

Forthcoming Parliamentary Elections in Bangladesh

by M Anwar Hashim

It goes without saying that the holding of free and fair elections in 2001 will remain an unfulfilled vision and unaccomplished mission if the food for thought provided by our think-tanks and conscious citizens do not contribute to soul-searching on the part of our political leadership. It is a must for the party in power and the opposition to shun the path of confrontation and to make earnest efforts to achieve a reasonable degree of understanding and accommodation.

Invalidating an Injustice

AT long last a major blot on the army's image and the country's justice system looks erasable. This is being rendered possible by a historic recommendation of the Parliamentary Standing Committee on Defence Ministry has made to the government for revocation of the court martial verdict delivered in connection with the assassination of President Ziaur Rahman on May 30, 1981. Thirteen army officers were hanged among altogether 37 who had been convicted of killing President Zia.

We welcome the parliamentary committee's forthright initiative to have us clear our debts to history in terms of a civilised value judgement on judicial impropriety committed some two decades ago. Since Ziaur Rahman was a president who had shed his uniform to lead a civilianised government, his assassination could hardly be an internal military matter warranting court martial proceedings to be drawn against the accused. Yet that is what happened with the people completely kept in the dark about the goings-on of that super-summary trial with all its inherent intransparency and pre-meditated factors.

Serious allegations have been levelled by the parliamentary standing committee against the court martial proceedings and the verdict. First, it was a travesty of judgement based on inadequate witness material, proof and evidence. Some of the officers convicted had not been even present at the place of occurrence. Secondly, the procedure that was adopted could be deemed to have been legally invalid. Thirdly, for 37 accused army officers there were only three defending officers this single drawback reeked of perfunctoriness and gross injustice. Finally, this amounted to violation of the fundamental right of the accused persons to be properly heard. From the standpoints of both legality and authenticity, therefore, the judgement needs to be declared null and void.

In the light of the above we want all the papers, documents and proceedings relating to the court martial verdict placed not only before the parliamentary standing committee but also the people at large. This should go hand in hand with the process of revocation being duly initiated, either by the army chief, or for that matter, the defence ministry under the prime minister.

In the case under review, both the law of the land and the army code were violated. The annulment of the court martial verdict will help the army emerge in a new light of high esteem before the public and increase self-confidence within the force. At the same time, the civilian authorities would feel strengthened from the assertion of the rule of law with a retrospective effect.

Why Scissor the Report?

GENERAL Pervez Musharraf's announcement that a vetted version of the Hamoodur Rahman Commission report on Bangladesh's War of Liberation would be released by Pakistan comes as a positive development. While welcoming the move, we cannot help regret his decision to screen the "parts that deal with international relations." Obviously the fear of repercussions at home and abroad has got the better of the military ruler's best judgement on the issue. Also, the move to excise part of the report might reflect the Pakistani junta's lack of confidence in people and its instinctive impulse to 'sweep the dirt' under the rug.

We believe that the general should go the whole hog and release the report in its totality; otherwise, its very purpose of putting into perspective the dreadful developments that unfurled in the then East Pakistan some three decades back would be defeated. The report would provide the regular Pakistanis with an insight into the cause-and-effect relations between the heinous acts perpetrated in 1971 and the role played by their politicians and army at that time.

The fundamental injustice committed against the Bengalees nearly 30 years back will be brought to the fore. What the Pakistani occupation forces did in 1971 was a crime against humanity. It was genocide perpetrated on a whole populace. While the government had then committed the sin of engineering a holocaust, its successors until General Pervez Musharraf's regime played party to it by keeping the Report under wraps.

The media of India, Pakistan as well as Bangladesh has played a praiseworthy role towards revival of an issue successive Pakistani governments wanted buried. The General's announcement suggests his task is far from complete. Immediately, what lies ahead is the pressure Pakistanis are likely to exert on him to release the Report in full.

"Political as well as military debacle" or not, 1971 witnessed the most grievous wrong committed on an entire populace. Let the release of the full Report mark the beginning of a long overdue process of correction. Let the world judge, and not the military regime of Pakistan, whether the recommendation for trial of the generals, as set forth in the Report, is justified or not.

Housing for Slum-dwellers

IT is common knowledge that the slum-dwellers live in sub-human conditions. But what is perhaps least known or discussed is the yeoman's job they do as service providers to the denizens. In fact, it is estimated by the Coalition for Urban Poor (CUP) that the slum people contribute between 9 and 13 per cent of the total urban economy in the country. In that sense, they keep the urban economy going via the selling and buying they do contributing to money circulation. The variegated avocation they pursue make up a sum-total of considerable economic activity. Therefore it would be an injustice to them if we overlooked their contributions.

To everyone's annoyance, lot of breath has been wasted on the issue relating to eviction of slum-dwellers without arrangement for their proper rehabilitation. Unplanned eviction has aggravated the slum situation by a new degree of destitution. Most of these evictions took place in violation of constitutional rights. The government should start the process of relocation of slum-dwellers to rid ourselves of the persistent democratic imbalance. If we improve their housing, they can contribute even more to the national economy. Unless we put this problem behind, this would only snowball and we will be overtaken by the sheer number of floating people.

WITH the next parliamentary elections scheduled to take place in less than one year from now, the issue of holding free and fair polls in a peaceful atmosphere has assumed immense importance for the entire nation. If things go off well, the first year of the new millennium will witness the second successive transition between democratically elected governments in the country's post-independence era. It remains to be seen whether things would really go off well. One thing is, however, clear. The prevailing political scenario is far from congenial for ensuring the credibility and viability of the forthcoming polls.

Regrettably, our politics has, instead of strengthening the democratic process and contributing to the socio-economic wellbeing of the populace, has degenerated into a bitter scramble for grabbing and perpetuating power. In the process, the political situation has become unstable, confrontational and even volatile. Even so, it should not be impossible to ensure credibility of the ensuing elections if well thought-out measures are adopted to bring about a qualitative improvement in the situation. An essential prerequisite for accomplishing this task is the reform of relevant state organs and institutions as well as the strengthening of their implementation mechanism. The civil society and conscious citizens have advanced a number of pragmatic and constructive suggestions with this objective in mind. The political parties on both sides of the fence should consider the political, administrative, legal, economic and social implications of these suggestions and make utmost efforts to arrive at a consensus.

To start with, it would be worthwhile to focus on the Caretaker Government. Of late, the concept of such an interim government has been subjected to renewed debates, highlighting constitutional ambiguities on its relations with the President as well as its being contrary to the ideals of democracy and a sad reflection on political parties' inability to conduct elections while in power. These arguments, regardless of their merits, are far outweighed by the neutrality displayed and successes achieved by the two interim governments in the performance of their responsibilities in 1991 and 1996, all major parties' acceptance of the concept leading to its incorporation into the Constitution through the Thirteenth Amendment and the people's confidence in the system of Caretaker Government.

What, therefore, needs to be done is to devise ways and means to make the system more efficient and effective in conducting fair, impartial and peaceful polls. An important step in this direction would be

the extension of the Caretaker Government's tenure as well as its mandate to include the holding of local elections as well. The Constitution has not explicitly spelled out the Caretaker Government's tenure. Article 58B (1) says, "There shall be a Non-Party Care-Taker Government during the period from the date on which the Chief Adviser of such government enters upon office after Parliament is dissolved or stands dissolved by reason of expiration of its term till the date on which a new Prime Minister enters upon his office after the constitution of Parliament."

Article 123 (1) provides for the holding of general elections within ninety days after Parliament is dissolved. Taken together, these two provisions imply that the Caretaker Government would hold office for about three months.

The proposal for extension of the Caretaker Government's tenure to six months deserves attention of the political parties on four objective considerations. First, it would facilitate the simultaneous holding of all elections—parliamentary and local—adequate preparation. Secondly, the Election Commission, if reconstituted by the interim government on the basis of consensus among the political stakeholders, would not have to race against time to fulfil its responsibilities. Thirdly, the Caretaker Government would have more time to effect transfer of partisan officials at different levels. Last but not the least, it would be possible to ensure an effective reduction, though not elimination, of goons and guns from the election arena.

As for the conduct of local polls under the Caretaker Government, it is based on the rationale that it would diminish the risk of electoral fraud by the party in power and consequent agitation by the opposition. On the same consideration, it is desirable to dispense with the system of by-elections and to work out a viable alternative. A reasonable proposition has already been advanced in this regard. It suggests that a vacant seat in the Jatiya Sangsad could be filled in through nomination of the party which had originally won it while the seat would go to the person who had secured the second highest vote in case it was held by an independent candidate.

Apart from this, there is an imperative need for depoliticising and strengthening the Election Commission. Article 118 (1) of the Constitution stipulates

that "the appointment of the Chief Election Commissioner and other Election Commissioners (if any) shall, subject to the provisions of any law made in that behalf, be made by the President." In terms of Article 48 (3), the President "shall act in accordance with the advice of the Prime Minister" in the exercise of all his functions with the exception of appointment of the Prime Minister and the Chief Justice. Accordingly, there is no legal requirement for the party in power to consult the opposition on the appointment of high-ranking functionaries of the Election Commission. Taking advantage of the relevant constitutional provisions, the ruling party tends to justify unilateral appointment of partisan officials to such positions. This has rendered Article 118 (4), which is intended to make the Election Commission "independent in the exercise of its functions", virtually ineffective and also turned out to be a highly contentious issue in our national politics. A consultative and consensual process for appointment of the Chief Election Commissioner and the Election Commissioners, therefore, needs to be institutionalised sooner than later.

The holding of nation-wide polls is undoubtedly a challenging task for the Election Commission. It involves, among other things, the preparation of a credible voter list, necessary revision of the 1996 Code of Conduct, job-related training of officials, voter education, physical arrangements for polls, streamlining campaigns, redressing pre-poll irregularities and malpractice, formulating efficient voting and counting procedures, devising mechanism for speedy adjudication of post-poll complaints, facilitating election observation and making the electoral process more transparent. Over and above, it has to ensure the security of ballot boxes, voters and polling officials, agents and centres. The nature and extent of responsibilities vested in the Election Commission demand its independence and strengthening. It should be made a truly independent body and provided with adequate manpower and fund.

A serious obstacle to the holding of free and fair elections lies in the predominance of money, both black and white, in politics. Elections, being expensive, have become a monopoly of the rich, including people of questionable means. The adverse effects of big money in politics have been multi-

dimensional. First, it has scarcely left any room for competent and committed people elections. Secondly, most of the political parties indulge in seeking financial support from businessmen, industrialists and resourceful individuals in return for favours in the event of coming to power. Thirdly, many candidates spending millions of taka to get elected consider it to be an investment promising quick and lucrative returns. Fourthly, it has resulted in patronisation of *mastaans* (musclemen) by political parties and politicians to promote their own interests and spread of violence and terrorism all over the country.

The Representation of the People Order of 1985 (modified by Act X of 1991) is intended to curb the influence of money in politics. It has fixed the ceiling of Taka three lakh as election expense for each candidate and laid down the procedure for maintenance of the amount to be spent for this purpose in a scheduled bank and submission of the returns of expendi-

ture in time to the Election Commission. The law has no doubt succeeded in restricting visible expense but the invisible expenditure, which is said to be at least ten times more than the prescribed limit in many cases, remains beyond official control. Two major components of invisible expenditure are hired workers and *mastaans* presented as committed supporters campaigning voluntarily as well as purchase of votes. Even a three-fold increase in the ceiling is unlikely to produce any tangible result.

This being the situation, the idea of state funding of political parties has gained prominence in recent months. In this context, a suggestion has been made for earmarking one per cent of the annual budget to finance political activities including election expenses and allocation of fund to different political parties on the basis of percentage of popular votes secured by them in relation to each other. Although state fund should not be used for political parties as a matter of principle, it seems that a problem of seri-

ous magnitude can be effectively tackled in the event of acceptance and implementation of this suggestion.

It goes without saying that the holding of free and fair elections in 2001 will remain an unfulfilled vision and unaccomplished mission if the food for thought provided by our think-tanks and conscious citizens do not contribute to soul-searching on the part of our political leadership. It is a must for the party in power and the opposition to shun the path of confrontation and to make earnest efforts to achieve a reasonable degree of understanding and accommodation. They should weigh the benefits of co-operation against the cost of confrontation in the light of our national interest. The inglorious end of General Ershad's long autocratic rule in 1990, restoration of the parliamentary form of government in 1991, and adoption of the Caretaker Government Bill in 1996 have amply demonstrated our mainstream political parties' wisdom and ability to achieve consensus on issues of vital national interest and concern. Given the goodwill and determination, they would no doubt be successful in staging a repeat performance and earning applause from the silent and aggrieved majority.

The writer is a retired Secretary to the government and a former Ambassador, Permanent Representative of Bangladesh to the United Nations Offices in Geneva and Vienna.

OPINION

Battles between Voters and Politicians

A Husnain

The standard of politics in Dhaka will not improve till the politics of *bakshish* or extra, unauthorised reward is discouraged. Loyalty in political activists is being sought or retained through payment of rewards in cash or kind. This results in misuse of power and influence, at several levels and areas, causing oppression and injustice on the innocents, and undue gain for the beneficiaries, whose motivations are more than public service.

Bribe taking or giving tends to become a standard practice, and spreads beyond politics (viz. the civil service, the CBAs, counter services). Corrupt practices extend and cover more areas, until the whole environment is vitiated. Once this unholy culture gathers weight and root, it is extremely difficult to eradicate it through normal disciplinary and regulatory channels culture gathers weight and root, it is extremely difficult to eradicate it through normal disciplinary and regulatory channels. Evolutionary reforms fail, and third external measures have to be brought in, complicating the situation.

The practice of offering or adding tips for services has been accepted and standardised in the developed countries; but in the deprived societies, the perks are eagerly expected or demanded unofficially, for marginal gains. Higher up, it is for core gains.

Thus a vicious circle is encouraged, and it gets stronger and stronger. Eventually it comes down to a routine level, and is then taken for granted. Those who are in the right path cannot assert themselves, unless the lead comes from the top.

Those citizens who do not support it are also forced to participate in the evil 'system' to get the essential services of daily life. Trimming the branches and the leaves is not a solution. One has to get down to the unseen and hidden roots. It is not done because the enforcing agencies are themselves contaminated.

This is one of the tests for

soft, compromising, and dependent leadership. The leaders cannot become tough if they are not self-reliant—depending on others or sources outside the self becomes a weakness. When this weakness snowballs, remedial steps go out of control. When peripheral support is not available, that leader fails. Real leadership means the strength comes from within, and not from outside—the leader supports the group, and it is not the other way round.

When the higher-ups support nepotism and corrupt practices, openly or secretly (in the garb of godfathers), the routine duties and responsibilities of the regulatory and enforcement agencies cannot be carried out effectively, as the processing gets stuck up in the vertical tiers. Some examples are the dereliction of duties by Rajuk and the water and irrigation bodies, and the high human systems losses in the DCC, PDB, BTB, Customs, at the ports, and while trying to obtain official documents (permits, passport, clearance).

The bureaucracy resists the reduction of processing of paper work, and decentralisation exercises (the PARC implementation effect has not yet succeeded in hitting at the core reforms). Computerisation reduces the points of human involvement in processing chains; but the schemes are not being accorded higher priority by the government, on the plea of shortage of funds; without realising that the capital costs could be quickly recovered with rapid reduction of human systems loss. In major undertakings, the political will is missing in the basic problem areas, while popular schemes and projects are chased by the politicians in power.

The voters are aware of such shortcoming in successive regimes, but when hopes belie expectations, the erosion starts in backing the anticipated parties. Therefore, changes occur more frequently in the developing countries, thereby driving the ruling regimes to extreme measures to retain the seats of

power. On the other hand, corrupt practices are employed to retain power. This background war between the voters and the candidates continues, and sharpens during the election-eering period. Win the war against poverty, or glorify the local skirmishes and battles? Later, how to settle down with malignant motive?

Open-minded and vacillating voters are more difficult to handle and predict. The voters wish change, while the politicians plan to pasture on familiar grounds. The constancy in the voters' reactions can be ensured through better service, people-oriented than politics-oriented; which means that the people come before the party, and it does not matter much which party is delivering the neutral goods and services.

At present one group of politicians have a poor opinion of other groups of politicians—the political parties love hate campaigns, and each profess love for the people! This internal loss of credibility amongst the politicians themselves and the political parties is not looked upon kindly by the voters, although the latter are not so articulate to express their uncertainties and doubts. The artless and deprived voters (the majority) are therefore to that extent unpredictable.

The standard of politics can be improved both by the politicians and the voters, but the invisible walls between the two have to be identified and lowered; and the two-way communication channel has to come into 50:50 ratio—at present there is a huge disparity in this ratio, thanks to the wily cunning the honourable politicians employ to hunt their quarry. The ball is obviously in the court of the politicians—to lead correctly, or mislead and distract smoothly.

Surely there is no such creature as the 'neutral, caretaker politician.' Caretaker political parties' will not be accepted by the politicians. Politically, is the voter an orphan? The implications are ominous!

To the Editor ...

Sorry state of law and order

Sir, Couple of days back a physician was returning home in a babytaxi at night. When the taxi stopped at the traffic signal at Maghbazar, two men got in and at dagger point took away ten thousand taka and his mobile telephone.

Well, this is not a news these days. The news is when the robbed physician went to report it at the police station, they refused to take the complaint. First you are to spend some money! However, even after spending money they did not lodge the complaint as hijacking of getting his mobile set lost! So one can imagine how wrong the statistics of crime will be if collected from police stations. Moreover, such negligence will also help crime to mushroom as it is swept under the carpet instead of nabbing and punishing the criminals.

Sarah Dhaka

Women's world

Sir, Compared to many countries especially Middle Eastern, South Asian, African and Central Asian some of our women are well established and better placed in society. They are making significant and valuable contributions in the national affairs, socio-economic and cultural activities, administrative, educational, medical and judicial professions. A large number of women are working in garment factories and also in different government and private offices. Above all, Bangladesh is the only country where both the prime minister and the leader of the opposition are women.

However despite this encouraging picture, women's life in our country offers a melancholy contrast.

In a male dominated society, women of our country are very much subjected to violation of human rights, physical torture, rape, murder, prostitution, payment of dowry, divorce on trifling matters and many other cruelties. It may be mentioned here that 40 per cent people of our country are living below poverty line and among them the women are the worst sufferers.

Where the PM and the leader of the opposition both are women such state makes us really frustrated. We really hope that exemplary punishment will

be awarded against such crime and concrete steps will be taken to save the women of our country from oppression and injustice.

O. H. Kabir
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Wari, Dhaka

The millennium debate

Sir, When does the new millennium begin? The millennium fever being over, we can now sit down and discuss the issue with a cool brain. A true positive number system starts from 0 so that 0 to 9 is the first decade, 0 to 99 is the first century, and so on. However, sometimes we do not like to start from 0 and a convention overrides the true number system. In such a convention, 1 to 10 is the first decade, 1 to 100 is the first century, and so on.

When we count seconds, minutes and hours of the day we follow a true number system, e.g., 0 to 59 seconds, 0 to 59 minutes and 0 to 23 hours. On the other hand when we count days, months, years, and so on, we follow the convention starting from 1. Thus a 30-day month is counted as 1 to 30 days, not 0 to 29 days. Similarly the 12 months are counted as 1 to 12 months and not 0 to 11 months. Similarly the centuries are counted as 1 to 100 years, so that the first day in the calendar is counted as 1-1-0001, not as 0-0-0000. This convention naturally carries over to the millennium, and the first millennium extends from 1 to 1000 years, 2nd millennium from 1001 to 2000 years, 3rd millennium from 2001 to 3000 years. So the year 2000 is the last year of the 2nd millennium, not the first year of the 3rd millennium as many people thought. This means the new millennium starts on 1st January 2001. Nevertheless, though most of the world has wrongly celebrated the occasion one year ahead of time, we can celebrate it again.

Dr. K Siddique-e-Rabbani
Professor of Physics
Dhaka University

Demand for referendum

Sir, The en masse abstention of the Members of Parliament by any party is not a proper way to register their protest. The only thing they could do is

to abstain temporarily. But to deny the voters their right to be heard at the national legislature is blatant denial of fundamental human rights as enshrined in the Constitution of the Republic. The parties concerned coerce their MP's to abstain from parliamentary proceedings for which the people gave them mandate. We therefore, demand a referendum to declare non participation of the Member of Parliament in the proceedings of the parliamentary session as illegal and be incorporated in the Constitution of the Republic.

Al-Haj S. M. Khalid Chowdhury
Dhaka

Why WHO's warnings are being ignored?

Sir, On 6 September, a daily newspaper disclosed that three years back World Health Organisation (WHO) had warned Bangladesh about twelve contagious diseases. These diseases are kalaazar, filarial, dengue, jaundice, diarrhoea, Japanese encephalitis, malaria, tuberculosis, gonorrhoea, syphilis, hydrophobia and AIDS. Informed sources said that if Bangladesh government had paid heed to this warning then people would have been spared of Dengue, a deadly disease, which is now afflicting our people almost in epidemic form.

If the government does not take adequate steps to prevent these diseases the people of Bangladesh will soon be in a very sorry state. But the government is as indifferent as ever.

They are busy arranging conferences, felicitation programmes, games etc. The government is forgetting that if the nation becomes sick remaining in power would not be meaningful.

Before coming to power, all political parties pledge that if they are elected their sole duty will be to see the interest of the country and the people and they would always serve them without thinking of personal gains but once they cling to power everything goes to oblivion and their only interest and obsession seem to be to remain in power at any cost.

Nur Jahan
Chittagong