

## Verdict on Ershad

WITH the Supreme Court verdict Ershad's political career virtually comes to an end. Whatever political dream he may have had - our political leaders are known to have many - are now dashed forever. As far as our immediate politics is concerned this verdict has thrown open the scramble for JP's leadership. Who will succeed Ershad and whether it will stay as one party or split into factions each led by different aspirants are the immediate questions. Already a significant portion led by Anwar Hossain Manju had split from the main faction some time back. It is possible that Manju's hands may become stronger with more JP stalwarts backing the 'winning horse' so to speak. All this will definitely have an impact on the alliance politics. Two of the original leaders are no longer there - first Golam Azam and now Ershad. As far as personalities are concerned, Khaleda Zia becomes the lone attraction for the whole alliance. In some odd way this may act as a boon for BNP as its leader will, in effect, become the natural rallying point for the whole opposition and as such be able to strengthen the inner bond of the opposition.

With the falling of the curtain on Ershad's public career Bangladesh's politics turns a significant corner in its short but turbulent history. He will be the first President ever who has been punished for his misdeeds, especially corruption. Credit must be given to the government of Khaleda Zia which single-mindedly pursued the corruption charges against the corrupt autocrat, risking pushing the JP into the AL's hands which is exactly what happened. But for the political opportunism of the then opposition, the Awami League, the JP and its leader would never have come as far as they did in terms of political rehabilitation.

However belatedly, the whole judicial process has come to its natural end with the culprit getting the punishment that he deserves and with his political career ending in total and unambiguous disgrace. Without question Ershad marked the worst in our politics. He was a usurper of power and his sole aim was personal aggrandisement. The country was for him something to exploit and the people were for him to manipulate for his own end. He considered the government to be his personal fiefdom to do as he pleased. There are two very significant aspects of the fall of Ershad. First, he was thrown out of power by 'people's power' and not by a military coup or conspiracy. Second, he was put behind bars by the judiciary after going through all its different stages. Thus his fall marks the victory of democracy and of the rule of law.

## Park Sacrificed Again

NEED the city fathers be so indifferent to the fact that already the city has turned into a veritable concrete jungle? Thanks to unplanned urbanisation, compounded by blatant deviation from the Dhaka Master Plan, the metropolis has become lifeless. Whichever direction one turns to one is greeted with visual disincentives. Little greenery is left in the face of grey aggression and natural water bodies derelict. The river Buriganga, the lifeline of the city, is choked, encroachers making merry of almost non-existent administrative activism. The metropolis needs some fresh air. Its residents need to have some contact with green. They need some open space to shrug off the claustrophobic feeling urban living induces. The Dhaka City Corporation (DCC), especially the Mayor, doesn't seem concerned with the needs of either the metropolis or its residents. Or else, how does one explain the sacrifice of the park on the eastern side of the Karwan Bazar kitchen market? What can be the rationale behind allocation of 51 shops around the park and, intriguingly, on the portion of the road and the walkway? Commercial compulsion or what?

The small park at Karwan Bazar is not the only one sacrificed on the altar of such commercial considerations. Mushrooming of makeshift shops and eventually permanent market place on open spaces is by no means a new phenomenon. Alarming, the trend shows no sign of letting up. On the contrary, it has marked sharp rise in recent times. Unfortunately, the city fathers have facilitated, directly or indirectly, the concrete aggression on the public spaces and the greenery. They have either approved construction of shops or plazas on open spaces, or simply played the indifferent onlookers. Reports in the media and pronounced concern of the conscious citizenry have sometimes preempted invasion on the public space, but seemingly failed to wake the city authorities up to the fact that a metropolis cannot be and must not be over proliferation of concrete structures; there is the need for greenery, water bodies and open parks and spaces.

## To the Editor ...

### The Zarina episode

Sir, The stealing of widow Zarina's hard earned savings of one and a half year in the Middle East is one of many such incidents that are perpetrated everyday by gangs of rogues masquerading at ZIA. It is a common knowledge as to what happens at ZIA, how it happens and who are involved. Both the victims and the authorities seem to have got accustomed to the malpractice and tend to take it as an irremediable routine matter and almost as the right of those criminals who are powerful enough to frustrate any move to stop their nefarious activities.

In the past, sincere efforts were known to have been made by some quarters in the government specially Biman to contain or curb these gangs operating inside the security area of the airport rendered futile. These organised gangs with active support of some powerful persons successfully thwarted all previous moves. They are merely carrying on their job of robbing the passengers at ease and with immunity in the

cargo hold area during unloading and loading of passengers' luggage from onto the tow and trolleys. Arrangements of sharing the booty with all the people in the area, specially the security personnel of Biman and CAAB, ensure a permanent system of theft. Sharing system is reportedly extended to some high-ups in the line.

ZIA has long been looked upon as a dreaded place to pass through by the Bangladeshi passengers, specially the arriving ones. Scores of passengers are losing their valuables everyday at ZIA, some complaints are lodged, reports in the national dailies appear occasionally but the thieves go unabated, unchecked and before. The desperate wail and tenacity of a poor lady victim namely Zarina Khatun, this time kicked up a lot of dust, the press media had taken up the cudgel for her that led to rousing of wide public reactions and ultimate declaration by Oman Air Lines compensation for the loss.

In the greater national interest and for the image of the country

GENERAL Hussain Muhammad Ershad was sent to jail for the second time. He surrendered to a lower court on 20 November under orders of the Supreme Court following rejection of his appeal for grant of bail and was immediately taken into custody. Earlier, he had been convicted on charges of corruption in Janata Tower case and the sentence was subsequently reduced to five years of imprisonment and a fine of over Taka five crore. Ershad had failed to justify legitimacy of source of funds of Taka six and a half crore with which he had purchased the property in his wife's name during his Presidential regime.

Speculation is, naturally, rife as to whether this act sounded the death knell of the political career of a soldier-turned-politician who had ruled the country for long nine years, the longest ever by any other person. He has since appealed against both his conviction and detention. Even in the event of the granting of appeal preferred on his behalf, many think his political image has been severely tarnished.

In the opinion of most of the many I talked to, no other person could match a colourful, though checkered, life as represented by H.M. Ershad. He is a virtual epitome of the two extremes - a rare combination of virtues and vices. People often wonder how a gentle, soft-spoken and exceedingly well-mannered person, as if a visible embodiment of all that is good, could be so devoid of many other human qualities. His illustrious behaviour and seemingly undivided attention to people deserving attention appear to many in sharp contrast to his many acts of falsehood, deceit and utter ruthlessness. His outward disposition of courtesy and attitude of helpfulness did not, and perhaps will not, brook any consideration and means, fair and foul, to attain his own ends. He is a master demagogue and could easily sway people with convincing assertions. The result was apparent; he won all the five seats he had contested in the parliamentary election in June 1996, even though he was then in prison. His charm and graciousness with the opposite sex is well-known and evoked envy to many, who may not admit it though. Some say, he may have been in his mid-sixties, but he looks like in mid-fifties and acts as one in mid-forties. He is, no doubt, a repository of indomitable energy and the vive necessary for achieving success which he did in so many fields.

Hussain Muhammad Ershad, a professional soldier repatriated from Pakistan following liberation, was abruptly called from

India where he was undergoing a National Defense Course, and was installed as Deputy Chief of Army Staff following the coup in 1975. He appeared to have served diligently his mentor, General Ziaur Rahman, as Chief of Army Staff till his assassination in 1981 and soon thereafter revealed his real intention. He toppled the regime of the elected President Justice Abdus Sattar through a bloodless coup and assumed power in March 1982 on flimsy and untenable grounds.

Though I had known General Ershad from before, my acquaintance with him became closer while I was assigned as Ambassador to China from 1980 to 1982. It was so especially because as Chief of Staff he had a lot to do with China for procurement of military hardware and supplies



Enigmatic but controversial Ershad going to surrender at court.

- Star photo

# Vicissitudes in the Life of an Enigmatic but Controversial Person

*Politicians, like other people, have to work in order to promote their principles and objectives. In doing so and to be successful, they must take stock of the situation and be pragmatic. If Ershad remains detained in prison, it has been asserted by his Party stalwarts that the constitutional provisions and arrangements would ensure that his Jatiya Party's support to the opposition would remain unabated.*



## Currents and Crosscurrents

by M M Rezaul Karim

following drying up of the traditional source from the then Soviet Union. In the wake of assassination of General Zia, due to the insistence of President Sattar, I persuaded Chinese Prime Minister Zhao Jiyang to visit Bangladesh. That became the second visit of a Chinese Prime Minister after Chou en Lai in the sixties. Zhao Jiyang had cancelled his scheduled official visit to Bangladesh after hearing the death of

our President, but I goaded him to transform his joyous official visit to a trip to express solidarity with a friendly nation in mourning.

During this time General Ershad categorically told me that the Bangladesh Army will always uphold the constitution by all means and showed me in his office newspapers of the day reporting his statement to that effect during his visit to Comilla Cantonment the previous day.

But the very next year, he abrogated constitution, declared martial law and assumed all power of the state. His pledge to return power to the civilian rule in two years dragged on for nine long years and that too he had to give up as a sequel to a country-wide movement supported by major political parties. Perhaps, hypocrisy is imperative in the trail of the usurper of state powers and such unlawful acts are totally and inextricably abhorred by all democratic minded people.

The first time General Ershad was sent to jail was almost immediately after he was toppled from power in December 1990. It was under orders of the caretaker government of President Shahabuddin Ahmed. Ershad remained in jail during the regime of Khaleda Zia and his trial started on a number of cases involving corruption, misuse of power, favouritism, etc. Following election in June 1996, Ershad found himself catapulted in the role of a king-maker. Since no political party won majority seats in the new parliament, the Awami League succeeded in entering into an entente with Ershad, and with the support of his Jatiya Party members in the Parliament succeeded in forming government. In return, Hasina surreptitiously arranged bail for Ershad and took him out of prison. Without support of Ershad and his Jatiya Party, the Awami League could not form government and rule the country for all these years. But soon, the entente with the Awami League ruptured, the Jatiya Party split and Ershad came out of the coalition with a larger section of members of his erstwhile

Jatiya Party. Ershad's next move was to seek a place in the sun, in country's politics. His popularity appeared dwindled, though the postulate is contended, with his diminished power of bestowing favours and fishes to his supporters. He found time was ripe to join hands with the opposition and became a partner, along with Jamaat-e-Islam and Islamic Olkya Jote, in the four-Party Opposition Alliance under the leadership of Khaleda Zia. The latter found it expedient to secure support of other political parties in bolstering the one-point movement of

ousting the Awami League from power. The ruling party immediately started deriding the move by branding it an autocratic-conspiracy designed against the spirit of liberation war and working for thwarting the independence of the country. The opposition leaders, on the other hand, claim that the Awami League in its role of opposition during Begum Zia's regime did not hesitate to make anti-government movement with the active support of the same autocrats and collaborators.

There is a big question mark about trustworthiness of General Ershad from the opposition's point of view. Records do not favour him on this point. He spared no means to attain his goals. Perhaps, this is a common trait, in varying degrees, of all politicians and, for that matter, of all people. But there is a limit to everything and one should refrain from going beyond it. Ershad managed to wrest Hasina from out of the combined opposition against him and persuaded her to participate in the election of 1986 in order to impart legitimacy to that election. People speculate Ershad had to pay dearly to Hasina for causing crack to the combined anti-Ershad movement for which Khaleda Zia never forgave Hasina. The close collaboration between Ershad and Hasina in order to allow the latter to form government in 1996 was another act of mistrust in the eyes of Begum Zia. Major Akhtaruzzaman, the recalcitrant lawmaker of the BNP, wrote in an open published letter that the clandestine Ershad-Hasina entente still persists, claiming that the Prime Minister did not allow her Defence Ministry to submit papers on the killing of Zia to the relevant Parliamentary Committee at Ershad's behest.

Whatever may be true, politicians, like other people, have to work in order to promote their principles and objectives. In doing so and to be successful, they must take stock of the situation and be pragmatic. If Ershad remains detained in prison, it has been asserted by his Party stalwarts that the constitutional provisions and arrangements would ensure that his Jatiya Party's support to the opposition would remain unabated. If he is freed, the status quo ante remains. Even the Awami League leaders' open allegation of Ershad's involvement in her husband's killing would not deter Khaleda Zia to go ahead with the pledges she had made to strengthen opposition alliance. Politics, indeed, is a place to accommodate strange bedfellows.

## International Protest Day on Violence against Women

# Women's Rights, Our Constitution and Global Perspective

by A K Roy

WOMEN in Bangladesh have been subjected to exploitation and negligence for decades. In a society which is basically male dominated, women have always been oppressed by religious fanaticism, superstition, oppression and various discriminations. Their merit and labour have only been recognized in domestic role. They have never been integrated in the development process of the country. In one of her clarion call for women's advancement, Begum Rokeya, the pioneer of women's movement, once said: "Educate your daughters and then set them free. They will earn their own bread." There is a clear message in her call pointing to the paramount importance for the achievement of women's right. At the end of the 19th century, the renaissance of women centered around their education. Besides, women become aware of their rights through their participation on the movement against British rule. Women also participated in the Language Movement of 1952, Mass Uprising of 1969 and in the movement for self-determination during the Pakistan period.

Bangladesh achieved her independence through a sanguinary war where women, along with men, made significant contribution. They assisted in many ways apart from active participation in the war. They sacrificed their husbands and sons in the liberation war and set a unique example of supreme self-sacrifice and patriotism. Two hundred thousand women were violated

by Pakistani soldiers. Such heinous crime of human rights violation can never be forgotten. Women became more conscious of the need to achieve self-reliance from the experience of liberation war and its aftermath.

Now great enthusiasm is being observed among women for education and employment. Even illiterate rural women aspire to become self-reliant through job opportunity. The necessity for women's participation in the national production process is strongly felt.

Bangladesh fell victim to the misrule of undemocratic and autocratic regimes after the assassination of Sheikh Mujibur Rahman, the Father of the Nation. In the absence of democracy people's plight seemed to be on rise and matters related to women's advancement virtually suffered a setback. Violence against women and negligence towards them increased immensely in complete disregard to the existing laws. But, sadly the trend of women oppression still continues. Women organizations at this time have a leading role to play towards containing violence against women and establishing their rights. NGOs will execute their different programmes for the socio-economic development of women living in remote areas of the country. Political parties as well as women organizations should participate directly and indirectly in the movement to establish democratic rights in the country whereby women become aware of their political, economic and

social rights. We must harness the possibility to achieve the cherished goal of women's development. The present government is determined to bring out the womenfolk from their backward position by improving their fate. This should be reflected in deeds. To achieve this objective comprehensive development and empowerment of women are to be ensured.

Women's human rights and basic freedom have been incorporated in our constitution. Article 27 of the constitution states: "All citizens are equal before the law and are entitled to get equal protection of law." It has been stated in Article 28(1) "that the state shall not discriminate against any citizen on grounds only of religion, race, caste, sex or place of birth". Article 28(2) states, "Women shall have equal rights with men in all spheres of the state and of public life". Article 28(3) of the constitution provides "no citizen shall, on grounds only of religion, race, caste, sex or place of birth be subjected to any disability, liability, restriction or condition with regard to access to any place of public entertainment or resort, or admission to any educational institution". Article 28(4) states that nothing in this article shall prevent the state from making special provision in favour of women and children or for the advancement of any backward section of citizens. Article 29(1) provides: "There shall be equality of opportunity for all citizens in respect of employment or office in the service of the Republic". 29(2) states, "no citi-

zen shall, on grounds only of religion, race, sex or place of birth be ineligible for, or discriminated against, in respect of any employment or office in the service of the Republic. Under the Article 65(3) women's seats have been reserved in the parliament and their representations ensured in the local administrative office.

In the international sphere, the then government of Bangladesh played an effective role from the very start of the seventies. As a result, Bangladesh got involved in the mainstream of ongoing international movement for women advancement. The present state of women advancement, whatever it is, in Bangladesh is the outcome of this initiative. The Commonwealth prepared the work plans on Gender and Development in 1975. The SAARC countries have also taken programmes for the cause of advancement for women. The Beijing Declaration and the Platform For Action was adopted at the Fourth World Conference on Women held in Beijing from 4th-

15th Sept. in 1995. Twelve areas of concern were identified. These areas of concern are: growing poverty of women, unequal opportunities for women in education, training and health right to property, inequality in decision-making and power-sharing, inadequate institutional infrastructure for women's advancement, violation of women's human rights, negative projection of women in mass-media and inadequate participation in the same, women's limited access in environmental conservation and also to natural resource and discrimination against girl child. Bangladesh is committed to implement all international declarations and action-plans.

The Action Plan on Environment and Development adopted in the Earth Summit held in Rio De Janeiro in 1992, the Vietnam Declaration on Human Rights in 1993, the Population and Development Action Plan adopted in the International Conference held in Cairo in 1994 and the Action Plan adopted in the World

Social Summit held in Copenhagen in 1995 put maximum importance on matters related to advancement of women and children and their rights. Bangladesh is a signatory to all these charters and action plans and is committed to implement the same. Bangladesh is among the signatories to the convention on the rights of the child in 1989.

Convention on Elimination of all Forms of Discriminations Against Women (CEDAW) was adopted in the year 1979 in the United Nations in order to eliminate all sorts of discriminations against women in all spheres of life including State, Economy, Family and Society. This came into effect from 3rd September 1981. Identified as International Bill of Rights for Women, this document is considered as self-contained standard in protecting women's rights.

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## OPINION

# Election Commission and Caretaker Government

Advocate Towricur Rahman, Advocate Kamal Uddin Buian and Advocate Akhtar Mahmood Chowdhury

Democracy returned to Bangladesh in February 1991 with the national parliamentary elections. The constitution was subsequently revised in September, the same year to include the 12th Amendment Bill which stated the system of Government in Bangladesh would parliamentary democracy. The legislature sits for five years after which the government must hold elections. On 26th March, 1996 the government passed the 13th Amendment to the Constitution which states that all future elections would be administered by a neutral caretaker government.

The Constitution of the People's Republic of Bangladesh provides that there shall be a non-party Caretaker Government and discharge its functions as an interim government and shall carry on the routine functions of such government with the aid and assistance of persons in the services of the Republic; and, except in the case of necessity for the discharge of such functions it shall not make any policy decision. The non-party Caretaker Government shall give to the Election Commission all possi-

ble aid and assistance that may be required for holding the general election of members of parliament peacefully, fairly and impartially. On the other hand, Article 118 (4) of the Constitution of the People's Republic of Bangladesh states that the Election Commission shall be independent in the exercise of its functions and is subject only to this constitution and any other law.

So, what can be said is that the Election Commission shall have all powers for holding the general election of members of parliament, and that the function of the Caretaker Government is made subjective in a way that it will only provide all possible aid and assistance to the Election Commission. So, the powers and function of the Caretaker Government is not absolute rather the caretaker government is only figurehead in the process for holding election. This creates ambiguity as to the powers of the caretaker government in holding of free, fair and impartial election, and this is not desirable as on when the appointment to the office of the Election Commission is made by the party in powers,

and this cannot be ignored that in the past almost all the opposition parties questioned the neutrality and impartiality of in the appointment of Chief Election Commissioner. As a way out, it is suggested that the 13th Amendment to the Constitution can be amended to provide that during the tenure of office of the non-party Caretaker Government, it shall have the powers and authority to reconstitute and appoint members to the election commission, if necessary, for such interim period till the Caretaker Government hands over powers to the elected government. This issue needs immediate discussion in the parliament and unless all the members of the parliament both in position and opposition reach a consensus to make necessary amendment for providing the caretaker government full powers and authority for holding free, fair and impartial election, it is quite likely that the country will face yet another confrontation over the issue of neutrality and impartiality of the Election Commission and this will destabilize the political situation in the country.

## The image of politics and the politicians

Sir, The politicians in the emerging nations in the third world are so busy looking after the never-ending problems (old, and the newly emerging problems) of the country that they have scarcely any time left to pay attention to the correct image of politics and the political leaders

are projecting to the public at large. The latter cannot be too critical, living around the poverty level. In such countries, the have-not mentality prevails at all levels of the society. The politicians cannot expect that the corrosive environment prevailing in the society. The people repose their hopes in the ruling regime to provide the healthy sense of national direction. But when there is political instability, the basic development goals take a back seat, because the very act of governance is at stake not to speak of good governance.

The survival syndrome then takes over. These cycles continue with the changing regimes, peppered with foreign aid and ventures of the various UN bodies (the latter controlled by the wealthy West). Who are monitoring the politicians? Obviously the mass media; and the press in Bangladesh are playing a courageous role.

To cleanse a system, one has to get out of the system and act independently of the effects of the system, (that is, not be adversely

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