

Bidding adieu to professionalism!

Reflections on BMA and other elections

IN this country, we have had a strong and proud tradition of professional bodies such as teachers, engineers, doctors, etc placing the fundamentals of their profession above everything else. This is as it should be. Our professional classes have steadily developed and gained expertise and experience in their respective fields, and their growing professionalism has played a crucial role in our development as a nation. When it comes to one's professional development, there is no space for politics or partisanship, and for many years this is how things were.

Unfortunately, the current trend, one that has been in place for some time now, is in the opposite direction. As the country has become more polarised and politicised, we have been treated to the sad spectacle of the ranks of the professions also becoming infected with factionalism.

Indeed, the worst possible example exists, we are sorry to have to concede, in our own profession of journalism. The professional body has been split into two rival factions on political grounds and the profession remains shockingly polarised along partisan lines. As a profession, we certainly need to introspect if we want to point fingers at others.

The latest example of the distressing polarisation among the ranks of the professionals is the recent BMA election, where the dictates of professionalism were totally subordinated to political factionalism.

The ruling party supported candidates dangled all kinds of carrots before the professionals such as preference for foreign trips, recruitment, promotion, and transfers as a part of electioneering. The implication was that the slate of candidates would be able to deliver favours if voted for. The leadership in the past had delivered, and promised to continue to do so, due to its proximity to the ruling party.

Thus, we see that professionalism in this country is waning as politicisation waxes. Most professional bodies' elections in the recent past have been examples of this disturbing trend.

Politicisation and partisanship is a sordid reality under any circumstances. But what makes things even worse is that these now threaten to assail the standards and fundamentals of the professions. Professionals cannot hope to continue to operate at the highest standard of their field if they place partisanship above their professionalism.

Reversal of this misarranging of priorities must come from within the professions themselves.

It is fine to hold strong political views. But professionalism is not a political issue. Our professionals should not barter away their credibility and objectivity -- the hallmarks of their hard-won professional standing -- on the altar of petty political considerations.

Overseeing construction

A regulatory body will help set things right

ENGINEERS and architects have tried to address a number of questions regarding flawed construction and the resultant vulnerability of buildings having been pushed to the fore by the recent Savar tragedy. They have recommended that the government form a high-powered regulatory body to oversee different stages of construction. We believe the recommendation amply reflects the growing public concern over the safety of buildings.

Since the issue has a direct bearing on human lives, it needs to be handled with utmost seriousness. Formation of a regulatory body has been long overdue, given the chaotic picture of unsupervised construction, especially of multi-storied buildings. It is a matter of great worry that corruption has had its debilitating effect on the entire process of design approval through use of materials to engineering aspects of construction. Dishonesty in such matters could only mean loss of lives and property under the most unfortunate circumstances. Obviously, tightening the noose of the law is the only way to deal with the murderous practice of approving faulty designs that entail the high risk of allowing construction of structurally and technically unsound buildings. Sadly enough, a large number of owners have not been sensitive to the need for maintaining safety standards, even though it recoiled on them in the ultimate analysis. They are violating the Building Code at almost every stage of erecting a high structure.

The vulnerable buildings need to be identified as a matter of first priority. The dilapidated structures have to be demolished and the weak ones re-strengthened. Finally, the under-construction buildings and the new projects must be made to comply with safety standards.

The hazards associated with shoddily raised buildings are many. The experts have long been telling us that a devastating earthquake may strike us any time. So it is doubly important to bolster our defences and raise the preparedness level against such an eventuality.

The government should pay heed to the suggestion put forward by the experts and work out how an effective mechanism for overseeing construction can be evolved in the interest of all concerned.

Gram Sarkar: A problematic initiative

DR. BADIUL ALAM MAJUMDAR

TWO years ago, the Government of Bangladesh enacted The Gram Sarkar Act, 2003. The legislation called for a 15-member non-elected body in each Union Parishad (UP) ward, chaired by the elected member of the respective ward. The women members elected in reserved seats were to serve as advisors to each of the three Gram Sarkars (GS) in their constituencies. The UNO was empowered to nominate the members of the GS other than the chairperson, unless there was a consensus in the meeting where at least 10 percent of the voters of the ward were present to decide on the panel of nominees.

The government went ahead with the implementation of the legislation on August 1, 2003, ignoring the constitutional and other concerns expressed about it by various interest groups. Since President Ziaur Rahman was the originator of the Gram Sarkar concept, the ruling BNP emotionally went ahead with it. In its rush, it even ignored the experiences of President Zia's Swanirvar Gram Sarkar (SGS), which were not all that positive. Within a few weeks, about 40,000 GS bodies were formed and the available evidence indicates that the process was quite problematic.

The Constitutionality of Gram Sarkar

The legislation designated Gram Sarkar as a supportive organisation of the UP in order to avoid its being called a new tier of local government. This was a clever move to avoid the problem encountered with respect to a similar law enacted during the previous government. In 1997, the Gram Parishad Act was passed by the Parliament to create almost in the same way a non-elected body at the ward level. The Act was challenged before the High Court Division of the Bangladesh Supreme Court on the ground that it violated Article 59 of the Constitution, which calls for local government bodies composed of elected persons in each administrative unit.

Calling the GS a supportive organisation of the UP, however, does not make it a constitutionally valid entity. The critical question in this regard is: is the GS a part of the UP or is it a separate entity? Either way, its constitutional validity is questionable at best.

If the GS is to be viewed as an extension or part of the UP then also it is a local government body under the Constitution. It must then conform to Article 59 of the Constitution and be represented by persons elected in accordance with law. This

means that the members of GS must be elected through a free, fair and credible election process. Such a process will require that elections be via secret ballots, conducted by an impartial body, namely the Election Commission, and be outside the control and interference of the government and/or the ruling party.

On the other hand, if one argues that the GS is not a part of the UP and should not meet the requirements of Article 59, then it must be a separate entity. In that case, it must be a new local government body outside the Article 59 of the Constitution as it is not designated as an administrative unit under Article 152(1) of the Constitution. In fact, the Act designated Gram Sarkar as a statutory body with all the essential features of a local government body -- perpetual existence; a seal; office; budget; oath-

Constitution clearly created a dual structure of governance in our unitary system -- it provides for a national government with clear and distinct executive authorities and at the same time a local government system at each administrative unit to "manage local affairs by locally elected persons." (*Kudrat-e-Elahi Panir Vs. Bangladesh*)

However, by allowing UNOs to nominate the members of GS, the legislation institutionalises the supremacy of the bureaucracy over local government. This is clearly contrary to the constitutional commitment of autonomous local government bodies. Such supremacy, it goes without saying, will allow the bureaucracy to exert political pressure and create all kinds of mischief. Stories of such mischief abound in the case of UPs where a similar sub-

observed that:

"... in all the villages the participation of the common people in the meetings held for the formation of Gram Sarkar was very poor. It varies from 6 to 11% ... It was further observed that the government officials, chairman, and members of Union Parishads (except those who were affiliated to the ruling political party) were disinterested in the new organisation and they expressed their indifference towards the concept ... In most of these cases, it was observed that the people took it as an institution of a particular party to serve vested interests and they thought that their participation would not have been properly weighted even if they would have attended such meetings for formation of Gram Sarkar."

"It was observed that in the

absence of any defined functional relationship between the Cooperatives, the Union Parishad and the Gram Sarkar, a sense of confusion and misunderstanding was prevailing both among the officials and non-officials. As a result of establishment of Gram Sarkar as a 'sarkar' (government) the people started thinking whether this new organisation would enjoy the authority of complete local government within their villages including the power to levy taxes. A good number of people in these areas were also thinking whether the Union Parishad would become less important or be abolished as a local government institution as a result of the establishment of Gram Sarkar."

The researchers suggested that "instead of selection of Gram Sarkar by consensus in all the cases, there should also be alternative provision for fair election to avoid sociopolitical influence and to give the common people a chance to elect their representatives without any fear or influence particularly where such problems arise." (Md. Manjurul Alam, Md. Hadrat Ali and Bijoy Kumar Barua, "Swanirvar Gram Sarkar in Bangladesh -- A Preliminary Observation on Three Villages," BARD, November 1980.)

National Institute of Local Government (NILG) published a study in 1994 on the experiences of SGS in four villages. The study concluded: "The SGSs made efforts to carry out some assigned functions such as agriculture, pisciculture, mass liter-

Based on the reports of the formation of 1,150 GSs published in newspapers, Ajoy Das Gupta found that the rules and procedures were not followed in majority (53%) of the cases and there was no quorum in 60 percent of the places. Satisfactory and enthusiastic participation was observed in only 3.39 percent of the cases. The UNOs ignored the rules and procedures in 54.96 percent cases. The administration was found to be neutral in only 10.87 percent instances. Evidence of the nomination of opposition party members was found in less than 1 percent cases.

The study by PPRC and others concluded: "The implementation of gram sarkars came amidst a great deal of controversy. One strand of criticism was that it was mainly a

partisan initiative by the ruling party that would heighten tensions in the rural areas. The other strand of criticism questioned how well mission objectives had been thought out and how well the electorate had prepared for such an initiative. The survey provides useful evidence on how well-founded such apprehensions were ... Though in about a quarter of the surveyed cases, the selection process reflected a strong degree of community consensus, the dominant perception of the selection process was as rubber-stamping of lists pre-selected under direct or indirect influence of the ruling party." The survey, however, found that the fear of widespread violence was not borne out by evidence because of the pre-emptive informal selection of the panel, low public enthusiasm and the implicit boycott by the major opposition party.

Last year, the government allocated as block grant Tk. 20 crore for Gram Sarkars. The current year's allocation is Tk. 40 crore. Serious questions have already been raised about the honest and effective implementation of projects with these large sums of money. There are also many instances of conflicts between UP bodies and Gram Sarkars.

"Exclusion" of Women

There is another serious criticism of the Gram Sarkar system. It is discriminatory to women in violation of the equal rights guaranteed under the Constitution. The present reservation system clearly "excludes" women from mainstream UP activities. This is an inherent weakness of the system now in place. Designating women members as advisors to GS bodies would not solve this problem of "exclusion." As advisors, women would continue to be "outsiders" with little or no authority and responsibility other than to give advice, if at all sought. Thus, the creation of Gram Sarkars would perpetuate women's peripheral role in our local government system and be contrary to the goal of empowering half of our total population.

To conclude, the Gram Sarkar appears to be an idea implemented rather emotionally and in haste. It raises serious constitutional issues. The experiences of Swanirvar Gram Sarkar of the early 1980s were not very positive. The recent experiences are also not very pleasant and promising. Thus, it is clear that the Gram Sarkar system serves no useful purposes and does not have much to offer. Rather, it is a parallel institution threatening the very existence of the Union Parishad which is a time-tested 135-year old institution.

Dr. Badiul Alam Majumdar is Global Vice President and Country Director, The Hunger Project, Bangladesh.

taking; ability to acquire, hold and dispose of moveable and immovable properties; and ability to sue and be sued. Thus, the Gram Sarkar must be a distinct local body (a sarkar by designation) managing local affairs at the lowest level.

The difficulty which arises in this context is that there cannot be two classes of local government bodies -- one under the Constitution and the other outside it. The Supreme Court, in its Full Court judgement on *Kudrat-e-Elahi Panir Vs. Bangladesh (44DLR(AD)(1992))* clearly stated: "This will lead to a situation not contemplated by the Constitution ... (and hence a) mischief of the Article 7(1) of the Constitution." Ironically, this was the very argument used by the Court that a Upazila was not a designated administrative unit and hence not a local government body under Article 59 when the government decided to abolish the Upazila system.

The Gram Sarkar Act is inconsistent with our Constitution in another way. Article 59 of our Constitution states that, "Local government in every administrative unit of the Republic shall be entrusted to bodies, composed of persons elected in accordance with law." The Constitution did not intend local bodies to be subservient or extensions of the prevailing administrative structure. In fact, the Constitutional commitment was to make these bodies autonomous and parallel to the existing bureaucratic setup. Our

servient relationship was created by law in violation of the Constitution. In addition, the legislation gives the Deputy Commissioner the authority to dismiss the Gram Sarkar, again making it an entity subservient to the bureaucracy. Thus, the proposed GS would perpetuate, in violation of the Article 59 of our Constitution, the unequal relationship between government officials and elected local representatives that already exists in our country.

The 1992 judgement of the Full Court Bench of the Bangladesh Supreme Court was rather explicit about the illegality of involvement of the bureaucracy in the affairs of local bodies. The judgement clearly stated: "If Government's officers or their henchmen are brought to run the local bodies, there is no sense in retaining them as Local Government Bodies." This is an unequivocal taken by the Bangladesh Supreme Court, the guardian of our Constitution, against the role of government officers and their designated persons (termed as henchmen) in local bodies.

Earlier experiences

In 1980, President Ziaur Rahman introduced the concept of Swanirvar Gram Sarkar (SGS) in the majority of the villages of the country. A team of Comilla BARD researchers carried out a study in three villages in three districts -- Muzaffarabad, Kallitha and Zirak -- to observe the workings of the SGSs. The researchers

absence of any defined functional relationship between the Cooperatives, the Union Parishad and the Gram Sarkar, a sense of confusion and misunderstanding was prevailing both among the officials and non-officials. As a result of establishment of Gram Sarkar as a 'sarkar' (government) the people started thinking whether this new organisation would enjoy the authority of complete local government within their villages including the power to levy taxes. A good number of people in these areas were also thinking whether the Union Parishad would become less important or be abolished as a local government institution as a result of the establishment of Gram Sarkar."

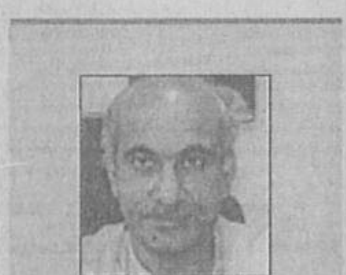
The researchers suggested that "instead of selection of Gram Sarkar by consensus in all the cases, there should also be alternative provision for fair election to avoid sociopolitical influence and to give the common people a chance to elect their representatives without any fear or influence particularly where such problems arise." (Md. Manjurul Alam, Md. Hadrat Ali and Bijoy Kumar Barua, "Swanirvar Gram Sarkar in Bangladesh -- A Preliminary Observation on Three Villages," BARD, November 1980.)

National Institute of Local Government (NILG) published a study in 1994 on the experiences of SGS in four villages. The study concluded: "The SGSs made efforts to carry out some assigned functions such as agriculture, pisciculture, mass liter-

Based on the reports of the formation of 1,150 GSs published in newspapers, Ajoy Das Gupta found that the rules and procedures were not followed in majority (53%) of the cases and there was no quorum in 60 percent of the places. Satisfactory and enthusiastic participation was observed in only 3.39 percent of the cases. The UNOs ignored the rules and procedures in 54.96 percent cases. The administration was found to be neutral in only 10.87 percent instances. Evidence of the nomination of opposition party members was found in less than 1 percent cases.

The study by PPRC and others concluded: "The implementation of gram sarkars came amidst a great deal of controversy. One strand of criticism was that it was mainly a

A Provence diary



M.J. AKBAR

DO good food and good news taste better when touched by enchanting style and environment? Such questions of high philosophy seem inevitable after a few days in the south of France alias Provence. We are tucked into the first slope above the Mediterranean. Sunset is ahead, the sea behind, and the breeze pampers us from all directions. We overlook the serene village of Valbonne which despite its anonymity boasts of a one-star Michelin restaurant. The village has a modern town hall, ancient streets, a large pharmacy, a modest parking lot and an internet cafe that opens 15 minutes late but is managed with visible sincerity by a young man in constant need of conversation. A swerve of the road later is Mougins, where the chef Alain Llorca offers a 3-star Michelin meal and where Picasso came to die. The chateau which was his last home sits quietly with its memories. Inevitably the locals say that the unique natural light of these mountains drew the painter like a magnet, and to see the spreading blush above the kohl-black mountains long after sunset is to understand why "l'huile d'olive" is a French word.

MICHELIN'S stars are more respected by the discerning than its

tyres although the tyres pay for the dilettantes who wander incognito through France checking the quality of levels of the nation's highest art form, gastronomy. Fewer are aware of what the stars indicate. A restaurant can get only three at best. One star means excellent food. Two indicate that the restaurant is worth a detour. Three stars insist that the restaurant is worth a journey.

IN front of us rise the Alps, the highest peaks still glittering with the glowing white glamour of winter.

CANNES pouts and waits for its suitors. They come in all shapes, from all directions, enjoy a flirt and return home. Nothing more is expected, nothing more is delivered. Cannes is a strip of four parallel curvaceous lines between sea and mountain: beach, promenade, shops and exit route. The beach is the altar where the sun god is worshipped. Celebrities receive their homage on the promenade with its majestic hotels, paparazzi and throngs of hangers-on. The pantheon of the gods of fashion dwells on the shopping

Looks are not essential; but they always help. Taste buds need nature's embrace to flower. Eze is a 12th century village atop an ageless hill perpendicular to the Cote d'Azur, towering above a sea of shifting colours. Walk the last stretch through dainty shops selling Provence jams and pottery, swing through the high gates and climb the final steps to reach the perch of the golden goat at the pinnacle.

This is the Chevre d'Or, the restaurant at the heart of the Four-Michelin,

dessert, sorbet and coffee. When we rise after three hours we are consumed by the experience.

NOTE for tourists from our sub-continent heading towards Provence this summer: A brasserie in France is a kind of restaurant and not a kind of brassiere.

WHAT else could disturb a night's sleep other than politics? If all politics; as famously said and often repeated in this column, is local; and all coverage is international then surely all results are comparative. The

could not conceal a twitch. Blair cost Blair his credibility. Humpty Dumpty has had a great fall.

Of all the voters who switched Blair could not have cursed anyone more than the 413 whose decision gave a certain Gordon Galloway victory in the Muslim-heavy East London constituency of Bethnal Green. Galloway is a Scotsman who was thrown out of Labour for his strong, almost virulent opposition to Blair's war. He has been at various times accused of every sin from smoking big cigars to wearing well tailored suits to adultery to friendship with Saddam Hussein. As he told BBC (questioners cannot stop hectoring him) he had met Saddam only twice in ten years -- the same number of times as Donald Rumsfeld, so what was this friendship all about? Galloway challenged Labour in one of its safest seats: safe not only because of popular support but also because of the control over the local government machinery that the party exercises in the boroughs. Galloway yet got 15,801 votes against Labour's 14,978. They were separated by 823 votes, so a switch of 413 votes would have ensured that the man who will make Blair's life miserable would not have reached Parliament. More important, Galloway returns to the limelight. He gave a taste of things to come from the limelight that he loves in his acceptance speech, beamed by BBC at four in the morning: "Mr Blair, this is for Iraq... All the people you have killed and all the lies you have told have come back to haunt you." Tony Blair has the false strut of a lame duck. Gordon Brown has the smile of a successor.

Tony Blair has the false strut of a lame duck. Gordon Brown has the smile of a successor. As the French commentator put it, Blair won but it was a short victory. You can't do a long haul from a short victory.

M.J. Akbar is Chief Editor of the Asian Age.

BYLINE

Galloway gave a taste of things to come from the limelight that he loves in his acceptance speech, beamed by BBC at four in the morning: "Mr Blair, this is for Iraq... All the people you have killed and all the lies you have told have come back to haunt you." Tony Blair has the false strut of a lame duck. Gordon Brown has the smile of a successor.

Behind us is the pearl necklace of fairytale beach-towns from St. Tropez to Monaco through Cannes, Antibes and Nice. The chances of seeing a pram are much higher in the touristy afternoons of St. Tropez than a bikini. The place is much too expensive for the young and the beach too public for the rich and famous who remain for the camera. There is a traffic jam of boats on the shore and villas on the shoreline. Boat to bungalow is via a Bentley. Nudists have their privilege of their own offshore island where you cannot wear clothes even when strolling with a trolley through the food store. There is no equality like nudism, which is one more reason for the rich to leave such options alone. And voyeurs must find such freedom simply too boring.

street, the Rue de Antibes. Common sense presides over the exit highway: there is only so much that you can take. The sea is saucer-calm all along the coast but water indifferent to its joys. The true deity is the sun, demanding its daily sacrifice of skin and burn from men and women who flock in from the cold, wet, grey, dismal, depressing, dull, driven, regions of north Europe. The coast sparkles with dream towns till Monaco where it swerves south into the upper thigh of Italy, as beautiful a resting place for a tired head as any in the world.

If music is the food of love for Shakespeare then food is the music of love in Provence. To eat such food in a hurry would be a high crime. To expect such food elsewhere would be a misdemeanour. To return to our opening query: is pleasure enhanced by environment? Yes. It's like love.

33-suite chateau-hotel. (Hotels can rise above three stars.) The fuss of the waiters at the bar is the first indication that this is going to be an agreeable afternoon. The prices along the wine list suggest otherwise. The problem is quickly sorted out by the maitre d' who offers an excellent Provencal chilled white and hints, through various facial contortions, but without saying a word, that all sensible guests prefer the local fare. We leave food to his safe hands and are offered the set menu. We are led, for reasons that we cannot fully comprehend but do not want to explore, to the best table with magnificent sea views. The food comes at the pace of a leisurely, sunlit summer afternoon, starting with a palate-searching aperitif that is off the menu. We meander through soup, shellfish, starters, fish, vegetables, meat, port, cheeses, two kinds of

Conservatives have managed to get only about as many seats as the much-derided Michael Foot won against Mrs Margaret Thatcher and have broad smiles. Labour has won an unprecedented third term under Tony Blair and is looking as glum as a Frenchman denied his holiday. Joy and sorrow are defined by the distance you have travelled from expectations, and by that yardstick Labour has won but Tony Blair has lost. He was defeated by Iraq. The British electorate might have forgiven him for a war they never wanted but they refused to forgive him for telling lies to justify the war. The percentage of the lowest Labour polled, 36, was the lowest ever for a party that went on to form a government. The Tory vote did not rise by much, only 5%. But tactical spread of discontent ensured that their benefits were higher in seats. Tony Blair looked glum and Cherie

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.

Hazari

The news of AL disowning Joyntal Hazari is indeed a welcome development. We can only hope he does not find home in another party seeking to enhance its muscle power.

Let's hope that this is the start of a trend where politicians realise that the short-term benefits of muscle power is outweighed by the long-term liability of harbouring criminal elements.

The nexus between criminal elements and politicians must be

broken to overcome the current governance crisis. Saleh Tanveer Ohio, USA

Why this discrimination?

I am a substitute teacher financed by PROMOTE, GoB-EG project. I am working in a rural secondary school in Bogra district. PROMOTE is giving me salary and the MPO teacher is getting a fellowship worth Tk. 2,000 per month.

Now my MPO teacher is coming back to the school and this is my

turn to get the Bachelor of Education degree with fellowship. But from this year PROMOTE is not giving the fellowship, as I was told by the PROMOTE office, Rajshahi. Why will I not get the fellowship this year? I could not even get admitted into the course as so many Rajshahi University students have applied and the number of seats is limited.

I would like to draw the attention of our education ministry to this matter, so that I can get the fellowship this year.

Hasna Banu Bogra

Religious harmony

A group of bigots is trying to spoil religious harmony by attacking the Ahmadiyya community. It is clamouring for declaring them non-Muslims. In a democracy the rights of the majority are granted but the minority must be protected as well. The practices and affairs of people should not be trifled with or interfered in until and unless that hurt other(s). To our consternation, the fanatics are girding their loins to fish in troubled water.

The government should take a

firm stand against the trouble makers. Roney One-mail

RU law department admission

Students on the merit list as well as first, second and third waiting lists who failed to attend the interview for admission in the first year honours courses under the 2004-05 academic session at the department of law and justice were asked to attend the interview on May 3 (Tues-

day). The students of the 4th waiting list were also asked to attend the interview held at the departmental office on the same day.

It seems the admission process is taking an unusually long time. Emdadul Haque Rajshahi University

Appeal to opposition

We are appearing in the "O" level exams which started yesterday. Our humble request to the opposition parties: Please do not call any hartal till our exams end. If you call hartal

we will get into serious trouble. Rishad, Anika, Saifa and others "O" level candidates, Dhaka

Reform our electoral system

Former President H.M. Ershad suggested some measures to reform our electoral system. He suggested that seats in the parliament should be allocated on the basis of the percentage of votes obtained by any party. There are both positive and negative sides of this proposal. In the last election the ruling alliance got around 47% of popular votes but

obtained two thirds majority. On the other hand, the AL got around 42% of the votes but received only around 60 parliamentary seats. Under the proportionate system, the seat difference between these two would not have been that big.

I think politicians as well as political scientists should ponder over Ershad's proposal on electoral reform. In Canada, the province of British Columbia is contemplating introduction of the proportionate system to distribute parliament seats. There will be a public referendum on this issue this month.

Rashed Choudhury Winnipeg, Manitoba