

Role of Speaker in making Parliament effective

Inaction has gone too far Ahmadiyyas in dire strait

LAST month, the administration sat idle while anti-Ahmadiyya bigots wielding weapons and threatening violence besieged the Ahmadiyya community in Bogra and intimidated the local police into hanging a sign on the wall of the community mosque, "warning" Muslims not to mistake it for a "real" Muslim mosque.

Emboldened by the fact that the government did not lift a finger to either protect the religious rights of the Ahmadiyyas or to punish those guilty of violence and intimidation, the bigots stepped up their campaign of hatred at Satkhira on Sunday.

As estimated 15,000 activists, armed with sticks and machetes, besieged the Ahmadiyya mosque in Satkhira, and threatened violence if the badly outnumbered and ill-prepared police did not acquiesce to the hanging of the offensive sign on the wall of the mosque. When the Ahmadiyyas attempted to resist, the mob hurled stones at them, injuring fifty people, including women and children.

Once the sign had been hung, the mob then proceeded to ransack the surrounding area, looting the houses of some local Ahmadiyyas. To add insult to injury, the injured also allegedly did not receive timely medical help from physicians at a local hospital.

The administration knew full well that this attack against the Ahmadiyyas was coming, as the bigots had announced their intentions well in advance, yet, once again, it did nothing to prevent this outrage.

This has gone far enough. It is not merely a question of the Ahmadiyyas' constitutional rights, which the government manifestly has little concern for. It is also a question of simple law and order. The government cannot permit baying mobs to threaten, intimidate, assault, and ransack with impunity. These are criminal offences, perpetrated in broad daylight in front of thousands of witnesses.

The International Khatme Nabuwat Movement Bangladesh, which organised the attack and has been at the forefront of the movement against the Ahmadiyyas, has been permitted to continue its unlawful operations without hindrance. The close ties between the movement and elements within the four-party ruling alliance are no secret.

So long as the government chooses to abdicate its responsibility in stemming this despicable and criminal conduct by religious extremists, it is no wonder that the image of the country around the world would be seen sliding. The administration's inaction demonstrates quite clearly that it has neither the will nor the inclination to keep the extremists in check.

Upbeat Indo-Pak mood

New vista opens on relationship

THE confidence-building process that had started quite some time ago between New Delhi and Islamabad has now graduated into a state of rapprochement between the two big neighbours of South Asia.

This seems to be the outcome of thoughtful cricket diplomacy initiated by Pakistan President Pervez Musharraf which was duly reciprocated by his host Indian Prime Minister Manmohan Singh. In fact, the tremendous popularity of cricket in both India and Pakistan has been cashed in on by the two leaders to enhance goodwill. The game now finds itself in the role of a vehicle for peace.

The two leaders held a near-marathon meeting lasting for two hours and a half which covered the whole gamut of bilateral issues. As for the thorny Kashmir issue, recognition of the need for tackling it headlong has been achieved which is indeed a significant development. Manmohan's pragmatism was amply reflected in his words that since it was difficult to redefine borders in Kashmir, they must now concentrate on people-to-people relationship.

Although nothing concrete has emerged on the Kashmir issue, perhaps a quick breakthrough was not expected either given the complex nature of the problem, there are signs that rigid positions are giving way to a flexible combined approach to the question.

Realistically while they are allowing the Kashmir conundrum time to be resolved, they have decided to advance single-mindedly on all other matters of mutual concern. Trade and commerce figured prominently in the talks and they have also decided to promote road links. So everything points to greater interaction at the people to people level in future.

India and Pakistan, both being nuclear, have everything to lose in confrontation and so much to gain from cooperation and mutual support. Peace is the best option available to them.

The move towards a radical improvement in the ties between New Delhi and Islamabad has an auspicious note for the region. One need not labour the point too much that the changing complexion of their bilateral ties bodes well for the Saarc process.

M. ABDUL LATIF MONDAL

PARLIAMENT is one of the three basic pillars of Bangladesh, the other two being executive and judiciary. Article 65 of the Constitution of Bangladesh provides for a unicameral legislature called Parliament (Jatiya Sangsad) in which is vested the legislative powers of the Republic. But Parliament has so far failed to fulfil people's expectations. During the first Parliament, people first saw infringement upon their fundamental rights and democracy with the adoption of the Constitution (Second Amendment) Act, 1973 and the Constitution (Fourth Amendment) Act, 1975, the former providing for suspension of fundamental rights through insertion of emergency provisions and the latter replacement of multi-party parliamentary democracy with one-party presidential form of government. The second and the third Parliament legalised the two martial law regimes that captured state power by force. The fifth Parliament's laudable work reintroducing parliamentary system of democracy has been marred by the two major political parties' frequent boycott of Parliament since the early nineties making Parliament almost ineffective. This article, therefore, makes an attempt to discuss as to what extent the existing power, position, etc. of the Speaker may enable him to make Parliament effective.

Article 74 of the Constitution provides that Parliament shall at the first sitting after any general election elect, from among its members, a Speaker. The Rules of Procedure of Parliament (ROP) framed and adopted by Parliament to conduct its business in pursuance of Article 75(1) of the Constitution have laid down detailed procedure on the election of the Speaker. Rule 8 has prescribed the procedure for the election of a Speaker by Parliament at its first meeting after a general election. The substance of the procedure is that any member of Parliament (MP) may give notice in writing addressed to Secretary of Parliament proposing another MP to be chosen as the Speaker subject to the conditions that the notice shall

be seconded by a third MP and the MP whose name is proposed, expresses in writing his willingness to serve as a Speaker, if elected. The motions which have been moved and duly seconded shall be put one by one in order in which they have been moved, and decided, if necessary, by division. If one motion is carried, the presiding officer shall, without putting the other motions, declare that the MP, proposed in the motion which has been carried, has been elected as the Speaker.

The procedure prescribed in rule 8 for the election of the Speaker shall apply, *mutatis mutandis*, for the election of the Deputy Speaker.

Article 74 (2) of the Constitution mentions a number of circum-

stances when the Speaker shall vacate his office. One of the circumstances is the passage of a resolution supported by the votes of a majority of all the members of Parliament, requiring the Speaker's removal from office.

The powers and functions entrusted to the Speaker by the Constitution and the ROP may be summed up as follows: (1) presiding over the sittings of Parliament; (2) regulating the proceedings of Parliament under the ROP; (3) certifying a Bill as a Money Bill; (4) maintaining discipline and order in Parliament; (5) chairing meetings of certain parliamentary committees such as, Business Advisory Committee, Committee on Privileges, Committee on Petitions, Committee on Rules of Procedures; (6) acting as a channel of communications between the President and the House and vice versa; (7) acting as the President of Bangladesh in the absence of the President.

Let us have a look into Parliament of the countries that have a long tradition of parliamentary democracy. Britain is known as the birthplace of parliamentary democ-

ocracy. Power and position of the Speaker of the House of Commons in Britain are mainly based on customs and usages. A constitutional expert writes, "In England the Speaker becomes a non-party man after his election and does not participate in politics nor does he express an opinion on political problems. He is, accordingly, recognised as the non-partisan and impartial custodian of the rights of the members on the Treasury benches or in the opposition."

Mentionable that the British Parliament consisting of the King (or the Queen), and two Houses namely, the House of Lords and the House of Commons, has the built-in mechanism of checks and balances.

Every day; (b) of the Tk 22.11 crore spent to run the four sessions of House last year, more than Tk 5 crore had been wasted due to quorum crises alone. A Bangla Daily (The Daily Jugantor) of March 17 carried a news item which revealed that in the recently prorogued first session of 2005 (15th session of the 8th Parliament) sittings started without quorum on 16 days against 22 working days. This has happened when the ruling alliance commands more than two-thirds of the total seats of Parliament. The repeated quorum crises speak of the Speaker's inability to run the House smoothly.

Appointing no MP of main opposition as chairman in parliamentary committees: No lawmaker of the main opposition party has been appointed chairman in any parliamentary standing committee. This has adversely affected active participation of the main opposition party members in the parliamentary committees. As the custodian of the rights of the MPs, the Speaker has not been able to protect the rights of the Opposition in the House.

Not allowing the notices, etc. of every day; (b) of the Tk 22.11 crore spent to run the four sessions of House last year, more than Tk 5 crore had been wasted due to quorum crises alone. A Bangla Daily (The Daily Jugantor) of March 17 carried a news item which revealed that in the recently prorogued first session of 2005 (15th session of the 8th Parliament) sittings started without quorum on 16 days against 22 working days. This has happened when the ruling alliance commands more than two-thirds of the total seats of Parliament. The repeated quorum crises speak of the Speaker's inability to run the House smoothly.

A powerful and neutral Speaker can help make Parliament effective. The confrontational politics of the two major political parties has made Parliament largely ineffective. The people are worried about the fate of the nascent democracy in the country. A vibrant and effective Parliament under the leadership of a powerful and neutral Speaker can make invaluable contribution to the functioning of the democratic system in the country.

Failure to prevent the executive organ from violating the provision of ROP: In March last, the law minister asked the ruling BNP lawmakers in writing to take permission of the Leader of the House or the party's parliamentary wing before placing a private member's bill in Parliament. Sensing that the instruction was not compatible with the ROP, the Speaker requested the law minister to sit with the BNP lawmakers to resolve the issue. But the government in the law ministry has stood by its decision. This amounts to the Speaker's failure to protect the rights of the legislators from the dictation of the executive.

Main opposition party not persuaded to attend parliament session: During the last twelve-plus years, the Speaker has not taken any serious initiative to end the parliament boycott by the main opposition party MPs assuring them that their genuine grievances pertaining to the conduct of business in the House or its precincts would be removed. So, parliament has remained largely ineffective since the early nineties.

Now the question is whether the existing powers and position of the Speaker enable him to take steps to make parliament effective. First, a close look into the procedure of the election of the Speaker reveals that only the MP who is proposed and seconded by the majority party in Parliament is sure to be elected as the Speaker.

Second, the Speaker's position is not very well secured. According to Article 74 (2) (c) of the Constitution, the Speaker may be removed by Parliament by the votes of a majority of all the MPs. This means that the Speaker's continuation in his office depends to a great extent on his allegiance to the party in power.

Third, the Speaker's neutrality in the discharge of his functions and

responsibilities in Parliament may incur the displeasure of the Prime Minister and other high-ups of the party in power. He may not get party ticket to contest the next parliamentary election. So, he stands a chance to lose his parliamentary seat in his constituency.

In order to enable the Speaker to his exercise his powers effectively and discharge his functions neutrally, the following suggestions are made for consideration of all concerned.

No MP who is below 65 years of age would be eligible for election to the office of the Speaker.

The Speaker shall cease to be a member of the party which nominated him for election as the Speaker.

Unless he resigns, dies, or removed from his office by Parliament, the Speaker shall hold office for two consecutive full terms of five-year each from the date on which he first entered upon his office. The change in government after a general election will not affect him to continue as the Speaker for the second full term.

The Speaker can be removed by a resolution supported by the votes of not less than two-thirds of the total members of Parliament.

On completion of full two consecutive terms as the Speaker, he will not be eligible to contest any general election or by-election as the candidate of a political party or as an independent candidate.

To conclude, a powerful and neutral Speaker can help make Parliament effective. The confrontational politics of the two major political parties has made Parliament largely ineffective. The people are worried about the fate of the nascent democracy in the country. A vibrant and effective Parliament under the leadership of a powerful and neutral Speaker can make invaluable contribution to the functioning of the democratic system in the country.

M. Abdul Latif Mondal is a former Secretary to government

hard South Africa was working to unchain itself from its past and move forward in the spirit of openness and forgiveness.

Representatives from more than a dozen community groups, including the local Democratic and Republican parties, helped impanel the commission. In the view of some Greensboro community leaders, however, the project is unnecessary, and they fear that it will bring negative publicity to a community that's working hard to promote itself as a progressive southern city. The Business Journal,

relations within its community and with the outside world," said Joya Wesley, the GTRC's communications director.

"Helping to build a community that's at peace with itself is the best way to attract business."

But the GTRC knows that its biggest challenge in making its mission a success is to convince all groups that its process will be fair and impartial. So to guide its operations it has developed a set of protocols that they hope will reassure the public as well as potential participants that the

First US Truth Commission

RON CHEPESIUK

ON November 3, 1979, in Greensboro, North Carolina, members of the Ku Klux Klan and the American Nazi Party attacked a protest march led by communist labour activists who were trying to unionize black workers. In just 88 seconds, five of the workers were gunned down, and ten others wounded. The dead included three white men, one African-American woman, and a young man who had fled Cuba when he was a child.

More than 25 years later, an independent commission called the Greensboro Truth and Reconciliation Commission (GTRC) has been organized to determine the truth, causes and consequences of what has been dubbed the "Greensboro Massacre." The GTRC is believed to be the first truth commission in the US and the first of its kind worldwide.

"What's happening in Greensboro is an innovative approach to setting up a truth commission," said Lisa Magarell, a senior associate with the International Center for Transnational Jurisprudence (ICTJ) in New York City. "Unlike the truth commissions in Bosnia, Peru, and South Africa and other countries, the GTRC is focused on just one event. It's also a grassroots effort, meaning that the GTRC hasn't been created by a government." Established in 2001, the ICTJ has assisted in setting up truth commissions in 12 countries and helped the GTRC develop its action plan.

The GTRC's seven members were chosen through a public selection process, and they were sworn in at a formal ceremony held at the refurbished Southern Railway

Depot in downtown Greensboro on June 12, 2004. The commissioners then spent the next six months hiring staff, finding workspace, and looking for financial support.

The commission hired an executive director, research director, and communications director, and has the help of an intern and volunteers. By December 2004, they had raised more than \$230,000 from private foundations and residents of Greensboro and surrounding communities.

"We've really just begun the process," said Cynthia Brown, the

which is distributed in the Greensboro area, noted that the local business community was invited to participate in the process of nominating commission members, but chose to stay away. David Jameson, president of the Greensboro Chamber of Commerce, told the Business Journal: "It just didn't seem like (the GTRC) had a business perspective, and we just need to stay focused on what we're doing."

GTRC officials believe that the Greensboro business community is missing a golden opportunity to heal the divisive wounds of its past and to show that the city is as progressive as it claims to be. "They (the business community) are really missing a chance to build healthier

commission's work is independent and transparent.

One of the commission's guiding principles states: "We commit ourselves to the restorative justice, freed from the need to exact revenge or to make recriminations. The work that we do, and the report we will conditionally issue will be inspired by the belief that divisions can be bridged, trust restored and hope rekindled."

Achieving that will be a challenge, given the bitter legacy of the Greensboro Massacre. As Wesley noted, "No one has ever been convicted of the killings, even though there were plenty of eyewitnesses." Several newspaper reporters were on the scene, and cameramen from four local

television stations filmed the event. Twice, all white jurors acquitted the suspects in federal and state criminal trials. Eventually, five of the attackers and two police officers were found liable in a civil case, and the Greensboro city government paid the victims and family members \$350,000.

"The way the Greensboro incident was handled judicially created a lot of distrust of the system," Magarell said. "After all, the (American) system is supposed to protect everyone's rights, even communists."

In the project's preliminary stage, the commission learned some important lessons that it believes will help it fulfill its mandate. "There are many perspectives within the Greensboro community, and differing perspectives even exist within the Greensboro community on what really happened on November 3, 1979," Brown explained. "Many myths now cloud the incident, and they continue to affect the quality of life in Greensboro. We will have to take note of those perspectives and myths as we move ahead with our investigation."

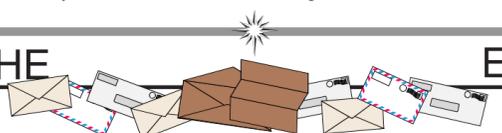
In its research, the commission is gathering and analyzing a variety of documentation, including court records, newspaper articles, and police reports. Last January, it

helped in Philadelphia," John Meyer, a Quaker and Philadelphia religious leader, told the Philadelphia Inquirer. "We will be watching with interest and concern."

"I think there is much to be healed here in Philadelphia," John Meyer, a Quaker and Philadelphia religious leader, told the Philadelphia Inquirer. "We will be watching with interest and concern."

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TO THE EDITOR TO THE EDITOR TO THE EDITOR TO THE EDITOR TO THE EDITOR



Letters will only be considered if they carry the writer's full name, address and telephone number (if any). The identity of the writers will be protected. Letters must be limited to 300 words. All letters will be subject to editing.

Modern approach

The ancient saying "a flexible person is he/she who is like water, without shape or size taking the shape of anything that finds him/her." That negative judgement no longer applies in today's business world. In fact, a flexible person is the most valuable asset, one who can change, adapt or modify him/herself or their plans based on the ever changing world and its needs.

It is easy to criticise North America or European Union but let's face the fact; they are not only controlling the world economy but also leading the socio-cultural arena. Be a player of that winning team, China is playing it.

People are usually proud of their culture and religion. Often they love to talk about it to people of other culture or religion. Caution and technical skills are very much

needed before starting this kind of conversation. It is better to leave religion and politics out of the corporate world.

Westerners are very good at appreciating and praising, although how much of that is genuine is unknown. Often high officials of developing countries are encouraged by the promises and praising remarks made by officials from western countries. This is a part of the political and often business culture of many western countries to talk very positively to the visiting delegates about their country. Some of it is genuine, but over 50% of it is out of courtesy. Please note that China has adopted the western style. Please appreciate and praise others at every opportunity you get.

Ehsan Imdad
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Why this power shortfall?

Newspaper reports (April: 8) mentioned about the quandary of our parliamentarians on identifying the reason behind power shortage. They were not sure if it was gas shortage or power generation or transmission glitches that were the reason behind power shortfall. It seems the figures provided by the two authorities were confusing. Now an enquiry team will find out the real reason behind this confusion, which I hope will be shared with the power starved citizens.

However, the power failure followed by air conditioning failure as reported in the papers (April: 9) at the state function in the Bangladesh China Friendship Hall had perhaps nothing to do with gas supply. The glitch could be mechanical or power distribution based. We await the

enquiry report on this matter too.

In this connection it might be interesting to quote from "Energy & Power" issue of April 1. They wrote "there is no problem of gas supply to power plants in Sylhet, Shahjibazar, Ashuganj, Baghabari, Shambhugonj, Megnaghat, Haripur, Siddirganj and Chittagong areas". They further wrote "the gas supply to Ghorashal has to be restricted during peak hours, as the gas transmission pipelines have to feed gas demand of entire northern parts of Dhaka and also the Ghorashal fertiliser plants. The power plants of Ghorashal are relatively inefficient and require more gas for generating electricity".

These may be indicators of deficiency in the operation and maintenance of power plants, rather than gas supply. Ultimately the issue boils down to extra power capacity to enable generating sets

to be taken out for routine maintenance and required repair and replacement of parts. More power plants are however conspicuous by their absence, and no solution may be available for some time to come!

Maybe, representatives from "Energy & Power", the only technical magazine on the subject, should be part of these enquiry teams so that both the government and the public can know about the facts.

Engr. S. A. Mansoor
Gulshan, Dhaka

Good move, but...

It is appreciable that after a long time Grameen phone has responded by offering some sort of facilities to their customers that include extending the validity period for Tk 300 scratch card to 6 months,

offering 30 seconds pulse in the 1st minute, reducing the access fee to Tk 150 etc. But no reduction in call rate has been offered; what has been done is just splitting the costs into segments. At the end of the day we, the loyal customers, will be paying as high as before.

I hope the management will surely look after the customers' benefits and will take necessary steps to ensure that users are highly satisfied and feel free to use the mobile phone without any ceiling, like our neighbouring countries.

Farhana Hossain
DOHS, Bairdhara

Torture!

This refers to a news item in The Daily Star dated 9th April 2005 (on page 3) saying "Enact Laws to check noise pollution" with a picture of a human chain "demanding

effective measures to check noise pollution".

Noise pollution in the cities of Bangladesh has gone too far beyond the acceptable limits in decibel anywhere in the world. It seems no third world backward country is as uncivilised as we are in respect of making noise. I live in a residential area in Chittagong which, besides being a residential area, houses schools, colleges, university and hospitals. One of the busiest roads traverses the residential area allowing passage of all kinds of conceivable vehicles, including intercity buses and trucks with hydraulic horns continuously pressed from both directions of the road and loud speakers fitted on the roof of the buses with songs in full volume. And these happen during the day and during the night all days of the week. To this is added frequent miking for political and

religious meetings.

This is not just gross noise pollution and serious health hazard, which may lead to permanent deafness and heart attack. This is TORTURE to the residents, patients and students of the area. Something must be done about it. I don't think use of hydraulic horns and loud speakers are allowed in city areas. Why can't these be stopped? I feel if the Metropolitan Police Commissioner and the City Mayor wish, they could stop these nuisances forthwith.

Anyway, if that needs enactment of law, please enact the relevant law and save the peace-loving people from being tortured.

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On e-mail