw the whole country into a cauldron of fire on a single election defeat episode and that also in a by poll. The atmosphere in the villages in consequence of election turmoils has been vitiated by partisan conflicts that were ignited in the post '75 killing of democracy. People witnessed the burst of terrorism and killing when ex-autocrat President Ershad tried to enforce an election in the country to achieve certain amount of legitimacy of his rule.

This hartal 'practice' after independence has started in this country because of BNP's (then ruling party) nonchalance and intransigence in accepting parliamentary elections under a caretaker government after the Magura by poll fiasco. And since then people have been paying a heavy price through loss of lives and property whenever a hartal was imposed. And now, as we see it, the biggest casualty to this post-election fiasco and turmoil turns out to be the badly needed economic expansion, as foreign investors and donors grow wary of ven-

turing into an inflammable area. And it would be very hard experience for the country or the party that might come to power in future to get rid of this scourge of hartals.

Presumably, the higher a government's credibility with private sector, as experts opine, the higher will be private investment and economic growth. This calls for upholding the rule of law and establishing a judiciary independent of the interference from the executive. It must be emphasized here that no nation that disregards rule of law and ignores individual rights can prosper in the long run. So instead of resorting to frequent hartal call, on such flimsy issues, why not the aggrieved parties either protest or call hartal to free the judiciary from the interference of the executive? Parties or powers that would never have dabbled or dared in filthy vote buying tactics or terror politics on the eve of election if only cases instigated against such rigging were promptly dealt with. Because only an independent judiciary will have the power to protect the rights of an individual from arbitrary state action or from the tyranny of the majority. It is knowledgeably learnt that as at present there are about 200,000 court cases pending for either decision or settlement including some poll cases instigated right after the election.

When people belonging to all segments of the society know that it is only the instruments of government that violate individual rights it is better to cure the disease than its symptoms. Although hartals are often used as a means to challenge the government of the day, but people in the country by now feel that it is being overtly used as a weapon to damage the economy rather than destabilizing the government. People are now convinced that hartals these days are not the means to register protest but violation of individual rights, most importantly the right to earn a living for either an individual or his family. People have seen that this democratic right wreaked economic growth and development during the long hartal period for two years in 1994-96. On the other hand the ruling party must allow the opposition to express its views freely and openly and efforts must be taken to dissolve the conflicting points through discussion. The opposition parties this time could have heeded the mediation proposal of the CEC to avert such an extreme measure.

Since 1973 upto this time all these glorious years! looks as bad as did in the early period of 1971. Nearly 70 per cent of our people have no job, live in abysmal poverty, more than half are completely illiterate, have no access to sanitation, safe drinking water or health care. Things are so bad in the countryside that hundreds of people pour into the capital city every day because life here is better than it is in the villages. Our enquiry reveals that not to speak of the illiterate and the poor many of the rickshaw pullers in the city having no jobs or other means of living in the villages do now eke out a living in the city streets.

Many companies providing security guards to many offices and organisation, both private and government, have been recruiting personnel many of whom are even graduates just at a paltry pay of Tk. 1600 per month which is less than a

dollar per day. Truly speaking, there is hardly any reason on earth why the country should remain perpetually in such a bad shape. We have enormous resources of such large cohort of talented and labour worthy youth's, farmlands, forests, rivers and sea, even beaches like Cox's Bazar and Kuakata where tourism could bring substantial earnings. But, sadly true, because of medieval transport system, frequent incident of terrorism, violence and hijacking and in absence of suitable hotels and inns, such prospects are dying out.

In absence of sound policies and proper administrative action, we are losing whatever prospect we had. Even the glimmer of garments and shrimp export, that appeared to be so bright for a while even despite reports of mismanagement and corruption are now fading out because of these frequent hartal call and port lockout. Most shocking and outrageous, the whole country is so frequently being held to ransom by a handful of hoodlums who are out on the street backed by the blessings of some unscrupulous politicians to protect the rights of the people! Whose rights are they protecting? If that was the avowed desire then these vast cohort of people would not have been languishing in poverty and destitution. It is about time to ponder whether general public, especially the poor and the middle class do ever care to listen to such hartal calls. Precisely true, these turn-coat politicians and their lackeys would always be getting seasonal payments from some business groups and even loans from banks without any collateral and never minding to return it ever. But could the general people ever think of getting such facilities?

Conscious citizenry hold this view that all elections, be it Union Parishad, Pourashava or more precisely, Parliamentary, should be held in a fair and peaceful manner free from rigging, manipulation or vote buying, as it is often called these days. Issuance of voter identity cards is the first step in that direction. We have to ensure that each and every eligible voter gets his or her ID cards before election. The Election Commission should, from time to time, issue circular on methodology they are adopting to attain that objective and they must at the same time respond to public criticism without being over confident or bureaucratic in their behaviour and

operational strategy. Reports circulated in a vernacular daily in the recent past about the slow progress of voter ID cards preparation in certain areas under Chittagong City Corporation seems highly disturbing. Reports have it that voter ID cards preparation by taking photographs of the voters was highly flawed since the programme was not given enough publicity through mass media. The convenience of working class men and women as regards presenting themselves for photograph was not taken into account. People in authority must remember that the next parliamentary election without issuance of voter identity cards with photograph, as agreed earlier in 1993, could spell disaster.

It is difficult to accept that politicians at the helm of affairs have inherited Bangabandhu's mantle. It is even harder to understand that a democratic process that has almost completed a decade and that should have matured in the meantime cannot produce men and women of sturdier political morality. Precisely true, over the years political awareness and participation have increased among all segments of the population and more importantly political mobilization is especially high in rural areas where 80 per cent of the country's 120 million people live.

The credit report on both sides of the fence looks very disappointing : Khaleq with a "Razakar" background joins AL and then runs away for non-fulfilment of hopes and aspirations and BNP accommodates Ershad, once its arch-rival, in the alliance. Ershad was rejected by people for his nine years of misrule, corruption, debauchery and lies. That means political parties have hardly any semblance of principle or conviction or judgement in matters of art of the state. Taking all these ominous developments into consideration, it is about time the middle class launch a new political movement to introduce probity and accountability in the system. There is a dark despair in the air of the country to-day that Bangabandhu could not have predicted.

"Among a people generally corrupt (in principle and practice) liberty cannot long exist," Edmund Burke said long ago. Bangabandhu, immediately after liberation of the country from the clutches of the tyrannical Pakistani hordes reiterated the same statement. His words as well as Edmund Burke's are no less true to-day, and it would behove our people to listen carefully to the celebrated political icons.

Operate the government has displayed a greater urge to obtain (captured) extension of service. If in fact in majority of the cases applications for extension are tabled sizing up the candidates as pro-ruling party. Though antecedents of a lot of them, if carefully verified, may not support it. However, their advocates figure them up on paper like that to facilitate the task. Sometimes the final authority signing the sanction is deceived by her or his own so-called trustees.

The trumpet of reformation of public administration has been blown loud and long. The PARC (Public Administration Reform Committee) working presently has also customarily underscored the need for improving quality of administration terming it as irresponsible, inattentive, inefficient, unaccountable, not people-friendly. As a matter of fact, the government's prolific publicity to effect reforms in administration on one hand and exercising bulkier sanctions to extension of service of the officials on the other are anything but compatible.

Recently in a roundtable discussion convened by the PARC the ex-civil servants spoke, inter alia, strongly against the system of extending service on retirement. Of them four became ministers and two served as cabinet secretaries. Their unanimous opinion has all the merit to be considered in proper perspective.

Of course, there is a provision in service rules for extension of service. But it obviously enjoins an obligation to use it with high discretion. The implied conditions under which it is intended to operate do, in reality, scarcely exist. It may be mentioned that there are some provisions in the service rules that are meant to apply very rarely, if not never. As for example, there is a provision that an employee can be removed from service on three months' notice or by paying three months' pay in lieu thereof. But who puts the provision into practice and how often? Of course the latter provision may not be equated with the former.

There are instances of thundersick bickering against extension of service leading to untoward events hardly short of a pitched battle. A couple of years back when a chief engineer of R&H Division was given extension practically the entire division got divided over the issue and literally came to grips.

Fourth, questionable sanction of extension lures the employees to be politically biased. It robs the Republic of the fair services of the aspirant employees particularly in the flag end of their service life. It may degenerate them to wield their pen to the tune of party slogans. Further they may be pushed to indulge in activities accounting for political victimisation and repression. The Opposition in all regimes has protested and condemned this alleged unwholesome and undemocratic practice of the government.

Fifth, of late there have

The View from Dhaka

Euro vs the US Dollar

by A Husnain

some cynics are quick to point out. Recently, at a BBC interview, one of America's top financial analysts predicted a fall of WS by as much as 30 to 40 per cent in the near future — the silver clouds have black linings looking up the financial horizon. The US is gone, and now G Soros is looking after his business, and offering 'free' tips how to make the money roll or stack up (trying to manipulate the IMF indirectly).

Fluidity is the theme of the age, therefore ups and downs will be monthly features, if not weekly. A BBC bulletin just monitored confirms the financial debacle in Brazil — eight per cent down, and billions of currency units withdrawn.

The superpower (two assets, dollars and arms) will be facing competition, and military arms cannot be used to solve this new crisis.

The Europeans know what they are doing, because they have been playing with the idea for many years (the UK playing safe in her weakness). The French and the Germans know when to take a stand, and how to defend it, in spite of a weak and disintegrating Europe trying to stabilise by putting up a joint front (united when weak). Currency transparency is a desperate move, from any angle.

No more raids such as those on Iraq and Afghanistan, and no action as in Bosnia and Kosovo, and open partiality with the Israel as in Palestine, because the balance will be tilted by what would be happening at the Wall Street, and not at the White House (Grey House).

by all the nations. Anyway, new situations will appear and disappear. The sea is roughing up, and navigation cannot be rudelless.

The Japanese Yen continues to live with a demure and isolated image, having missed the boat earlier to enter the global trading level to compete with the mighty dollar. Now it is all the more difficult with continued deep recession extending into the new century, and value of the Yen (in the region of 110 to the dollar). Laureate Amartya Sen has just warned in London that India was facing a financial crunch (the explained how and why). China is living in a shell and its immediate impact on the global market will be ignored for forecasting purposes (HS is bilious). Therefore the overall outlook in Asia is bleak. How to break up the vicious circle? it is a multi-billion dollar question.

The Europeans have to play their cards carefully, first to stabilise themselves, and then conduct marginal 'raids' on the US dollar, as a mock simulation exercise, before bringing in the big guns. For the marginalised Third World, the stakes are low, but any change might help. The Euro-dollar battle will affect liquidity globally. If the pace becomes uncontrollable, nobody knows what will happen.

Discarding the Practice of Extending Service

by A R Shamsul Islam

This is a wrong and raw concept that Mr X or Mr Y is indispensable in service and his departure will create a vacuum not to be filled up by another.

Bangladesh Bureaucracy Accountability and Responsibility

by ABMS Zahur

An administrative reform commission is working on preparing recommendations for a bureaucratic structure appropriate for a democratic Bangladesh. At the moment strict compliance of existing rules, operationalising the constitutional provisions for setting up of the office of Ombudsman and strengthening of administrative tribunal are necessary.

for flexibility and openness to the process of appropriations, the legislature can expand or contract the activities of agencies.

The Bangladesh parliament has limited power in matters of administration as may be seen from Articles 76 (2), 82, 90, 91 and 93. Though article 76 (2) gives parliament the power to appoint standing committees to inquire into the activities of the ministries very limited powers under Articles 82, 89, 91 and 93 have made the parliament almost ineffective. The important reasons for limited public accountability of Bangladesh bureaucracy, as identified, are discussed below:

a. The bureaucracy of a developing country with a colonial past holds more power than the bureaucracy of a developed country. As such there is greater danger of abuse of power by such a bureaucracy.

b. British India did not give enough attention to public accountability because it was not needed in that pattern of administration. In Pakistan because of the dominance of bureaucracy upto 1971 accountability could not gain enough importance. This resulted in a gap between the bureaucrats and the politicians leading to rather maintenance of distance between the administration and the people.

c. Due to lack of public accountability sometimes even a sound government policy fails. In India one of the main reasons for the fall of Indira government was over zealousness of the public servants for making family planning programmes successful. Legal mechanisms are more appropriate for preventing injustice than for securing redress. As extra constitutional checks like press, public opinion, and interest groups have not yet developed such redress depends very heavily on constitutional means in Bangladesh.

Though Ombudsman Act came into force from April 1980 nothing tangible was done either during military-cum-civilian rule of Ershad or in the democratic regime of Khaleda Zia. The present government appears to be taking the Ombudsman issue seriously. To make the office of the Ombudsman really effective it may be necessary to make some amendments in certain provisions of the Ombudsman Act, particularly Section 15 of the Act which has empowered the Executive to exempt any public officer or class of public officers (as defined in Art. 152 of Bangladesh Constitution) from the operation of or any of the provisions of the Act. The existing administrative tribunal should be more effective.

Bureaucracy and Judiciary

The interactions between the bureaucracies and courts are not seen as clearly as those between bureaucracies and the legislature or the bureaucracies and the executive. However, the courts' control over administrative actions is enormous. Some of the more important interactions are judicial review, control over administrative rule making, control over application and elaboration of administrative rules, control over administrative adjudications and checks on administrative biases. In Bangladesh the power of judicial review has been drastically restricted by Articles 47 and 102 (2) of the constitution and subsequent amendments in early 1979. Due to these measures the scope of other judicial reviews very often is too costly, too slow or too late to remedy a problem arising out of administrative activity. The threat of judicial review is a constraint that reduces the need for such review. Bureaucracy and Legislature.

The most important legislative controls over bureaucracy are usually statutes, appropriations and budgeting. The statutes may be used to activate many agencies, define their fields of activity and their or-

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