

Restriction on BNP MPs

M. ABDUL LATIF MONDAL

IT is learnt from newspaper reports that the government has imposed a restriction on the ruling BNP lawmakers, asking them to take permission from the Leader of the House or the party's parliamentary wing before placing a private member's bill in parliament. The minister for law, justice and parliamentary affairs recently issued the above instruction and sent a copy of it to the Speaker who sent copies of the instruction to the BNP lawmakers. Reportedly, members of parliament (MPs) of the BNP and other parties have severely criticised the aforesaid instruction terming it as a violation of the Rules of Procedure of Parliament.

The Speaker is learnt to have requested the law minister to sit with the BNP lawmakers to resolve the issue. But the law minister reportedly expressed his inability to do so, saying that he had just acted as per a decision of the government, and advised the BNP lawmakers to raise the issue at the BNP parliamentary party meeting. The newspapers of March 14 reported that the BNP lawmakers in the committee on private members' bills and resolutions would give the law ministry a deadline to withdraw the instruction, and if the ministry did not respond positively, they might resign from that committee.

Pursuant to Article 75(1)(a) of the Constitution of Bangladesh, the parliament has framed and adopted rules of procedure (ROP) to regulate its business. ROP classifies the bills into two categories: (a) private members' bills, and (b) government bills. According to ROP, "private member" means a member other than a minister. Rule 72 of ROP provides that any member, other than a minister, desiring to move for leave to introduce a bill, shall give to the secretary to the parliament fifteen days' written notice of his intention to do so and shall together with the notice submit three copies of the bill along with an explanatory statement of objects and reasons. If the bill is one which under the Constitution requires the previous recommendation of the President for its introduction, the notice shall also be accompanied by a copy of such recommendation conveyed through the minister concerned. If the bill is one which involves expenditure from public moneys, it

shall be accompanied by a financial memorandum that shall invite particular attention to the clauses involving expenditure and shall also give an estimate of the recurring and non-recurring expenditure involved in case the bill is passed into law.

Rule 222 of ROP provides for a committee on private members' bills and resolutions consisting of not more than ten members. According to rule 223 of ROP, the functions of the aforementioned committee include, *inter alia*, (a) examining every bill seeking to amend the Constitution, notice of which has been given by a private member, before a motion for leave to

independent agencies. Some bills originate with, or at least are inspired by, pressure groups or persons entirely outside of government circle. Any way, whatever be the source of origin, a bill must become a member's child and he should appear in the House as its sponsor."

In the British parliament, a bill may be brought in either by the government or by a private member. Private bills are those bills which relate to "the interest of someone, or corporation, municipality or other particular person, or body of persons." Such a bill originates in a petition that is examined by the paid officers of the House called the

private members' bills after they are introduced or and before they are taken up for consideration in the House.

Standing Order 47 of standing orders of the parliament of Sri Lanka provides that any private member desiring to introduce a bill shall apply to parliament for leave to do so, setting at the same time the object and leading features of such bill. Every such application shall be made in the form of a motion and the member making such application shall at the same time deliver to the secretary-general a copy of the proposed bill together with a copy of his motion. The secretary-general

branch. The parliamentary standing committees on ministries have been demanding powers to be sure that the ministries implement their decisions. In a discussion on Promotion of Better Understanding and Collaboration amongst the Standing Committees and Ministries of the Government in Dhaka on March 1, the chairmen of the standing committees on ministries accused the ministries of non-cooperation with the standing committees and non-implementation of their recommendations. They univocally demanded formulation of clear rules of procedure giving them due authority to execute their decisions.

Second, was it appropriate for the law minister to issue such a directive? The executive organ of the state is composed of the President, the Prime Minister, and the Cabinet. As a cabinet minister, an order issued under the signature of the law minister or any other officer of that ministry becomes a government directive. Since independence, the people have been helplessly watching the mixing up of the government and the ruling party. The people cannot differentiate between the government programme and the ruling party programme. This is primarily because of the fact that the head of the government and head of the ruling party has always been the same person. This goes against the principle of parliamentary democracy and good governance.

In the instant case, the directive on the BNP lawmakers should have been issued from the BNP party office.

To conclude, some people have already termed Article 70 of the Constitution, which says that an MP elected as a candidate of a political party will vacate his seat if he resigns from that party or votes in parliament against that party or being present in parliament abstains from voting or absents himself from any sitting of parliament ignoring the direction of the party, as "a handcuff for the MPs." Any further restriction on the freedom of a lawmaker, whether he or she belongs to the ruling party and/or alliance or the opposition parties, will not be in the interest of parliamentary democracy in the country.

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introduce the bill is included in the orders of the day; (b) examining all private members' bills after they are introduced and before they are taken up for consideration in the House.

According to ROP shows that neither Rule 72 mentioned above nor any other rule of ROP requires a private member of a ruling party to take permission from the Leader of the House or the party's parliamentary wing before moving a bill in parliament.

Now, let me discuss the issue with reference to some modern countries having presidential or parliamentary system of government.

In the United States of America, all legislative powers are vested in a Congress consisting of a Senate and House of Representatives. A constitutional expert writes, "The government has no place in Congress and all bills, public or private, are introduced and defended by members of Congress. It does not, however, mean that all proposals to enact laws originate among the Senators or the Representatives themselves. Some proposals do originate with them, but the majority of the bills come from the executive, that is, from the President or from one of the executive departments or

examiners of petitions for private bills. If they report that the bill complies with the standing orders on private bills, then the House proceeds with it.

According to rules of procedure and conduct of business in Lok Sabha (House of People) of India, "private member" means a member other than a minister, other than a minister, desiring to move for leave to introduce a bill, shall give notice of his intention, and shall, together with the notice, submit a copy of the bill and an explanatory statement of objects and reason. If the bill is a bill which under the Constitution cannot be introduced without the previous sanction or recommendation of the President, the member shall annex to the notice such sanction or recommendation conveyed through a minister.

Rule 293 provides for a committee on private members' bills and resolutions consisting of not more than fifteen members. According to Rule 294, the functions of this committee include, *inter alia*, (a) examining every bill seeking to amend the constitution notice of which has been given by a private member, before a motion for leave to introduce the bill is included in the list of business; (b) examining all

shall cause the bill to be published in the gazette. At any time after the lapse of a period of seven days from the date on which the bill was published in the gazette, the motion referred to above shall be placed on the order paper of parliament.

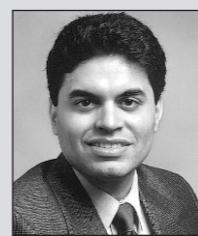
It thus appears that a lawmaker in the aforementioned countries has the unfettered right to move for leave to introduce a bill in parliament.

Now, the following questions arise. First, what prompted the government to take such a step? The probable answer is that the government is already embarrassed by a number of bills moved by the BNP and the Jatiya Party members of the committee on private members' bills and resolutions. These bills which propose a number of amendments to the Constitution "aiming to help strengthen the parliamentary democracy, promote good governance and make the JS more effective" are awaiting placement in the House.

The law minister has thus already admitted that opposing a bill moved by a ruling party lawmaker "will look odd." Besides, a cursory look into the events of the last few weeks will show that the parliamentary standing committees headed by the lawmakers of the ruling alliance are not on good terms with the executive

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What Bush got right



FAREED ZAKARIA
writes from Washington

EVENTS in the Middle East over the past few weeks have confirmed the theories of that

great scholar of the region, Thomas (Tip) O'Neill. The late speaker of the House's most memorable aphorism was "All politics is local." It's true even of the politics of rage. As long-repressed societies in the Middle East open up, we are discovering that their core concerns are not global but local. Most ordinary Arabs, it turns out, are not consumed by grand theories about the clash between Islam and the West, or the imperialism of American culture, or even the Palestinian cause. When you let the Lebanese speak, they want to talk about Syria's occupation of their country. When Iraqis got a chance to congregate, they voted for a government, not an insurgency. When a majority of Palestinians were heard from, they endorsed not holy terror to throw Israel into the sea, but practical diplomacy to get a state.

Tomorrow, were the Egyptian Street to voice its views – I mean the real Egyptian Street, not President Mubarak's state-controlled media we would probably discover that its deepest discontent is directed not at the president of the United States, but at the president of Egypt. Perhaps Arabs and Muslims are not some strange species after all. It is their rulers who are strange.

The other noted political scientist who has been vindicated in recent weeks is George W. Bush. Across New York, Los Angeles and Chicago and probably Europe and Asia as well – people are nervously asking themselves a question: "Could he possibly have been right?" The short answer is yes. Whether or not Bush deserves credit for everything that is happening in the Middle East, he has been fundamentally right about some big things.

Bush never accepted the view that Islamic terrorism had its roots in religion or culture or the Arab-Israeli conflict. Instead he veered toward the

results that might surprise.

Repressive regimes are often extremely fragile. Syria is the perfect example. Bashar al-Assad's rule rests on the narrowest base of fear and coercion. His ruling clique, mostly coming from the country's small Alawite sect, is well aware that it lacks support in their society. That's why it is so easily rattled and why the events in Lebanon could snowball into something much, much bigger.

The other Arab regimes are less fragile. Mubarak, while unpopular, is not despised. The Saudi royal family is more stable than many think. It uses money, marriage and connections – and yet more money – to create an elaborate patronage network that sustains it. But everywhere, there is pressure to change.

The Middle East would do well with incremental but persistent reform, as is taking place in Jordan, Qatar and Dubai. But in too many places, small, gradual reforms have been a smoke screen for doing nothing. Economic reforms are the most crucial because they modernize the whole society. But they are also the most difficult because they threaten the power and wealth of the oligarchies that run these countries. So far there has been more talk than action on this front.

People have often wished that the president had traveled more over the years. But Bush's capacity to imagine a different Middle East may actually be related to his relative ignorance of the region. Had he traveled to the Middle East and seen its many dysfunctions, he might have been disheartened. Freed from looking at the day-to-day realities, Bush maintained a vision of what the region could look like.

But therein lies the danger. It is easier to imagine liberal democracy than to achieve it. Ronald Reagan imagined a Soviet Union that was politically and economically free. Twenty years later, except for the Baltic states, not one country of the former Soviet Union has achieved that. There have been more than 50 elec-

tions in Africa in the past 15 years – some as moving as those in Iraq, but only a few of those countries can be described as free. Haiti has had elections and American intervention, and still has foreign troops stationed there. Yet only a few of these elections have led to successful and free societies.

Every country, culture, and people yearns for freedom. But building real, sustainable democracy with rights and protections is complex. In Lebanon, for example, the absence of Syria will not mean the presence of a stable democracy. It was the collapse of Lebanon's internal political order that triggered the Syrian intervention in 1976. That problem will have to be solved, even after Syrian forces go home. In Iraq, the end of the old order has produced growing tendencies toward separatism and intolerance. Building democracy takes patience, deep and specific knowledge and, most important, the ability to partner with the locals.

If Bush is to be credited for the benefits of his policies, he must also take responsibility for their costs. Over the past three years, his administration has racked up enormous costs, many of which could easily have been lowered or avoided altogether. The pointless snubbing of allies, the brusque manner in which it went to war in Iraq, the undemanded occupation and the stubborn insistence (until last summer) on pursuing policies that were fueling both an insurgency and anti-Americanism in Iraq – all have taken their toll in thousands of American and Iraqi lives and almost \$300 billion.

Perhaps an even more lasting cost is the broad and deep shifts in public opinion against America around the world. Look at countries as disparate as Britain, Poland, Turkey and Japan, all allies of the United States. In every one of them, public views have changed significantly in the past few years, and being pro-American is now a political liability. Tony Blair, once the most popular British leader in decades, has fallen far in public esteem, largely because of his unflinching support for the Bush administration.

For most countries, the debate over Iraq was not really about Iraq. It was about how America would wield its enormous global power. And to many countries, it seemed that the Bush administration was doing it irresponsibly. On this front, the signs from Bush's second term are heartening. In the Middle East, however, everything will depend on success on the ground. If, five years from now, Iraq, Afghanistan and perhaps an independent Palestine and a democratic Lebanon are thriving countries with modern political and economic systems, America will be honoured and respected -- and the talk of anti-American terror will have dissipated considerably. If, on the other hand, these countries are chaotic and troubled -- more like Central Asia than Central Europe -- people there will blame America. Remember, all politics is local.

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Kuakata Rakhains

Action needed to protect minority rights

ABMS ZAHUR

It is understandable that an alliance government cannot be as strong and as effective as a single party government in a parliamentary democracy. BNP was established also with active cooperation of a considerable number of members of some parties then founded as anti-liberation though its founder himself was a prominent freedom fighter. Zia was a brave soldier and a strong believer in the independence of Bangladesh. His lack of political experience prompted him to accommodate heterogeneous elements in the party to face a strong and organised party like Awami League. A moderate Muslim as he was, he could never be stigmatized as a fundamentalist. His introduction of multi-party system proves the point. With his assassination the newly set up party was going to be dissolved due to weak leadership. Virtually with no political experience Begum Zia stopped the process of dissolution. Not only that, it is due to her strong determination and leadership that she could convert BNP into a strong political party.

Now despite holding absolute majority Khaleda Zia prefers to continue as the head of an alliance government. How far the strategy will be ultimately successful only time will prove. So far we do not see much of a success of her government. Inspite of holding majority the government is showing weakness both in taking decisions and implementing decisions or declarations. We see these weaknesses in case of handling the incidences of terrorism, Ahmadiya community's appeal and emergence of Islami zealots. It is generally believed now that the democratic forces are facing danger from anti-democratic forces. They say that things were better even under dictatorial regimes of Zia or Ershad. This is unfortunate for a country which sacrificed around three million lives for establishing a secular democratic state.

There should not be any hesitation to admit that Hindu community in Bangladesh made a great sacrifice in achieving independence of the country. Though things appeared quite congenial for the Hindus during the early years of independence, it is now alleged that there have been repressions against them in certain rural areas. Thus it may not be quite true to say that Awami League cared much for the minority communities. However, in finding lapse of Awami League government of that period we must also consider that the government was extremely occupied in rehabilitation and reconstruction work.

BNP is regarded as a moderate political party. Though the present

government have given some attention to freedom fighters and non-resident Bangladeshis they have not yet shown enough strength to control repression on minorities. In formulating a policy we may bear in mind that Bangladesh is not only moderate Muslim state it is also multi-racial and multi-cultural state. We are living with followers of others religions for hundreds of years. Together we fought against the Mughals, British rule and Pakistani military rule. Thus our attitude should naturally be secular. However, existence of some zealots is poisoning the environment. The success of fundamentalists depends on lesser level of modern education and economic development. Government may think of using the media for pursuing the necessity for and importance of holding secular attitude. In doing so they must be careful about handling religious sensitivity. The alliance government may start such thing provided that the other parties of the alliance agree to such arrangement.

The Rakhains though originally hail from Myanmar are living in Bangladesh for more than two hundred years. We are glad that the present government is trying to improve relation with Myanmar. On the other hand India is seriously striving hard to obtain gas from Myanmar through Bangladeshi territories. Bangladesh has agreed to this Indo-Myanmar move in principle.

Kuakata has a good potential to become a tourist spot in Bangladesh. If the government can encourage the Rakhains to develop economically and stop the grabbers of Rakhain property from achieving their end and give full assurance and security to these few thousand Rakhains then it will not only bring economic gains but will help improve the image of Bangladesh as a moderate Islamic country with secular outlook. As Rakhains are Buddhists the Buddhists in Bangladesh will feel more secured. Good treatment to Rakhains will have salutary effect even on Chittagong Hill Tracts.

Population wise Bangladesh is the third largest Islamic country. In achieving its independence its non-Muslim population not only cooperated they made sacrifice both directly or indirectly. It would be nothing short of an injustice if they are not given fair treatment. The incidents like attempt of capturing mosques of Ahmadiya or burning houses of Hindu community or grabbing the ancestral property of Rakhains do not brighten the image of Bangladesh nor it can help strengthen the Muslim Umma.

Bangladesh needs huge foreign investment. Foreign investors will feel attracted only when we can assure them of a peaceful atmosphere. It is a wrong policy to put all

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