DHAKA SUNDAY APRIL 7, 2002

Prison reform cannot wait

Please get on with it quickly

AST year, on September 20, this paper carried a report titled Prisoners forced to sleep in shifts: Tale of jails in 3 districts, highlighting the abject conditions inmates at the central jails in Feni, Laxmipur and Noakhali were in. On September 22, we ran an editorial (Prisoners' plight: Calls for infrastructural enhancement), saying that "overcrowded, understaffed, ill-equipped and, above all, neglected by the authorities", these three jails were representative of the country's overall prison system. Not much has improved between then and now. Prison reform still remains in the backburner, as reiteration of the needs for building new prisons, renovating the existing ones, supplying quality foods to the prisoners, etc at a discussion in the city last Thursday suggested.

Successive governments have over the years turned a blind to eye to the issue, either by choice or by compulsion - political, economic or otherwise. On the other hand, that deprivation of prisoners is tantamount to human rights violation has never been brought to the fore, either for social prejudice or for a lack of understanding of the issue. Whatever the case may have been, the fact remains that prisoners, including those under trial, at different penitentiaries in the country live in small and overcrowded cells under constant fear that the walls or the roofs may come crashing down on them anytime. They don't have access to safe sanitation, adequate food, primary or emergency healthcare, and are, therefore, extremely vulnerable to a wide range of diseases, some of which could be potentially fatal.

Another aspect highlighted at the discussion was separate prison facilities for female prisoners. Like others, this issue also needs special attention, as female inmates under the current arrangement are very much susceptible to sexual harassment from their male counterparts. Again, keeping people in safe custody with criminals may also lead to the former being harassed by the latter. Overall, there are serious human rights issues linked to the prison system for the government to attend to.

The home minister, chief guest at the discussion meet, has admitted that the prisons are overcrowded and assured that the government would try and improve the conditions as soon as possible. He also promised to give special attention to the plight of female prisoners. We can only hope that the assurances will not prove to be empty

Non-maintenance of medical equipment

It must be stopped right-away

HE latest shock of a non-existing maintenance culture came from a front-page expose done by our health sector reporter yesterday. The story dug out by him is perhaps the most appalling todate in the series the paper has run on criminal neglect of costly equipment in our specialised medical institutions. It's about the lone laser surgery machine at the National Institute of Ophthalmology (NIO) rusting for lack of repair since July 19 last year. In all that time 30 to 40 patients per day knocked at the outdoors seeking treatment of blindness but had to be turned away. The sense of denial is writ on what the machine could have done had it been operational. The beams produced by it are used to burn out areas in the retina which effect eyesight. What's more, the ultraviolet light that does it all at the specific spot without harming other areas also gets absorbed in the machine itself.

The unpardonable sin has been to purchase and set up state-of-the-art equipment in style and then forgetting it altogether. It is disgusting to note from an insider's observation that: "no money was allocated for its maintenance and operation;" as though the machine was solely acquired as a decor piece.

We are among the poorest in the world but ludicrously the most wasteful as well.

How do you set the machine right? The system is so service-unfriendly and there is such a stupid minibureaucracy at work that nothing will move till the health directorate engineer who is hospitalised gets well. Only after he submits his final report to the directorate that the latter can take up the matter with the health ministry seeking sanction of the repair work. The ministry's approval which might require a reference to be drawn to the finance ministry could entail delay beyond the eight months the laser machine has been sitting idle for. We want somebody to answer for this and call for repairing the laser surgery machine urgently.

Parliamentary reforms imperative to save democracy



M. M. REZAUL KARIM

HERE is no denying the fact that the parliamentary democracy that we have today in the country merits serious consideration for reforms in order to make it viable and effective. This view has gained widespread currency following our unfortunate and bitter experience in regard to the nature and ramifications of election to the parliament, the quality and integrity of many of our lawmakers and the need for the opposition to infuse spirit of tolerance and cooperation during the tenure of the

The political system that the 1972 Constitution adopted in free Bangladesh was parliamentary form of government. Then we saw the ntroduction of a presidential system following abolition of all political parties under BAKSAL in 1975. With the exception of brief periods in between under martial law, the presidential system continued till ate 1990. With the victory of the BNP at the first truly free, fair and impartial election in the country in 1991 Begum Khaleda Zia restored parliamentary system.

The parliamentary form of democracy continues till to-date and on this point appears evolution of a rare but happy consensus of all shades and strains of political opinion. It is perhaps due to the fact that presidential system has been generally associated with some form of dictatorship by our people and their experience was bitter. A presidential system of government, one must admit, is not at all undemocratic. It is practised in USA, regarded as the

champion and citadel of democracy. France and many other democratic countries in Europe and other continents. Many people in our country, however, nurture grave reservations about the presidential system, in the absence of an appropriate balance of power sharing with the legislature and the judiciary, for fear of the regime turning into an autocratic one enjoying absolute power and denying political rights to people. But people must also realise that in many countries parliamentary system devolves almost absolute authority on the head of government The last two years or so of the Parliament was without opposition, thereby rendering it ineffective. The next parliament which passed the constitutional amendment to enable elections to be held under a caretaker government was short-lived. The 7th parliament elected in 1996 also witnessed a similar story of walk out and continued abstention from sessions by the opposition BNP till the last day, again rendering the parliament ineffective for almost another two years. The current parliament was elected on 1 October 2001 and the Awami League as the

follies in order to cash them prudently in the next general election. That would perhaps shun them from staging street movements to topple the government by extraconstitutional means.

The four-year tenure of head of government exists in many counries, including the United States. It has the advantage of a short honeymoon period with constituents during the first year, serious work for the next two years and preparation for election during the last year. The opposition's impatient wait to fight at the polls would then be of shorter

nomination for parliamentary seats and to secure some high posts of state. Again, some more lakhs and crores of taka have to be spent to prepare and win election. With some notable exceptions, such huge funds are provided to candidates by friends, relatives and those wellwishers who naturally expect to get repaid in cash, kind or favour in due course. How will the newly elected members of parliament repay their emoluments and income, unless he or she resorts to measures, which are not strictly legal or moral? If

each constituency the requisite number of candidates in order of preference. Candidates are elected on the basis of the proportion or percentage of total cast votes a political party obtains and are selected from among the top of the list of candidates submitted by that

To take a simplistic example, if there exist ten candidates in one enlarged constituency, Party A obtaining approximately fourty per cent of votes cast gets four seats, Party B obtaining thirty per cent votes get three seats; Party C obtaining twenty percent get two seats and Party D having ten per cent or so votes get only one seat. One striking outcome is to ensure all voters to elect their representatives in due proportion. There are indeed variations, taking into account individual conditions of a country and choice of the people concerned. Proportional representation may be introduced to a section of areas and people and may or may not cover the entire country and people as such.

The very fact that an individual candidate does not have to work exclusively for his own constituency but would work collectively, would reduce dependence on money and terror to a great extent. Secondly, this system will allow many distinguished people, who have potentials as better law-makers but are neither willing nor able to use wealth and terror, to be parliamentarians, thereby improving the over-all quality of the parliament. Thirdly, this practice, which involves relatively ess expenditure for candidates, will educe their dependence on election-financiers and, in the process will curtail their need and propensity to be corrupt. Finally, introduction of such a system will help establish a befitting parliament with parliamentarians of better moral and ethical standards, thereby raising the quality and efficacy of this institution as a whole. Why not the nation consider debating this issue?

M M Rezaul Karim, a former Ambassador, is a

CURRENTS AND CROSSCURRENTS

The system of proportional representation, which is practised partially or fully in many countries all over the world, may serve to reduce this malaise to a great extent. This is mostly in vogue in Europe, like in France, Germany, Italy and Sweden, whereas Sri Lanka is the only country in South Asia which subscribes to this system. There are many other countries in Latin America, Africa and also in Japan where such an electoral procedure is practised fully or partially.

and clips many of the rights and discretion of parliamentarians. This is in contrast to what is practised at Westminster, the mother of all parliaments not only in Britain but also of the world. However, let us go into a somewhat broad, though brief, deliberation on how to improve the parliamentary system that we have in our country today

Tenure of office

The tenure of a parliament in Bangladesh is for five years and we have had four successive general elections since 1991. Unfortunately, all these parliaments experienced serious troubles, with consequent inability to function effectively. The troubles emanated from a sense of distrust between the ruling parties and the Opposition as a result of which the Opposition not only walked out of sessions but also boycotted and even resigned from the Parliament. The 5th Parliament was boycotted by the opposition Awami League members, who finally resigned from the parliament.

major opposition political party has boycotted it from the very first day of the inauguration of the parliament. The above records indicate that

whichever political party was in the opposition, it boycotted parliament People would surmise that political parties in Bangladesh lack badly the noble quality of tolerance and mutual respect for one another which is necessary in promoting the culture of democracy. What is the remedy? No amount of reasoning and persuasion by people at home and friends from abroad were able to dissuade the opposition and make them join parliament. Some people pondered over the idea of reducing the life of parliament from five years to four. The primary reason they advance is that a shorter span of life of the parliament would enhance the degree of tolerance of the opposition, who would hopefully realise that their long wait to regain power would now be shorter. They would consider organising themselves strongly and seek to identify the ruling party's

election and would surely require national consensus or at least agreement between the two major political parties. Why not the civil society take initiative to sound the parties and people?

duration. Such a solution can only be

envisaged for the next parliamentary

Proportional representation

People have been aghast and dismayed to witness the play of money and terror in recent elections. All political parties speak loudly against employment of such nefarious means to achieve such a noble cause. But they are no doubt afraid that the other parties would resort to those means to win election. Victory in election being the primary goal of all political parties, their apprehension springs from the political strategy pursued by the others. This has multiplier effect and produces a vicious circle from which it is difficult for the nation to withdraw.

It is a well-known secret that many people had to pay lakhs and crores of taka in order to get party

future generation learn from those who are to be their teacher, guide and philosopher? How to come out of this vortex of despair and despondency, one wonders? The system of proportional representation, which is practised partially or fully in many countries all over the world, may serve to reduce this malaise to a great extent. This is mostly in vogue in Europe, like in

dishonesty or lack of moral com-

punction take root and pervade our

law-givers before they start their

career, what would the nation and

France, Germany, Italy and Sweden, whereas Sri Lanka is the only country in South Asia which subscribes to this system. There are many other countries in Latin America, Africa and also in Japan where such an electoral procedure is practised fully or partially. Broadly speaking, under proportional legislation system, one constituency elects more than one member, often six or seven, designated by the contesting political parties. Each political party fields in

member of BNP's Advisory Council

ing of a new Constitution that

upholds the President's right to stay

A perennial problem



M B NAQVI

LTHOUGH politics in The initial democratic era, including

Four Commanders-in-Chief of Pakistan Army have destroyed the democratic institutions that existed at the given time and proclaimed the intention to begin anew. The first of course was the peacetime and selfpromoted Field Marshal Ayub Khan who, after a while, gave the country a

legitimised himself through a bogus referendum that still causes much derision to democrats. For him democracy's purposes were fulfilled by empowering 80,000 Pakistanis. out of the millions there were, to vote whom he virtually bought over with placing public funds at their disposal in the name of local development and keeping the national auditing agencies out. This was called Basic Democracy and it had an elected (by a restricted franchise) National Assembly and Provincial Assem-

would introduce true democracy through a really fair election "within 90 days" and go. He ruled for 11 though later he justified himself by appealing to the Islamic sentiment of the people, casting himself in the role of a defender of the faith and a Soldier of Islam. He thought his programme of Islamising a predominantly Muslim Pakistan would make him a political colossus. Colossus or not, he ruled as a tyrant on the basis of military's obedience deliberately employing the divide and rule tactics, with ample American support just as previous dicta-

the seemingly normal precepts. But it was actually an action replay of what had happened in Pakistan and between the years of 1954 and 1958 during which Iskandar Mirza had manipulated the institutions of democracy and called all the shots.

Pakistan saw four general elections in these 11 years and five Prime Ministers were dismissed or overthrown --- how? A triumvirate could be seen that comprised the Army Chief, the US Ambassador and the IMF boss that determined the fates of nominal democratic governments. Whenever a consensus was

PLAIN WORDS

nues, haphazard economic development and Pakistan government's inability to promote enough exports to pay for all its imports --- may compel democratic government to cut back on the defence budget and start looking for a modus vivendi with India. This wouldn't do, at all! The five governments had to balance themselves on a high trapeze set up by IMF. They were required to do as IMF dictated and it had to ensure the continuity of the national budget's structure and thus face popular discontent. In the given conditions

no government could have suc-

ceeded. They were dismissed or

overthrown --- by the triumvirate.

Like a worn out phonograph record

in which the needle has stuck.

Pakistan continues to show the

same old situation, with the same

The newest dictator is by defini-

tion dissatisfied with the working of

normal democracy --- or otherwise

he wouldn't have taken over. Over-

throwing a democratic regime is

however the easier part. What

comes next is more difficult. He has

to win legitimacy in order to rule

indefinitely. Inevitable foreign and

domestic pressures force him to, at

least ostensibly, return to democ-

racy. The poor fellow has to find a

means to bridge the gap between his

own continued power--- the reason

for which the Army backs him --- and

the unpredictable pulls and pres-

sures of democracy. Unavoidably

the democracy he tries to create has

to perform two functions: one, it

remains subordinate to him --- thus

continue to be guided and controlled

- narrow base of government reve-

the boss and if he decides to sack the Prime Minister, he should be able to do so. This is an essential requirement of a General President. It does not look nice to put the issue in such stark language. It has to be sugarcoated in various ways. A National Security Council, with General's majority and with powers to suspend the Constitution or sack the democratic government and Parliament was Zia's favoured formula and appeals to all generals. Otherwise the President will have to be given these powers directly. Ultimately Zia Gen. Pervez got the latter. Musharraf faces the same dilemma. He has to stay on indefinitely because US and the IMF want him to. For all their love of democracy, the US and its friends in the IBRD group are more interested in Pakisteadfast on the path of IMF-indicated economic

rectitude as well as not to diverge

But democracy is by definition an unpredictable phenomenon. For a key ally, unpredictability will not do. The task before Musharraf is to inaugurate such a new democratic era for Pakistan in which he would remain the boss 'to continue his reforms'. How Constitution is amended, how he legitimises himself and what are the new "checks and balances" on the powers of political major players are to be reduced to precise legal phraseology are matters for dictator friendly constitutional experts whom Musharraf had assembled around him at the very start. It is now understood that he wants to wholesale rewriting the Constitution through a constitutional convention comprising popular representatives and (nominated) technocrats in equal number. Two bright publicists, it is claimed have already been hired to sell this idea. How can a circle refuse to be squared? As for the merits and workability of sarari plan, that is a story for another day.

MB Nagyi is a leading columist in Pakistan.

controlled or guided democracy. He



Pakistan has continued to spring surprises for both outsiders and Pakistanis, some issues have remained the same. Indeed the basic problems, called everywhere else as nation building, have not changed during the last 55 years and Pakistanis have felt ashamed and diminished over their failure to run a stable democracy and to have remained so dependent on the United States economically There has been a succession of political experiments, mostly unsuccessful, beginning originally with simple parliamentary democracy that collapsed quickly enough in about seven years and a set of civilian dictators began dictating simply because they had the support of the Army's Commander-in-Chief. Ghulam Muhammad and his successor Iskandar Mirza kept up the charade of democracy but continued to manipulate its governments and without allowing any institution to strike roots in people's hearts and minds by their successful working. the one (between 1954 and 1958) that was shadow of itself, lasted a bare years. In 1958, the Pakistan military realised that they were really the power because of which the bureaucrats-turned-dictators could manipulate democratic institutions. If so, why not takeover directly and enjoy power ---to their heart's

blies without in any way diminishing

tors had full American backing.

Ayub's authority and power. The second dictator, Gen. Yahya When Gen. Zia felt he had to become an elected civilian Presi-Khan, overthrew Ayub Khan and went on spree of destruction, dent, after four long years of naked destroying all the elements of Basic dictatorship, he held a referendum Democracy. He held the first ever on a ridiculous question --- if you national election in 1970, afte gree with the then ongoing lapse of quarter of a century. But Islamisation programme you are then, he could not continue holding deemed to have elected Zia Presithe fort and the country plunged into dent for the next five years --- that was boycotted by all mainstream civil war, a third war with India, was parties. This referendum is today defeated and was dismembered. held to be as bogus an electoral This was merely the first instalment of the cost Pakistan paid for having exercise as the earlier one by Gen. dictators at its head. Another demo-Ayub Khan in early 1960s. For the cratic experiment was launched by a rest, he nominated a Parliament and had the Constitution amended. At cabal of generals who nominated Zulfikar Ali Bhutto to be the next first he wanted a National Security dictator at the head of another Council with power to sack the Prime Martial Law Administration. It so Minister, his Cabinet, Parliament happened that Bhutto had excellent and all other provincial Assemblies democratic credentials in what was and governments responsible to left of Pakistan. The state needed to them. Even that Parliament rejected be rebuilt and the public sentiment of NSC idea. Zia gave the only other disenchantment with military dictaalternative to it --- on pain of continuing to rule by decree as the Chief tors had to be taken into account. For the first time a democratic Constitu-Martial Law Administrator indefition was made in 1973 that enjoyed nitely --- to write exactly those powers for the President. That unelected It is a different matter that Bhutto Parliament succumbed to this blackmail and the Constitution was despite his democratic qualificaaccordingly amended through the tions, could not outgrow his authoritarian origins and prepossessions

famous but hated Eighth Amend-He chose to rule autocratically. The Army did not like a civilian dictator Zia perished in an air crash Other who possessed both popular supgenerals thought that after 11 years port and democratic institutions. of Zia and with the conditions of the Therefore, the third Army Comcountry having become as chaotic mander, Gen. Ziaul Haq, overthrew as they were, getting out the lime-Bhutto and hanged him shortly light was the better bet. Thus ensued thereafter. He took a new line. He a period of ostensible democracy justified himself first as one who (1988 to 1999) in accordance with

arrived at in this informal Regency Council, over the government of the day not being able to stay on the straight and narrow, as defined by the US and the IMF, the President was ordered to dismiss the Prime That is how four elected Prime Ministers were dismissed and one was overthrown --- long before their terms ended. The American role in Pakistan has always been critically important. It has acted as the headman of foreign creditors. The US has sponsored and underwritten all the military dictators in Pakistan. Originally there were cold war reasons for it. Lately the American influence in Pakistan flows from one simple fact: Pakistan economy's unviability. Without injections of external aid, it has stayed threatened with default and collapsed: without IMF cheques it was unable to balance its books. Which is how the US Ambassador and the IMF boss could act as sort of Regents and act through President via the Army Chief. No dictator could survive without the American support and the economic and financial underwriting of his role. This has remained true to this day. Now of course the new cold war-like political reasons compel the US to underwrite the Musharraf regime: he is a key player in the American's War on Terrorism, quite like Hamid Karzai

Other factors that compel Pakistan Army to take over is its drive for power, spurred also by an unavowed fear: There is always the threat with economic difficulties of the country --

by the General-President --- and secondly it should remove western objection to a naked military dictatorship. This is a hellishly out of course. If all the adult voters elect a Parliament and the government responsible to it, their natural instinct is to assert themselves. The required thing for a military dictator is that the elected members must elect those who remain subordinate to his wishes. This involves virtual rewrit-

Where are our leaders leading us to?

But then, it is as far as we were allowed to go. Our two leaders have done their best not to allow the parliament - the most coveted institution in a democracy - to function properly. Frequent and unjustified walkouts, boycott and finally resignation reduced it to next to nothing. Till 1996 we thought it was a disease that afflicted the AL only. But the BNP showed the same proclivity in opposition by boycotting the parliament for years. They also went to the extent of preparing to resign and collecting forced resignation letters from MPs. Khaleda Zia knew very well that almost every MP elected from her party wanted to return to the parliament and yet, her singular refusal prevented our

parliament from functioning. Today if not a consensus but a strong opinion exists within the AL to go to the parliament. It is only Sheikh Hasina whose decision will determine the future of our parliament. She had all her MPs submi

their signed resignation papers to her in case anyone thinks otherwise when the time comes to act Who 'owns' the MPs, the party

or the people? Were the MPs allowed to consult their electorate when submitting their resignation letters? It was as if Sheikh Hasina had given them a job and now she was terminating it, or would do so when she felt like. The question to ask is, are the MPs the 'servants of the party chief' to act her bidding, or the 'servants of the people' to act the way people want them to. The people, the voters - the very lifeblood of democracy - have had no say on how their elected representatives should act.

Today this question may seem directed against Sheikh Hasina and her party. But it is equally applicable to Khaleda Zia and her BNP. Simply put, what we have seen for the last ten years, the country, the people, the political parties and all our institutions

exist only to serve our leaders and not the other way around. In our leaders' eyes, they are above the party and the party is above the country.

Developing our parliament into a functioning institution, however flawed, would have definitely enhanced our image abroad. Over the last ten years at least a few of our MPs would have come into their own, developed debating skills, acquired specialised subject-based knowledge and leant what it is to serve the voters. In however small a manner they definitely would have added to the overall democratic image of the country. Our two leaders deliberately, continuously and unremittingly did not allow this to occur. Here again a magnificent chance to improve our country's image was lost.

Hartal, the latest we had vesterday, is the most economically and socially debilitating political action conceivable. Nowhere else in the

world it exists anymore. Strike or industrial action, which is an integral part of democratic right, is either industry or sector specific. Never is t applied to the whole country and to the whole people. The bandh has practically disappeared from India. Yet, it is most recklessly applied in our country. Picture a weak, malnourished, poorly educated, natural calamity battered and poverty stricken but extremely resilient dignified and motivated person with egitimate national and cultural pride being brutally assaulted each time he/she tries to stand up on his/her feet. This is what hartal is Being fully aware of its destruc-

popular consensus.

tive features did Khaleda Zia and Sheikh Hasina desist from subjecting our people to this most pernicious of all political evils? Each time they called a hartal Bangladesh's image was given a severe iolt. Each time our factories were forcibly stopped we became less dependable in the eyes of a buyer. Each time a visitor had to cancel his or her

visit because our country was 'closed' we became less attractive as an investment destination. Each time a decision, a plan or a project got postponed we became less competitive in the world which has never been as globalised and as competitive as now. Every time the above happened our image suffered. Do we need to ask who were responsible?

Finally, take corruption. Did Khaleda Zia and Sheikh Hasina really try to curb it? We think not. For them it was a good slogan to use against the other but not a policy to apply on themselves. Let us recall that nearly twenty ministers of the BNP's first government lost the 1996 election. It was a clear rejection of a select number of leaders in power by the people. We are certain the BNP chief knew which were the ministers who were corrupt and did nothing about it. As a result in 1996 the Transparency International (TI) termed us the Fourth most corrupt country in the world

During the AL tenure corruption became rampant and literally every sector became afflicted by it. Several ministers became well known for their corruption. Again the PM knew it all and did nothing about it. The TI advanced our ranks and made us the "Most" corrupt country in the world.

The image of corruption greatly damaged Bangladesh and neither the BNP nor the AL government did anything about it. The debate as to which government was more corrupt - the AL's or the BNP's - to us appears to be merely academic because we are at a very high level of corruption which has grown exponentially ever since General Ershad launched us on that path. If serious attempt were made by our two leaders then we may not have had to suffer the indignity and shame that we did in 2000 through that TI report.

Second term around Khaleda Zia has a chance to change all that. But some of her nominations in the

general elections, some members of her 60-member cabinet, a number of nominations for the city corporation elections and the rumblings of activities of some of her cabinet and party colleagues dampen our hopes. Still, it is too early to make any final judgement of our new government. But some serious warnings seem definitely called for. We must not lose our chance once

The purpose of our piece is not to nighlight where our two leaders have failed but to bring them face to face with facts as they are. We are forced to feel that once elected our two leaders become too dependent on sycophants and intelligence agency reports, the latter has developed the fine and well known art of 'telling only what the master wants to hear'. This has led our leaders to disaster and dragged the nation with them. There can be no denying the fact that both leaders have wasted their past electoral mandates and

collectively they have misused and thereby perverted our democracy. We would have been a far better country with a far stronger economy if they had led us better. The message of our piece today is that while we condemn the FEER for pernicious journalism, it is our destructive politics that is far more responsible for the bad image of our country. One magazine cannot damage a country. But our own leaders can, and they have. Bangladesh does not have to care a hoot for what the Lintners of the world write if only our leaders keep their commitment to our people, to our Constitution and to democracy - not their personalised version of it, but one that is genuine. ("Part 3: Taliban in Bangladesh?" will be published on Wednesday.)

Due to space constraints, the Letter to the Editor column was dropped. We rearet the inconvenience it may cause to our readers.