

Appointing the Advisers

M. ABDUL LATIF MONDAL

A Bangla daily (The Ittefaq) of July 6 last carried a front-page story, which revealed that four Advisers were discharging ministerial responsibilities in different ministries although there was no such provision in the constitution of Bangladesh or in any other law made thereunder. Some eminent jurists and constitutional experts of the country have expressed opinion that an Adviser can neither discharge ministerial functions nor enjoy the rank and status of a Minister/Minister of State / Deputy Minister. The discharging of ministerial responsibilities by these Advisers is in contravention with the constitution of Bangladesh. They have predicted that the case may be challenged in the court of law. Nothing has been heard from the government as yet.

At the moment, four Advisers namely Professor Jahanaara Begum, Barkatullah Bulu, Reaz Rahman and Mahmudur Rahman holding different ministerial rank have been discharging ministerial responsibilities in the Ministry of Primary and Mass Education, Ministry of Commerce, Ministry of Foreign Affairs, and Ministry of Energy respectively.

The word 'Adviser' occurs only in article 58 of the constitution providing for the appointment of the Chief Adviser and other Advisers to the non-party caretaker government. Article 58(1) says that the non-party government shall consist of the Chief Adviser at its head and not more than ten other Advisers, all of whom shall be appointed by the President. Clause (3) of the same

article specifies that 'the Chief Adviser shall have the status, and shall be entitled to the remuneration and privileges, of a Prime Minister, and an Adviser shall have the status, and shall be entitled to the remuneration and privileges, of a Minister.' During the period of the non-party caretaker government, an Adviser discharges the ministerial responsibilities in one or more ministries.

Rules of Business (ROB) made by the President pursuant to article 55(6) of the constitution for allocation and transaction of business of the government have laid down the power and functions of a Minister. All business allocated to a ministry / division shall be disposed of by, or under the general or special directions of the Minister-in-charge subject to the condition that the cases requiring the approval of the Cabinet, the Prime Minister and the President shall have been submitted to them. The Minister is responsible for conducting the business of his ministry/division in the parliament. It may be noted that the rules of procedure (ROP) made and adopted by parliament pursuant to article 75(1) of the constitution has elaborated the procedure for conducting the business of a ministry in parliament by the Minister-in-charge. The responsibilities of a Minister in parliament in respect of his ministry include, inter alia, moving for leave to introduce a bill, answering written and oral questions, moving resolutions relating to matters of general public interest and making statements on matters of urgent public importance.

Let me now discuss as to whether

the executive power exercised directly or indirectly by the Prime Minister enables her to appoint Advisers to discharge ministerial functions.

Like any other modern state, Bangladesh stands on three basic pillars: executive, judiciary and parliament. The executive authority is exercised by or on the authority of the Prime Minister. The Prime Minister has, however, not got unlimited executive power. The constitution and the ROB have determined the limit of the executive power of the Prime Minister. The executive power that the Prime

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A constitutional government cannot afford to do anything that is in contravention with the constitution. The government must be conducted according to 'rule of law' as stipulated in the preamble of the constitution. In the instant case, the BNP-led alliance government should take immediate necessary steps for removing the irregularities in order to safeguard the supremacy of the constitution.

Minister can exercise independent of their own, among others, appointment, resignation, and removal of chairmen and members of any non-statutory commission; appointment, promotion, transfer and posting of officers in certain civil and military posts; grant of permission to certain categories of public servants for private visits abroad for treatment, pilgrimage, etcetera; nominating Bangladesh citizens to important posts on executive and other organs of international bodies such as the International Monetary Fund, the World Bank, etcetera; sending messages to heads of foreign governments; sending delegation to international assemblies and

cessation of a state of war, (4) proclamation or renunciation of emergency, (5) budget, (6) creation of new corporations or companies, (7) vital political, economic and administrative policies, shall be brought before the cabinet for decision. The Prime Minister has to depend upon her cabinet colleagues for taking decisions on all such cases.

It is a fact that the President is a ceremonial head of state and he acts in accordance with the advice of the Prime Minister. The ROB contains a long list of cases that have to be submitted to the President for his approval through the Prime Minister. These include, inter alia, appointments to

power so exercised by her does not include the appointment of Advisers to perform ministerial functions.

For discharging ministerial functions and enjoying the ministerial privileges, a Minister / Minister of State / Deputy has to satisfy certain legal requirements and conditions. An Adviser cannot satisfy those conditions and requirements. First, the constitution, which is the supreme law of the republic, provides for the posts of Minister, Minister of State and Deputy Minister. Pursuant to the constitutional provision, the ROB and the ROP delineate the functions to be performed by a Minister [according to article 58(1) Minister includes Minister of State and

Minister of State / Deputy Minister has to swear to faithfully discharge the ministerial duties according to law and to do right to all manner of people according to law, without fear or favour, affection or ill-will. Similarly, in the oath of secrecy, a Minister / Minister of State / Deputy Minister swears not to communicate or reveal directly or indirectly to any person any matter which shall be brought under his consideration or shall become known to him as Minister / Minister of State / Deputy Minister except as may be required for the discharge of his official duties. An Adviser discharging the functions of a Minister / Minister of State / Deputy Minister does not take oath of office or oath of secrecy.

The political economy of fundamentalism-I

ABDULLAH A. DEWAN AND GHULAM RAHMAN

FUNDAMENTALIST Islam is simply the conservative wing of Islam, just as fundamentalist Christianity is the conservative wing of Christianity. However, the media and some politicians, often use the term to denigrate a religious group believed to be intolerant or prone to violence.

Islam, which acknowledges Judaism and Christianity as its forerunners in a single religious tradition of revelation-based monotheism, also preaches equality, justice, and human dignity. The vast majority of Islamic fundamentalists are pious people who follow the teachings of Prophet Mohammed (pbuh), promote regular attendance at mosques, reading of the Qur'an, and preach the path of truthfulness, honesty and tolerance. In Sura Al-Kafirun, Allah revealed: "To you your religion and to me, my religion."

Regardless of religions, fundamentalist ideology typically centres on three beliefs: (1) that there is one set of religious teachings that contains the fundamental truth about humanity and the deities, (2) that this truth is opposed by forces of evil which must be fought by all means, and (3) that this truth must be followed in its purest forms, and that those who espouse this ideology have a special relationship with the deities.

The conservative brand of Islam, promotes theocratic rule of governance in which Sharia becomes the law of the state. Among the adherents there are splinter groups who want to impose their will on the vast majority by violent means. These conservatives are associated with religious extremism, often violence, we call them irrational (or intolerant) religious fundamentalists (IRF) as opposed to peaceful religious fundamentalists (PRF).

IRF violence is infectious in that it spreads from one religious group to another across countries. In India, Hindu IRFs slaughtered Muslims and burned mosques, with repercussions in Bangladesh and Pakistan. Israeli IRFs violently attacked Palestinians, which met with retaliations. IRFs in the US have demanded religious prayers in public schools and some have been involved in killing doctors practicing abortions.

The IRF claim the salvation of all human problems around the world as their sacred calling, and adherence to religious doctrines and their conformity in all aspects of governance must be imposed by violent means if necessary. The August 17 bombers proclaimed in their leaflets: "We're the soldiers of Allah. We've taken up arms for the implementation of Allah's law the way Prophet, Sahabis, and heroic Mujahideens have done for centuries."

IRF movement in the Muslim world is fueled by prevailing social inequality, disrespect for religious practices, economic deprivation, lack of people's voice in governance in many countries, autocratic rule of Kings, Sheikhs, Sultans, thieves, and thugs in the Middle East, extreme wealth accumulations by a small group, extreme poverty for most, poor human rights, high unemployment, etc.

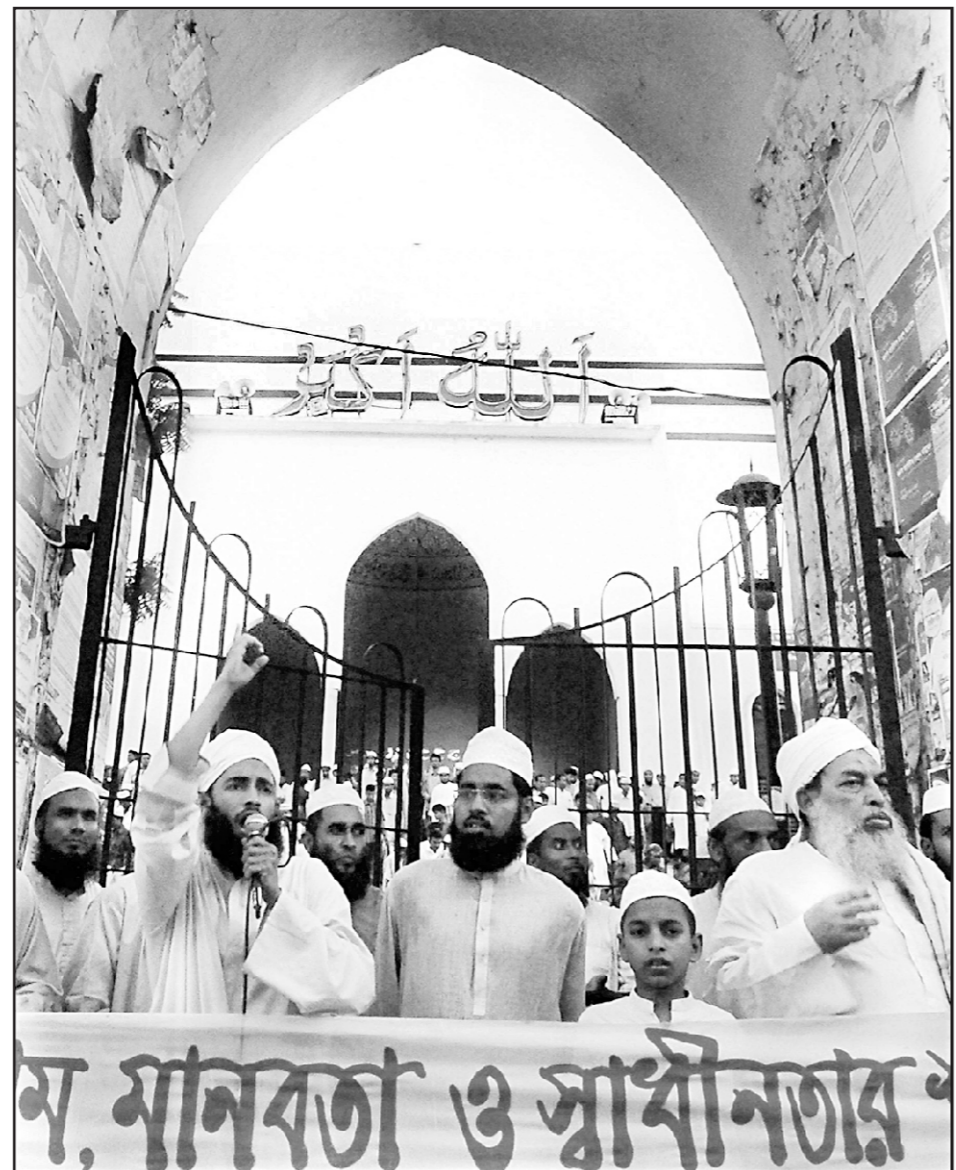
One may add to these discriminating treatment of the generations-old Palestinian cause and the Kashmir conflict, along with numerous other contentious issues around the world, and of late, the universally opposed invasion of Iraq.

These issues along with the intrusions of western culture have become the topics of deliberations in mosques, and fiery speeches in religious congregations in Bangladesh and all over Muslim world.

Until the mid 1990s, Bangladesh was considered a liberal democracy; but not any more. Although secularism was one of the four principles on which the 1972 Constitution derived its roots, its spirit was denigrated by military usurpers who rehabilitated the "razakars" in Bangladesh politics (without any public contrition for their collaboration with Pakistani army), later made Islam the state religion, and created a ministry of religious affairs. After losing power in the 1996 election, the desperate BNP leadership allied more and more with extremist religious and rightist parties.

The rule of military usurpers (1979-1990) followed by endemic power struggle between two equally corrupt and ideologically bankrupt major parties have weakened the country's political system, economic infrastructure, and international image. Since its independence, the ruling elite enriched themselves at the expense of the

The most dangerous aspect of IRFs in all religions is their indulgence in hatred and hostility against those who defy their extremism, and their justification of terrorism and murder as being "God's will." If the IRFs adhered to the principle that the purpose of religion is to teach tolerance, love and compassion, conflicts that exist around world today would cease to exist.



Fundamentalists demonstrate against extremism.

rest. The poor and the pious developed contempt for the ruling elite for their foul play with black money, bank loan fraud, lavish life styles, etc.

The perceptions of the pious and the poor are: gone are the strictures against greed, the obligations of the elite to redress the plight of the have-nots, and the demands that humanity be stewards of God's creation. Gone are the "divine injunctions to bring justice into the world, to feed the hungry, to clothe the naked, to tend to the sick, to assist the widow, to protect the orphan, and to shelter the homeless."

Bangladesh is ranked 145 out of 173 countries in the UN human development index where 25 percent out of the 140 million people earn less than a dollar per day, 30 percent earn just one dollar, and five million children make up 12 percent of the total workforce. The government is spending a very small percentage of the annual budget on health and education. According to the WHO, diseases like malaria, tuberculosis, asthma, and common diseases are killing thousands of poor people every year. Nearly 80 million people are living in shanty towns, without clean drinking water, or sanitation; only 11.2 percent live in concrete houses and nearly 70 percent have no proper housing. In rural areas, 10 percent of landowners hold 50 percent of the land, and 40 percent of small farmers own just 2 percent of arable land.

If IRF movement were to grow in any Muslim majority country anywhere in the world, there is no more fertile economic, social, and political ground than Bangladesh. BNP flirting with Jamaat-e-Islam has hastened that process. IRF movements which ignited extreme violence in

Afghanistan, Algeria, and Egypt culminated from deep economic and social crises born out of failed authoritarian regimes.

The August 17 bomb explosions did not come out of the blue. In a recent report, the New York Times claimed that 10,000 militants regrouped on January 23, 2005, under the banner of Jagrata Muslim Janata in northern Bangladesh. They demanded the imposition of Islamic laws, and were involved in violence against different minorities.

The mushroom growth of madrasas, which are overwhelmingly attended by the poor and the dispossessed are devoid of any clear goals of how their education would economically benefit them individually and help the human capital development of the country. Add to it the BNP flirting with the Jamaat-e-Islam to cling to power. With 17 seats in the parliament (by BNP patronisation), the Jamaat has been harvesting its share of alliance governance to spread the nostalgia of fundamentalism.

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The authors are, respectively, Professor of Economics, Eastern Michigan University, and former Secretary to the Government of Bangladesh. Part two of this piece will be printed tomorrow.

How to be a good victim

M SHAHID ALAM

AT last Mr Elie Wiesel has spoken of the "dispossessed" in Palestine. It is appropriate that he should do so; that is what the world has long come to expect of him. A Holocaust survivor and Peace Laureate, Mr Wiesel has dedicated his life to preventing another holocaust, acting on the conviction that "to remain silent and indifferent is the greatest sin of all."

And so Mr Wiesel speaks of the grief of dispossession in words that convey his deep empathy for the victims. In a NYT column of August 21, he writes about the "heart-rending" images of dispossession. "Some of them are unbearable. Angry men, crying women. Children led away on foot." The victims are "obliged to uproot themselves, to take their holy and precious belongings, their memories and their prayers, their dreams and their dead, to go off in search of a bed to sleep in, a table to eat on, a new home, a future among strangers."

Some of you may be surprised at Mr Wiesel's grief for the victims in Palestine. It appears uncharacteristic. Now, no one would accuse Mr Wiesel of reserving his humanitarian work only for Jews. Indeed, according to his own testimony, he is not only a "devoted supporter of Israel," he had "also defended the cause of Soviet Jews, Nicaragua's Miskito Indians, Argentina's Desaparecidos, Cambodian refugees, the Kurds, victims of famine and genocide in Africa, of apartheid in South Africa, and victims of war in the former Yugoslavia." In Mr Wiesel's world, however, the Palestinians do not qualify as victims.

Rightly, Mr Wiesel accuses the world of indifference -- and silence -- as the Nazis worked to exterminate the Jews. Yet, he too has chosen -- and as a matter of principle -- to maintain a deafening silence about the suffering of Palestinians. This is how he enunciated this principle many years ago: "I support Israel -- period. I identify with Israel -- period. I never attack, I never criticise Israel when I am not in Israel." Those words might suggest that the commitment to Israel is visceral; it is a strictly monogamous relationship.

It is not only that Mr Wiesel will not criticise Israel when he is not in Israel. Israel can never do anything that could merit his criticism. "Israel didn't do anything except it reacted. Whatever Israel has done is the only thing that Israel could have done. I don't think Israel is violating the human rights charter. War has its own rules." Israel is not only above criticism: it has always been the victim of Arab and Palestinian wars. Israel is utterly innocent.

Sadly, there is no surprise in Mr Wiesel's column: nothing to celebrate here. Mr Wiesel has not renounced his high principle. The "dispossessed" people in his column are not Palestinians: they are the illegal Jewish settlers in Gaza. Instead of commiserating with the Palestinians, Mr Wiesel is engaging in a new game of blaming the victims -- and calling attention to a new form of Jewish victimisation. Implicitly, this is his message: "There never was any ethnic cleansing of Palestinians -- in 1948, 1967, or later. All this is a lie, an anti-Semitic slur. But look at what is real. It's happening right before your eyes: the ethnic cleansing of Jews in Palestine. You can see it everywhere, on Fox, CNN, CBS, the Washington Post, and the NYT."

This is merely the latest, most ingenious move in the splendid

As this project has unfolded through wars, through ethnic cleansings, through expropriations, through an occupation that has involved an entire society in the relentless destruction of another people, how many Zionists can assert in sincerity -- despite the military successes of their project -- that their humanity is still intact, that Israelis today are better exemplars of the highest values of Jewish traditions than the generations of Jews who preceded them?



Jewish settlers evicted from Gaza

Zionist strategy to paint Israel and Israelis as victims. Israelis never dispossessed anyone. But Israelis are being "dispossessed" today in their promised land, in their own country. How tragic: they are the only Jews to be ever dispossessed by their own army. If there were ever any misgivings about Israeli intentions towards Palestinians; the expulsion of Jews from Gaza should dispel them. Look, the Israeli government will even dispossess Israeli Jews to accommodate Palestinians.

In this new role as the "dispossessed," the Israelis have new opportunities too for blaming the real victims -- the Palestinians. What is the Palestinian crime now? Faced with "the tears and suffering of the [Israeli] evacuees," the Palestinians have chosen not to "silence their joy and pride." Instead, they have organised "military parades with masked fighters, machine guns in hand, shooting in the air as though celebrating a great battlefield victory." Mr. Wiesel is telling the Palestinians that they cannot enjoy even their hard-won little victories -- for which they have paid over the last eighty years in blood and tears.

The logic by which the Zionists have blamed the Palestinians is quite extraordinary. They demand that the victim must empathise with his tormentor; he must understand his tormentor's grief, the grief that drives him to torment his victims, and the terrible grief he feels even as he torments his victims. In other words, the victims of Israel must show saintliness that is even beyond saints. If the Palestinian hates his tormentors, he is anti-Semitic. If he resists his tormentor, he is a terrorist. If he celebrates his little victories, he is insensitive.

This is the language of racial

superiority -- the doctrine that believes in a hierarchy of races, where the higher races have rights, and inferior races are destined for extinction or a marginal existence under the tutelage of higher races. Under the Zionist doctrine, the Jews are a higher race. According to some versions, this superiority is divinely ordained: God made his covenant with the Israelites not with the Ishmaelites. This superiority is also empirically established: the Zionists wanted to take Palestine from the Palestinians -- and they made it a fact.

The Israelis are not only superior in their strength. They are superior in their magnanimity. The Palestinians still live, don't they? Isn't this proof of Israeli magnanimity. The Israelis merely pushed the Palestinians out of their lands; they did not incinerate them in ovens. They blow up their houses, but generally give them time to get out of the way. Aren't the Israelis incomparably kinder than the Nazis?

Let the Palestinians celebrate their extraordinary luck: they were not expropriated by the Germans or Anglo-Saxons. The Herero in Southwest Africa, the natives in the United States, or the Tasmanians were not half as lucky. "Give up your futile terrorism," the Zionists tell the Palestinians. "Take the Bantustans we have created for you and be grateful. We have both power and money: we can reward your gratitude. If you behave we might even give you passes for day jobs in Israel. You could make a good living scrubbing floors and washing toilets."

The Zionists are incensed when the Palestinians reject this "generous" offer. "This is not in our script," they scream. The outrage is understandable. They don't expect

such insolence from inferiors. The Zionists find it hard to understand how any people could reject their claim to Palestine. But that is what the Palestinians have chosen to do; any other people in their condition would have done the same. It is this humanity of the Palestinians, ordinary yet incontrovertible, that is so galling to those raised in the logic of Zionism.

As this project has unfolded through wars, through ethnic cleansings, through expropriations, through an occupation that has involved an entire society in the relentless destruction of another people, how many Zionists can assert in sincerity -- despite the military successes of their project -- that their humanity is still intact, that Israelis today are better exemplars of the highest values of Jewish traditions than the generations of Jews who preceded them?

Israel has fashioned itself into a society whose primary vocation is to invent new stratagems, new walls, and new traps for imprisoning another people who by their will to resist continue to challenge and frustrate their will to expropriate. The Palestinians have stretched thin the ability of Israelis to retain their humanity in their role as occupiers. Those who have made it their life-long vocation to defend Israeli atrocities suffer a similar loss in their humanity. I suppose Mr. Elie Wiesel knows this all too well. Or is he so far advanced in this malady that he has become blinded by his own affliction?

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