

Special

Electoral pledges and Awami League's four years in power

By Nurul Kabir

After becoming the Prime Minister, has Sheikh Hasina taken the trouble to look back at the pledges she made before the last general elections? We don't know. But all indications suggest she hasn't. If she had, she wouldn't have sounded so 'confident' about her government's performance.

The present write-up attempts to show the gulf of difference between certain sweet electoral pledges the party has made before the 1996 national polls and the sour realities the nation now faces as for realisation of those promises goes.

Rule of law

According to *The Oxford Dictionary*, 'rule of law' is a condition in which every member of society, including its rulers, accepts the authority of law. If asked whether the people of this country are enjoying rule of law by this definition, every ordinary citizen would probably come up with a curt 'no'.

The Public Safety Special Provision Act, 2000 holds a person liable to three to 14 years of imprisonment and also fine, if he/they by using illegal force or by putting in fear of any kind causes obstruction to traffic movement in any public road, water way or railway, or compels the driver of any vehicle or vessel to change its normal route.

However, hundreds of cars carrying thousands of passengers were stuck for six hours on the Dhaka-Narayanganj-Munshiganj highway on April 10 this year, as some people, led by ruling party legislator Haji Selim, put barricade at the Fatullah point of the road. The obstruction to the traffic movement was made in protest of a robbery at the MP's business firm in the area. But no case was lodged immediately against those who broke the law in the incident. In the face of media criticism, police, however, lodged a case two days after the incident, but the ruling party legislator who publicly asked his people to put barricade was spared.

The incident clearly shows that the condition the people are still living in permits a ruling party lawmaker to break the law with impunity, proving thereby that Sheikh Hasina's government has failed to implement its first electoral pledge, even by the briefest definition of rule of law.

In a parliamentary democracy, laws are expected to be made following open and sometimes stormy debates on the floor of the House by legislators from both the Treasury and Opposition benches. But quite a few laws have been passed over the last four years solely by the ruling party's parliamentary wing with the opposition boycotting the parliamentary sessions for months together. Their views, opposition MPs allege, is not seriously taken note of and most of the time they are not allowed to put forth their views. True, the opposition claim is not cent per cent correct, but there has hardly been any example of the ruling party seriously attempting to accommodate opposition.

As regards separation of power in a democracy within the executive branch, and check and balance in the power of the PM, Bangladesh cannot be considered as a democracy at all. Here the entire executive authority of the state lies in the office of the Prime Minister. Such unbridled power has turned the elected office of the PM into a most dictatorial one.

In a democracy, the essence of law is reason and fairness. Laws are required to survive the test of reason. In this regard, former Chief Justice of India Bhagwati observed, 'What is necessary element of rule of law is that the law must not be arbitrary or irrational and must satisfy the test of reason and the democratic forms of policy seeks to ensure this element by making the framers of the law accountable to the people ...'

There are a number of laws, including the Special Powers Act, 1974 and Section 54 of the CrPC, that allow the police to arrest any citizen on suspicion and detain him or her without trial, are still there in Bangladesh. This is definitely arbitrary and irrational, as rationality cannot allow any one to be detained or punished unless proved guilty of a crime.

The government of Sheikh Hasina has not only allowed such laws to be in practice, but also enacted new repressive laws like the Public Safety (Special Provision) Act, 2000 impinging on the citizens' fundamental right to get bail before proven guilty of a crime.

Absence of the rule of law under Sheikh Hasina also found expression in an order issued by a commissioner of the Dhaka Metropolitan Police in the first quarter of the year. The DMP commissioner, Matiur Rahman, ordered his force in January to 'shoot muggers and robbers on sight'.

'The order was passed after a lot of thought,' the commissioner informed *The Daily Star* on January 18. 'It will scare the criminals and might help the police restore law and order in the city.'

Had there been any rule of law, the police officer perhaps could not have survived in the job after issuing such an illegal and irrational order.

Accountability and transparency

Clause 1(b) of AL's election manifesto said, 'accountability and transparency will be ensured in running the state'. The clause also said that the party, if voted to power, would 'build up a corruption free, efficient, trained and disciplined administrative system free from partisan influence'.

Accountability means the accountability to the people of the politicians and those running the administration. Immediately after she had taken over as the Prime Minister, Sheikh Hasina asked her cabinet colleagues to submit a list of properties of each minister which they reportedly did.

The wealth statement earned appreciation from all quarters willing to see some sort of transparency and accountability of the politicians in a country where a minister makes a huge amount of money by illegally using the powers of his office.

To the disappointment of many, the Prime Minister refused to make the ministers' wealth statement public. This prevented people from knowing about the corruption her cabinet colleagues have indulged in. The incident gives an idea of her concept of accountability and transparency. Meanwhile, allegations abound about the corruption of ministers, MPs and AL leaders.

As regards the promise of building up a corruption free, efficient, trained and disciplined administrative system free from partisan influence, the government has completely failed to live up to the commitment.

A Commission was set up in 1997 to make recommendations in this regard. Three chairmen of the Commission have already left unceremoniously, leaving behind some three dozens of recommendations. But the government is yet to implement even half a dozen of them.

In the meantime, a nexus between corrupt politicians and bureaucracy which is impeding the nation's economic progress. A recent World Bank report on corruption in Bangladesh says, 'The judgement that per capita income in a corruption-free Bangladesh could have nearly doubled to US\$ 700 instead of \$350 reflects the harmful impact of bribery, kickbacks and similar under-the-table payments on investments levels and misallocated resources.'

As regards the pledge for an administrative system free from partisan influence, even the ruling party leaders admits in private that the situation has rather deteriorated in certain cases. It is a common knowledge that officials from greater Faridpur region, the area Prime Minister hails from, enjoy greater power than they are legally entitled to, while those coming from Gopalganj, the PM's constituency, enjoys even greater authority.

National budget for the 1999-2000 fiscal allocated a total of Tk 127 crore to the Prime Minister's office. She spent Tk 141 crore. For the 2000-01 fiscal, the proposed allocation is Tk 264 crore.

Why should the nation spend on the PM's office double the amount it spent in 1999-2000, especially when the government has borrowed Tk some 4000 crore from banks to finance the huge amount of revenue deficit? The finance minister has spoken a lot on accountability and transparency, but, on this particular issue, conveniently kept mum.

Law and order

Another important pledge the AL made was about law and order. Clause 2 of the 21-point manifesto said, the party 'will put stress on the improvement of the law and order. It will take actions irrespective of party affiliation in resisting all sorts of criminal activities.'

However, a survey report, released by the Bureau of Human Rights, Bangladesh (BHRB), on the criminal incidents taking place in the first four months of the year shows that law and order has deteriorated like anything. 'A total of 913 persons were murdered and 13,249 injured across the country over the period between January 1 and April 30 this year,' the BHRB report released on May 11 said.

The report, carried by *The Daily Star* on May 12, also said that a total of 283 mugging incidents had been taken place during the period, while the incidents left 21 people were killed and 103 injured. 'A total of 414 dacoity incidents took place during the period, resulting in the death of 68 people and injury to 441.' The report further said, 'a total of 199 incidents of hooliganism, ransacking and clashes left 48 people dead and 536 injured over the same period. Besides, two officials were killed and 21 injured in eight incidents by police and other law enforcing agencies'.

Another Star report, published on June 18, portrays a different dimension of the deteriorating law and order situation. 'At least 26 people were beaten to death in separate incidents in five districts including the capital Dhaka last month (May). Of the victims, 13 were killed in and around Dhaka, nine in Chittagong, two in Feni and one each in Sirajganj and Naogaon', the report says. 'Those beaten to death included a five year old child, a girl of 11 and a schoolboy aged 12. Fourteen of the victims were killed in six incidents on suspicion of being dacoits, muggers and bandits.'

The report clearly indicates that people are gradually been losing confidence in the country's justice delivery system and that the government is failing to discharge its constitutional

responsibility to ensure security of life and property of the citizens.

But what is more regrettable is that the Prime Minister does not seem to be bothered about the situation. One of her recent statements gave indirect sanction to the phenomenon. 'Murder or any other act of terrorism will not stop unless the killers of Bangabandhu are tried,' the PM was quoted (by different national dailies including the Star on April 22) to have said at a press conference on April 21.

The government has not shown adequate resolve in implementing the promise of taking 'actions irrespective of party affiliation in resisting criminal activities'. Unruly ruling party activists have enjoyed impunity for an array of crimes, ranging from killing, abduction and extortion to encroachment of rivers and public spaces. Misdeeds of some ruling party ruling party MPs and their unruly off-springs have assumed ominous proportions.

District-level ruling party leaders do not lag far behind their counterparts of the capital city. In March this year, after the Home Minister had launched a combing operation in Feni to arrest criminals and recover illegal arms, AL lawmaker Jaijal Hazari boasted, according to a Bangla daily, 'My boys possess arms. ... I would ask my boys to surrender the arms after the recovery of the weapons held by the BNP activists. ... There is, however, strong chain of command and leadership among my boys. They would surrender arms after the combing operation is over.'

'I do not see any reason for my arrest. There is neither any case against me nor any warrant of arrest,' he also told the daily.

The combing operation in the area is over. Neither did Hazari or his men deposit any arms to the police administration nor were they arrested.

Anti-corruption activities

Awami League also promised 'all out steps against corruption will be taken. Alleged plunderer of peoples wealth through corrupt practices will be probed and lawful actions will be taken against persons concerned.'

But four years since assumption of office, one could well conclude, Sheikh Hasina's government has in a way encouraged corrupt practices by not taking any punitive measure against the perpetrators.

The World Bank report, *Corruption in Bangladesh: Costs and Cures*, which was discussed in Paris in the second week of April this year, observed that corruption eats up a major portion of the country's GDP.

If Bangladesh could reduce corruption level to those prevailing in the countries with the highest reputation for honest dealing, it could add between 2.1 and 2.9 per cent to annual per capita GDP growth,' the WB report said. 'This could lower the country's poverty by 25 percentage points.'

The United Nations Development Programme (UNDP) shares a similar view. Launching its annual *Poverty Report - 2000*, its resident representative in Bangladesh, Andre Klap, has reportedly said on June 13, 'If there has been no corruption, the pace of poverty reduction would have been double.'

In other words, without corruption the per capita income could have been double that what it is now.

Rehman Sobhan, one of the country's leading economists and chairman of Dhaka-based think-tank Centre for Policy Dialogue, recently shed light on another aspect of corrupt practices by the politicians.

Many politicians now increasingly use *mastaans* as a political resource in the contention for political office and state patronage to access public resources,' he said in a report called *Independent Review of Bangladesh Development*.

The report also observed, 'The resultant nexus between politicians, business, the *mastaans* and the law enforcement agencies is now becoming embedded into social structures of Bangladesh.'

Even a particular fiscal measure proposed by the finance minister in the national budget for 2000-2001 also hints at the government's desperation about patronising financial corruption, instead of initiating lawful actions against those plundering peoples wealth through corrupt practices.

The minister has proposed a provision for the black-money holders to whiten their untaxed money, subject to payment of tax at the rate of 10 per cent.'

'Such declarations will be accepted by the tax department without any question.'

The scope for whitening the untaxed money does promise two-fold dividends to the national economy. First, it minimises the chance of capital flight and thus creates scope for investment in the country and, second, it provides a significant amount of additional revenue. Once in the picture, and invested properly, the previously concealed money continues to produce the couple of dividends for the national economy.

But why the government has come up with the proposal in the last of its five years in power? The provision, speculation goes, has been proposed to help legalise the huge amount of untaxed money the ruling party people have made over the last four years through illegal means; or, to use Rehman Sobhan's phrase, by using state patronage. It is a common knowledge one needs to 'please relatives and cronies of the ruling party top notches to secure big business.'

Removal of child labour

Removal of child labour, as pledged in AL's electoral manifesto, is undoubtedly a noble promise. It is a child's fundamental right to spend their adolescence in harmony, without being exposed to the hardship of life.

But given the country's socio-economic situation, the notion - a condition imposed by the western garment sector investors - is detrimental to the interest of the children of thousands of poor Bangladeshi families. If these poverty-stricken children are ousted from factories, shops and other enterprises before creating a congenial condition for their survival, they would be left with no option but to die of starvation. These hapless children and, not only child labour, would be removed.

Understandably, the AL made the pledge to appease the western 'donors', an important factor in third world politics. But it

was only expected that the government would take some steps meant for creating a socio-economic environment that allow the children back to where they actually belong - to school and playgrounds. But the government has hardly adopted any programme in this regard.

Freedom of press and freeing state-run media from party influence

Clause 7 of the AL election manifesto was dedicated to freedom of press and other related issues. Announcing that the party 'believes in the free flow of information and freedom of the press', it said, 'To free the radio, television and the state-run news agency from party influence, these will be given the status of autonomous institutions.'

After coming to power, the government set up a Commission to work out ways towards autonomy of the state-run electronic media and formulate rules under which Bangladesh Television and Bangladesh Betar would be run. The Commission report, submitted in September 1997, is gathering dust in the shelves of the Prime Minister's secretariat. The chairman of the commission has recently resigned from the post of the ruling party's advisory council.

Hasina's predecessor in the government, Khaleda Zia, had also made similar pledge before the 1991 general elections. But after winning the polls, Khaleda's Information Minister Barrister Nazmul Huda boastfully announced that the BTV and the Betar must be run at the dictates of the Information Minister.

Clearly, he was oblivious of the difference between a state and its government.

The state minister for information on Hasina's cabinet, Abu Sayeed, has been running the institutions following his BNP counterpart's footsteps. The BTV and the Betar is still used as a means of providing exaggerated versions of government performances on the one hand and tarnishing the image of the political opponents on the other.

Prime Minister Sheikh Hasina, who occupies the lion's share of prime time every day, claimed only the other day that she deserves even more coverage than gets now.

As regards 'freedom of the media and free flow of information', there has been no progress yet.

The government hardly tolerates the media's barking, let alone its bites. A crime reporter of a national daily was arrested last month for writing a report on the alleged corruption of 'two ladies' belonging to powerful ruling party quarters. Besides, the Official Secrecy Act, the main impediment to the free flow of information, is still there.

Sheikh Hasina has recently allowed a private sector TV channel. But she did not forget to impose a set of conditions, including the one compelling the channel to air BTV's prime-time news - primarily government propaganda - at 10:00 pm. Besides, the government is reported to have supervised the entire recruitment process of the company through a 'politically reliable civil servant'.

The BNP made the pledge during 1991 general elections. Voted to power, the party did not meet the pledge. Accusing the BNP of betraying the cause of judicial independence, the AL assured the nation in 1996, 'The judiciary will be separated from the executive. Independence of the judiciary will be ensured as per the basic principles of the constitution'. Another promise not yet fulfilled.

A sound justice delivery system free from political influence is an essential component of democracy, or rule of law for that matter. So, a democratic system calls for total independence of judiciary from the executive wing of the state. But, in Bangladesh, the powers of magistracy is vested on the members of the administrative cadre controlled directly by the government. Besides, 'posting, promotion and grant of leave' of members of the subordinate judiciary are also controlled by the executive wing of the state.

The result is obvious.

Several decades of neglect has left crippled the legal and judicial system of Bangladesh. Although the Supreme Court continues to command widespread respect, the judiciary by and large ranks among the most distrusted institutions in the country, says a World Bank report issued early this year.

There has been debate in the court of law on whether amendment of the Constitution is required to separate judiciary from the administration.

The High Court in a judgement on May 7, 1997 said, 'no constitutional amendment would be required for separation of the judiciary from the administration. The HC also directed the government to take necessary steps for speedy separation of judiciary.'

The HC delivered the verdict following a writ petition filed by 441 judges from the lower courts on November 19, 1995. The government challenged the judgement in the Supreme Court which, according to a Daily Star report on December 2, 1997, 'tended to disagree with the HC rule on separation of judiciary'.

The governing party, however, has moved no bill seeking independence of the lower judiciary, conveniently forgetting that it had criticised the former government for not implementing the idea and that it had promised people to separate judiciary, if voted to power.

On the contrary, it has been seen, on more than one occasion, making attempts to influence the higher judiciary, the latest being Home Minister Mohammad Nasim's deadline for completion of the trial of the killers of late President Sheikh Mujibur Rahman.

The trial of Bangabandhu murder case has to be completed by December 30 this year', the minister announced, as reported by *Prothom Alo*, at a public rally in the capital on April 18 this year. The announcement was followed by a militant procession of the

AL activists with bamboo-sticks in their hand. The procession passed through the streets adjacent to the seat of High Court and Supreme Court judges.

Change in the education system

Education has rightly been considered a thrust sector by different governments. But the main loopholes of the country's education system is that it patronises at least three different types of schooling with conflicting syllabuses, contributing to dividing educated sections of the society on conflicting cultural lines.

In the clause 10 of the election manifesto, the AL promised: 'A change will be brought out in the education system in the light of the Dr. Qudrat-e-Khuda Education Commission Report.'

Although it is debatable whether the nation would benefit from recommendations more than two decades ago in a completely changed reality, the Commission, one must admit nevertheless, did recommend a uniform education system.

But, four years have gone by, the government is yet to come up with the promised education policy. As regards change in the education system, there has been one, albeit in the negative direction. Mass cheating in the examinations, a phenomenon in the early seventies, has returned with the return of Awami League to power.

Surprisingly, when various social groups expressed concern over alarming rise of cheating, the Education Minister finds it negligible.

The party also promised to build up a technical and vocational training school at every thana. The reality after four years in power is not very encouraging.

Women's right and dignity

Clause 11 of the AL's election manifesto said, 'Necessary policies and programmes will be taken to establish women's rights and dignity in every tier of the society. Effective measures will be taken to prevent atrocities on women and remove social discrimination.'