

The dialogue drama

Mature handling called for

GIVEN the polarised nature of politics in the country, that the main opposition AL has rejected out of hand the offer made by the BNP for a dialogue on the terror threat was as predictable as it was undesirable.

The opposition has questioned the sincerity of the government in offering these talks, and has suggested that the offer is being made more for show than out of a genuine desire to resolve the crisis.

The opposition's grounds for suspicion of the government's motives may well be reasonable, given all that has preceded the offer, but to our mind, even though the opposition's grievances might be legitimate, they are nevertheless not sufficient to justify refusal to sit down for a dialogue.

What are the opposition's grievances? They make the valid point that without one iota of evidence or substantiation, senior members of the cabinet, including the PM herself, have directly implicated the AL in the bombing incidents.

Against such a backdrop, one can comprehend the opposition stance that an invitation for talks rings hollow and is merely intended for political cover. The government's rhetoric is especially irresponsible when one considers that confession after confession of the arrested have pointed the finger of blame at the Jamaat and not the AL. Thus AL disinclination to sit with the government is understandable.

Having said that, we still feel that dialogue is the best, in fact the only, option available, and that for the good of the nation, the opposition should accept the offer. The fact that they refused even to accept the letter that had been personally issued by the PM is to our mind the height of immaturity and frankly a gratuitous discourtesy.

The pre-eminent consideration should be the national interest and the will and desire of the people. The nation right now is so tense that the people want nothing more than for the two main parties to sit down to try and find a way out of the crisis.

It is our fervent plea that the secretaries general of both parties at least meet. Even such a meeting will send a positive and heartening signal to the public. All of the details down to who will be eligible to attend the dialogue can be sorted out by them.

The opposition, insofar it wants reform of election law and the CTG law, is expressly disposed towards talks with the government on some issues. That being the case, it should be prepared to meet with the government to discuss the most pressing issue of the day, the terror threat, beside which all others pale in significance.

Don't do it!

Tele-tapping, a dangerously retrograde step

WE are flabbergasted at the news that the government is considering bringing an amendment to the telecoms act to allow certain agencies to tap both land and cell phone usages, in their bid to contain the wave of Islamic militancy.

Given our culture, there is reason to believe that the law, if amended to make provision for telephone bugging, will be thoroughly abused. Every time a black law, like the SPA, for instance, was enacted, there was an arbitrary and retaliatory application of it by the government of the day against political rivals. And telephone tapping is interference with such an appliance of daily use that there will be no end to the abuse of law there -- it can be disquietingly pervasive. It presages a direct invasion of privacy and highly susceptible to subjecting people to harassment on political or personal grounds, which will do little to curb terrorism. One suspects that it might cause a major distraction among the intelligence operatives away from their main functions.

The government has more relevant areas to attend to as part of its anti-terrorism campaign. It has been a common concern with us that listed criminals were arrested, only to be released as they had links with influential quarters. Such incidents could only make a mockery of the much vaunted drive against crime. And this being the case, the point of amending a law to tap telephonic conversations becomes superfluous. What it will lead to is intimidation of people, particularly those on the wrong side of vendetta seekers and even blackmailing for fleecing money.

Obviously, people are cooperating with the law -- in some cases they have supplied vital information about militant outfits, let alone information flow from the media -- and all of this obviates the need for having a legal provision that will cause great consternation to all telephone users.

The government should refrain from doing something that will be a blow to our fledging democratic culture.

DR. ABDULLAH A. DEWAN

JMB terrorists are killing innocent judges and bystanders, threatening to blow up academic institutions and public buildings, confrontational politics are intensifying for the worse, World Bank is threatening to cut off grants for lack of procurements laws and mismanagement of funds, inflation is impoverishing the poverty-ridden people, munga condition is drawing international rebukes, and so on. As if these quandaries are not astringent enough, the government is adding another challenge to its repertoire -- the freedom of media act. But to what avail?

One minister last year suggested using Rab against journalists. Another minister denigrated the "freedom of the press" as "freedom to lie." A third minister recently suggested that shutting down these news media would eradicate the Islamic militancy.

Whacking the press at every opportunity has become second nature for many of our ministers and law makers these days which, among others, include the foreign minister and the finance minister. These two ministers who often travel to foreign countries where freedom of the media, principles of democracy, and the rule of law are cherished and upheld as sacred as their religion if not more, should be mortified for their media bashing demeanour.

Rejecting outright the Prime Minister's call for national effort to combat mounting and intensifying militancy all over the country, Awami League (AL) General Secretary Abdul Jalil said: "This proposal for dialogue is to mislead the international community and divert public attention at home." He further suggested that there are no other options or alternatives for the ruling alliance but to resign to rescue the country from the present predicament.

Staying in power at all costs

ment.

As expected, within hours of the AL rejection, BNP Secretary General and LGRD Minister Mannan Bhuiyan asked the opposition to reconsider its decision.

While this writer does not question the genuineness of Mr. Bhuiyan's call for a dialogue, he finds enough reasons to suggest that the ruling alliance has not given up its trickery of using "carrot and stick" on the oppositions. So Mr. Jalil's tendentious rhetoric that the ruling alliance wants to mislead the international community and divert public attention at home is not totally nonsensical. My own belief is that a democratically elected government loses its legitimacy if it fails to

- adhere to democratic principles of governance;

its proven mismanagement of development funds and poor governance, major donor countries, World Bank and IMF set preconditions for releasing funds to Bangladesh and in some instances, ordered the government to reimburse unaccounted for funds.

There is one but no other compelling reason why the main opposition AL should come to unhook the bone out of the throat of the ruling alliance. The one compelling reason to have dialogues is to save democracy and freedom of the media from the escalating fundamentalist fervour that threatens our very existence as a peaceful, multicultural, and multi-ethnic nation. But before the AL and other opposition parties venture such a dialogue, there needs to be a brief post-mortem of events to modify and

sponsored terrorists made the grenade attacks on Sheikh Hasina's rally on August 21 last year and killed 24 of its leaders and workers including Ivy Rahman. It also held the ruling coalition goons responsible for the killings of SAMS Kibria, Ahsanullah Master and some 30,000 party activists in last four years."

Certainly there were political killings. Although I have no evidence to refute the killings of 30,000 party functionaries, the number seems too high. However, what is irrefutable is that the chronology of political killings and brutal attacks on political rallies were meted out only on one side of the political equation -- AL and its leaders have all along been the target of political violence and

nessed the brutal killing of the former AL government's finance minister Kibria in Habiganj.

- Government use of police and other security apparatus against the 14 party alliance's grand rally and meeting on November 22 is a flagrant violation of the freedom of political association and speech.
- On December 2, 2005, Sylhet City Mayor Badruddin Kamran (AL leader Sylhet City Unit) narrowly escaped a grenade blast while speaking at the opening ceremony of a badminton tournament.

Besides, numerous violence and killings were consummated since March 6 1999. A few exam-

Every government since independence must share some culpability. The ruling alliance's four years of misrule only hastened it, intensified it, and has now blown it into an unpredictable situation that is increasingly getting out of control. How petty can a group of people be that even in these times of national despair they are subjecting the media and the opposition parties with vituperative diatribes?

The AL's insistence that the BNP alliance government must resign is not a feasible proposition for the country. On the other hand, BNP's insistence that caretaker government reform is not debatable is also a definite non-starter. For BNP it is also not a feasible option to break loose its alliance with the Jamaat-e-Islami just because AL demands it.

If BNP's association with the Jamaat is the last ditch hurdle for a dialogue between the two major parties, then only Jamaat party leaders can save the country from the boiling crisis by calling the alliance quits and thus make a small gesture as partial recompense for its misdeeds of opposing the liberation war. The BNP functionaries must realise that when the soil under the heels is crumbling, all desperate maneuverings to stay in power at all costs may steer a third force to their disgraceful ouster and to the demise of democracy and freedom of the media.

No matter what, for the sake of 140 million people, a dialogue must ensue before it is too late, and by all rationale, it should be primed on equal terms with the opposition parties. There must be give and take, forgive and forget all acrimonies, and good will must underscore all efforts from all quarters for the country's sake.

Dr. Abdullah A. Dewan is Professor of Economics, Eastern Michigan University, USA

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- enforce the rule of law uniformly to all citizens;
- punish corrupt politicians and bureaucrats;
- ensure accountability and transparency of governance;
- provide security to life and property of its citizens.

The time has come for the ruling alliance to realise that they have failed to a great degree in all five aspects. It is they who are responsible for defilement of the country's image -- not the media. AL's recurrent hartal observance certainly did not help the country's image and the economy. But in many instances the government through its overzealous actions and challenges insinuated many of the hartals and lockouts (e.g. November 23 and 24 hartals) to say the least.

However, the ruling alliance is the first government which, because of

edify the ruling party's current and future behaviour, if at all possible.

The way the ruling alliance has been treating the opposition and the media makes it increasingly evident that we chased out the Pakistani thugs from our soil only to substitute a brand of our own. Those who agree, please fasten your seat belt.

Only people who want to cling to power at all costs but seem running bankrupt in wisdom can make all those asinine accusations against the same media which fought and brought freedom to some of the same people who are enjoying the glamour of power now.

So if AL decides to participate in a dialogue, it must set a precondition with freedom of media as an untouchable institution of public trust.

The AL central committee meeting on December 2 noted that: "State-

extremist's target. Some notable incidents are:

- On August 21, 2004 the frightful grenade attack in front of AL office in Dhaka killed many and gravely injured dozens. Sheikh Hasina had a hair-breadth escape.
- On August 7, 2004, a bomb attack on an AL meeting in a Sylhet city hotel left office secretary of the city unit killed and more than 30 seriously injured.
- Subsequently, the country has watched with horror and abhorrence bomb explosions at various political rallies and assemblies which included AL office in Narayanganj, Bagherhat and AL meetings in Sunamganj, to name a few well publicised ones.
- Earlier this year we also wit-

ples are: March 6, 1999 bomb explosion in Jessore; October 8, bomb attacks on Ahmadiyya religious centre in Khulna; grenade attack on the British High Commissioner on May 21, 2004 in Sylhet; the August 17, 2005 country-wide synchronised bomb explosion, and recent suicide bomb attacks in Chittagong and Gazipur.

All these indicate that the terrorists killed political functionaries belonging to AL, innocent bystanders, minorities, and judges. This writer could not find a single incident in which attack on any ruling alliance functionaries were targeted in recent times. Could the reason be that the terrorists know that if they kill some lawmakers and ministers, they might inadvertently kill one of their own?

The current predicament of Bangladesh was not built in a day.

G. M. QUADER

I have gone through the report titled 'Four years of Jamiruddin Sircar: Putting party before parliament' by Shakhawat Liton in The Daily Star dated October 30, 2005 and a subsequent contradiction by Barrister Ziaur Rahman Khan MP, titled 'Whose is the bias? Is the Speaker "putting party before parliament?" published in the same news paper on November 9, 2005. While I endorse most of the views expressed by Shakhawat Liton, I would like to add the possible reasons for the lapses and put forward some suggestions which, I believe, if followed might improve the situation to some extent.

State consists of three major organs, Executive, Legislative and Judiciary. If we conceive state as a structure it may be considered supported by three pillars as above. To ensure strength and stability of a structure it is necessary that the supporting pillars should be placed separately and be more or less of equal length and strength. So the three state organs -- executive, legislative and judiciary -- should be independent of each other and hold similar scale of authority and influence in the overall statecraft.

The head of Executive is the Prime Minister. The heads of the other two organs like Legislative and Judiciary are the Speaker of the Parliament and the Chief Justice of the Supreme Court. The provisions of the constitution in respect of appointment of the said three heads of state organs are as the following:

As regards appointment of Prime Minister, Article 56 (3) says, 'The President shall appoint as Prime Minister the member of Parliament

who appears to him to command the support of the majority of the members of Parliament.' Naturally, the party or alliance which can win majority number of seats in Parliament would elect Prime Minister from amongst them. Generally, it is the leader of the majority party or alliance who is elected to take over as the head of the executive organ. As per the provisions of Articles 55 and 56 the government is formed to run the executive functions of the state.

Chief Justice is appointed as per Article 95 (1) as 'The Chief Justice and other Judges shall be appointed by the President.' How that appoint-

'Parliament shall at the first sitting after any general election elect from among its members a Speaker and a Deputy Speaker, and if either office becomes vacant shall within seven days or, if Parliament is not then sitting, at its first meeting thereafter, elect one of its members to fill the vacancy.' Rules of Procedure of Parliament in article 8 and 9 provide the detail of that election process of Speaker and Deputy Speaker in line with the constitutional guideline. It is evident that in the absence of any other provision the ruling party or alliance due to their majority number in the

This clearly makes the positions vulnerable to the wish of the government party (which has majority in Parliament) specifically that of its leadership or Prime Minister in the present day context of Bangladesh.

So there should not be any doubt that Government Party leader or Prime Minister in case of Bangladesh is the appointing authority for the positions of Speaker and Deputy Speaker. The same authority also holds the power of removal of the above two persons from their office any time as per desire.

As such, the head of Legislative is not in a position to perform free of

seek re-election from the same party in the next general election and as such remain active members of the party. As party members they must have allegiance to party leadership and accept the Prime Minister who is also the head of the party (in the present case) as their boss. Moreover, it should not be forgotten that they need to seek nomination from the same authority for contesting the election in order to be elected again. Is it possible for them not to consider government party closer to them compared to the opposition and behave accordingly? Is it possible for them to

reason.

The solution lies in making the Legislative independent and functional. Speakers must perform neutrally and earn the confidence of the opposition bench as non-partisan. To ensure that, in many parts of the world Speakers are elected and removed by two third or three fourth majority votes of Members of Parliament in place of simple majority as exists in Bangladesh. There remains a possibility that in most cases, this amendment might provide opportunity for the opposition bench members to play some role in the election or removal of Speakers. Also, this might create a scope for sharing the two positions of Speakers between the treasury bench and opposition. In case this provision is made, treasury bench and its leadership would not be able to make appointment or ouster of Speakers as per their whim. Moreover, this may balance the running of Parliament due to the fact that sessions would be chaired periodically by Speakers from both treasury and opposition bench respectively.

In some countries, there is a convention that the Speaker's constituency is not contested by other political parties. This allows the Speaker to be free from the worry of re-election and thus makes space for behaving non-partisan. In order to achieve functioning of Speaker as independent and neutral the position of Speaker must be made more stable and strong. Speaker must also be ensured of a safe political future free from the scope of arm twisting by party leaderships.

G. M. Quader is an MP.

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ment would be decided by the President is stated in Article 48 (3) 'In the exercise of all of his functions, save only that of appointing the Prime Minister pursuant to clause (3) of article 56 and the Chief Justice pursuant to clause (1) of article 95, the President shall act in accordance with the advice of the Prime Minister.' The point here is that the President is free to appoint Chief Justice and he would not have to take clearance of the Prime Minister for doing that. Appointing authority of head of Judiciary is President and not Prime Minister who is the head of another organ of state that is Executive.

But, head of Legislative, the Speaker or Deputy Speaker of Parliament, is elected by the single majority vote in the Parliament. Article 74 (1) of Constitution is

Parliament would be in a position to fill up both the positions of Speaker and Deputy Speaker from amongst them.

The positions are decided in practice by the leader of the government party or alliance that is the Prime Minister in the context of present Bangladesh. It may be mentioned here that any decision taken at that level becomes binding for the rest of the MPs of the ruling party (who constitute the majority number in Parliament) as per article 70 (1) of the constitution which prohibits Member of Parliament of a party to go against his/her party line.

Article 161 of Rules of Procedure of Parliament has stated in detail the process for removal of Speaker or Deputy Speaker from office. It is seen that the same can be decided by simple majority vote of the house.

influence of head of Executive organ who decides his/her appointment and has the authority to oust him/her any time as per wish.

The present government has utilised their numerical superiority in Parliament to remove a veteran party MP elected by them as President virtually accusing him to be behaving neutrally. Under the circumstance and in the prevailing political scenario is it possible for Speaker or Deputy Speaker to make any effort to function independently free from the control or influence of the ruling party leadership or Prime Minister without the perpetual fear of being thrown out of office? It is surely very difficult if not impossible.

Speaker and Deputy Speaker are selected from amongst the government party MPs. In most cases they

behave neutrally? It is felt that if some body tries to claim neutrality under the existing circumstances there would always remain a doubt and the same may not be considered genuine.

It is natural that Speaker and Deputy Speaker would put their own party (government party in present case) before Parliament. They would try to see the interest of the treasury bench and would follow the dictates of the ruling party leadership specially the Prime Minister. As a consequence in Bangladesh Legislative fails to become independent and acts subservient to Executive. As such, the state is not supported by all three pillars of equal size and strength in Bangladesh. The structure of Bangladesh State may not be considered stable or strong for that

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.

BNP's task

It's time for BNP to contest the general elections ahead to test its popularity and mass appeal.

The recent bomb attacks by religious fanatics is not giving the regime the benefit of the doubt.

How about a snap election this winter?

It was rightly pointed out in your editorial (16/11) that Islamic parties took advantage of the tug of war between AL and BNP to gain a foothold. Let these extremists contest in the election openly. Time for a non-violent showdown. Get it out of the system.

A Mawaz

Dhaka

"Full circle"

I was highly impressed by Megasthenes' analytical, rationale, objective and fair write-up the "Full circle" (DS 14.11.05)

He has rightly described Gandhi, Jinnah and Nehru as remarkable men and his comments helped to remove many misgivings and cobwebs surrounding the founder of Pakistan. Jinnah worked with sincere conviction and honesty to free India from British colonial rule and to maintain a united India but, he was disillusioned by the Indian National Congress (INC) leaders' backpedaling on the promises, understanding and pacts. Then he called for a homeland for the Indian Muslims, for he feared the latter would be relegated into the background in a united and undivided India.

The INC however was not forthcoming. Instead, it ridiculed Jinnah's apprehension of Muslims getting submerged by a brute majority.

The INC brazenly pronounced that "Jinnah and the

Muslim League were declining with boyegays and were unworthy of serious consideration and that Jinnah's political organisation was a mere nuisance."

Jinnah felt exceedingly indignant with the attitude of the Congress leaders who refused to accept his hold over the Muslim community and even a person of Nehru's stature and intellect absurdly remarked that "Ten Jinnahs cannot be equated with a single Congress Party political worker or activist" to which Jinnah in disgust described Nehru as the "Impetuous Pundit".

The INC failed to accommodate the legitimate aspirations and the genuine demands of the Muslims but claimed to be India's premier political organisation and the spokesman for all the communities inhabiting India.

Robert Kader, Chittagong

Judge resigns

Assistant Judge of Barisal, Mr. Chowdhury Hafizur Rahman, has resigned. He sent his resignation to the ministry from London, where he is on a study leave that just earned him a Bar-at-Law. In an interview with the BBC, he explained that his resignation is a protest to recent killing of two judges. He also considers his action a mark of respect to his deceased colleagues. We share his concern, but we don't agree with his method of protest.

Bangladesh is not the first country to face such senseless carnage. There has been terrorism in warlike fashion: 9/11, London subway, Madrid, Bali. We haven't heard people resigning in America, England, Spain, or Indonesia to protest or respect. Rather, they returned to their everyday lives as

quickly as possible, showing a steady resolve not to let terrorists change their ways. In our country, after the initial shock of Ramna blast, common people deliberately regrouped there and went on with their cultural activities.

These self appointed guardians of truth have a declared agenda of destroying our judicial system. By resigning, Mr. Hafizur Rahman served their end.

Ashish Ahsan
Uttara, Dhaka

France's image

People should stop throwing stones at a glasshouse. France may not be a perfect example of racial harmony and integration but where does one find one? There is no excuse for immigrants to riot and destroy public properties, this achieves nothing. The trouble has instead hardened public attitude towards the immigrants. Ironically,

these troublemakers have more rights in France than their country of origin. Who can blame the French if they started identifying their immigrants? People should not expect that a host country should quickly accommodate every wishful thing that an immigrant wants. People have to work for it! There is no free lunch for immigrants or for France's own citizens. The choice is simple. Follow the laws of the land and work within it or move elsewhere!

Dev
Boston University

Nepal situation

Your article on King Gyanendra and Nepal's present condition grabbed my attention. I could not stop myself agreeing with it and writing a few words. King Gyanendra dismissed Nepal's Coalition Government and seized power nine months ago, which surprised the whole world.

Now it seems that the King and his government have started to panic about the conflicts going on with the Maoists. I think time has come when the King's direct rule will be put to an end.

Marjanul Hassan Shapla

Rampura, Dhaka

Cancellation of award ceremony

The cancellation of the Daily Star Award Ceremony 2005 has broken a lot of expectant hearts. The Daily Star Award giving ceremony held each year inspires a lot of O' level students to work hard and make extra efforts. When these students get six or more A's they start waiting expectantly for the day they would receive a form for the DS Award which they would fill up happily and then wait for the big day. They wait impatiently for the day when the awards would be handed to them in front of their

parents and teachers. When they receive the award they go back home with great joy in their hearts. This year the same thing was also happening to us, we had filled our forms and were waiting with great enthusiasm until the day the cancellation of the ceremony was announced. The decision was not fair, I acknowledge that the money has been spent to serve a good purpose but could not the ceremony be suspended and held sometimes later instead of being cancelled? I also admit that the candidates deserving the award will receive their certificates, but would we be feeling the honour of being on the stage, viewed by hundreds of people? Why should we be deprived of this honour?

Nazmee Kabir

Shantinagar, Dhaka