

## Decision time

MOZAMMEL H. KHAN

THE much-awaited dialogue that has been taking place between the secretary general of the main component of the ruling alliance and general secretary of the principal constituent of the opposition alliance has dragged on.

If the comments of a few senior leaders of the two sides bear any merit, it does not foretell any good news for the people who are keeping their fingers crossed for the fruitful outcome of the dialogue which is supposed to pave the way for a free and fair election.

The prime minister in her uninterrupted crusade against the opposition is publicly accusing them for indulging in conspiracy to come to power through the back door and asking them to take part in the election if they have the trust on the people. Her speeches absolutely ignored the dialogue that her secretary general is carrying out with his counterpart of the opposition camp.

Even on October 11, the PM categorically said that the would-be chief adviser of the next caretaker government and the incumbent Election Commission (EC) are completely neutral for conducting the forthcoming elections.

In her valedictory speech in the parliament on October 4, she said: "Days of rigging elections are gone as people of the country are very much aware of their rights of franchise. There is no way to change the results as voters are much aware, contenders are powerful and observers and media remain active."

Her lectures sidetracked the story of how the Dhaka-10 by-election was won in the heart of the capital city itself in spite of blatant evidence of vote rigging published in the print and electronic media and in broad day-light presence of the local and international observers.

In the same speech, the PM,

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probably for the first time, acknowledged that the 1996 election under the caretaker government was free and fair, which squarely contradicted her five years of ceaseless accusations as the opposition leader that the election of 1996 was rigged by the AL. Even her party's MPs took the oath only under international pressure.

In a democracy, the ruling party runs in the election more on its record than promises. Unfortunately, in the alliance ruled Bangladesh, the records were created, not on the good governance but on the committed misdeeds of the government. This government has put its hands on every sphere of the state, resulting in systematic destruction. The extent of the civil bureaucracy and judicial organ of the state has been politicized will make it difficult for any future government with noble intention to practice good governance.

Corruption in every nook and corner of the government has reached such a stage and has been rewarded to such an extent, where the power secretary becomes the rule and the quitting power minister becomes the exception, and in the alliance ruled Bangladesh, rule always prevailed over the exception.

One might wonder why the alliance government, following its massive victory in the last election, resorted to the route of misgovernance or no governance rather than the one to earn the trust of the people. The hypotheses that could be put forward are as follows:

The previous AL government, in spite of its failures to control a handful of its terrorist godfathers, had a

number of remarkable successes to its credit, such as self sufficiency in food, control of prices of essential commodities, water treaty, CHT peace treaty, successful management of 1998 flood, non-politicization of judiciary (Justice Aziz and Justice Jaiyal Abedin were confirmed by the AL government), and to a great extent the civil administration (neither of the IGs of police had AL affiliations) and the non-partisan head of state.

There were no specific godfathers, as exist today, or alternate seat of governance during the AL rule. There happened no Kansat, Phulbari, or Shanir Akhra in any part of the country. People, in thousands, did not take to the street at the wee hours of night to demand the essentials of life. It was not only believed by the AL leaders that they would be returned back to power in any fair election, people in general had the similar perception.

With this conviction in mind, AL did not try to play with the CTG and the EC. The only member of the EC who was allegedly a participant of the "janata manch" did nothing in his tenure that would create any controversy to undermine his constitutional responsibility. The AL supporters in general believed, in addition to anti-incumbency factor, it was the CTG's bias and the inaction of the non-partisan president to prevent that bias, that deprived them of the victory.

From the very first day of its victory, BNP started doing what the AL did not do. BNP activists did not reciprocate the generosity shown on them by their adversaries in their moment of despair in 1996.

Quite to the contrary, the unprecedented prosecution and persecution of the AL supporters by the activists of the ruling alliance had no parallel in our history.

BNP party-men have amassed huge wealth through unbridled corruption, as money plays an important role in the election, and created an alternate source power to control everything that matters to the next election. They even replaced their own man with a loyal one from the Bangabhaban as soon as he started behaving like the president of the republic, not of the party.

They have manipulated the EC by the putting their own men in the body. These people are not only blindly partisan and devoid of ethical values; they even lack "the same sense of Honour as the rest of us." They have amended the constitution with the objective to put a particular individual at the helm of CTG to avoid the similar debacle as faced by the AL in the last general election.

Earlier I wrote two pieces lauding Justice KM Hasan as a decent gentleman, albeit a staunch Zia loyalist, my perception through my limited encounter with him while he was our ambassador in a country where I was a university professor. I am on the verge of re-evaluating, painfully observing that Justice Hasan is keeping the whole nation hostage by insisting himself, through his silence, on the agenda of his former party's bosses. In fact, his apparent disinclination to relinquish the point only increases the mistrust.

Yes, Mr Tom Daschle, in North America, Europe, or even in our very neighbourhood in India, past

political affiliation should not be a barrier in holding a neutral position of the state. However, would you find in your country a retired chief justice who, in spite of the lack of trust of the bulk of your countrymen, would not feel embarrassed to accept a position that would pilot the most arduous democratic journey of your nation?

In fact, resolution of this single issue would pave the way for the solution of the other problems. A strong and neutral chief of the CTG would be easily able to reconstitute and reform the election commission, exactly the way Justice Shahabuddin Ahmed did in 1990 and Justice Habibur Rahman did in 1996.

It is not the outcome of the dialogue (which looks very bleak at this time), but only the love of Justice Hasan for the country, not for his former party, that could save the day. It could prove disastrous for the BNP, since it might be too late for the BNP to afford a fair election, but would provide the much-needed respite for the nation.

Time is running out very fast for Justice Hasan to make the much-awaited decision. If he fails, the country, in all probability, will plunge into deep turmoil. If that happens, it may not be as much as Khaleda or Hasina, but a retired chief justice of the nation's highest court by the name of Khandaker Mahmud-Ul Hassan, who will be unequivocally blamed for leading the nation into that irreversible catastrophe.

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## LEST WE FORGET

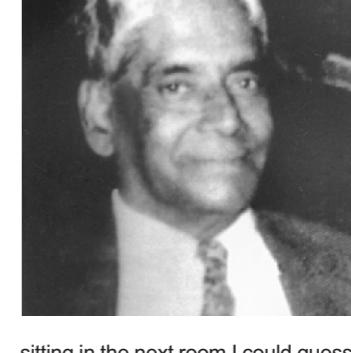
# Justice Muhammad Ibrahim

BAHAUDDIN CHOWDHURY

determined effort in the cabinet for what he wanted to achieve. It was because of his initiative the revolutionary Muslim family laws were enacted, which gave liberty and democratic rights to a large extent to the women.

Justice Ibrahim was involved in many momentous decisions like setting up a second capital in Dhaka that was taken as per his proposal. It was also decided that an imposing parliament building will be established with permanent seat of the legislature. This building under the design of famous architect Louis Khan stands today as a landmark site of Bangladesh and it is the contribution of Justice Ibrahim. A sub-committee was constituted under foreign minister Manzur Quader to examine the report of the constitution commission set up by the government. Other members of the committee were Justice Ibrahim, AK Khan, Shobek and Bhutto. Justice Ibrahim on May 6, 1961, wrote to Ayub Khan "the unity and integrity of Pakistan is the main consideration and the national cohesion depends on the spontaneous consent of all to live together -- these are the fundamental elements of national unity and as such need to be preserved with great care. To that end it is important to eliminate mutual suspicion and distrust and also the sense of discrimination and exploitation -- particularly the yawning gap of economic disparity between the West and East Pakistan must be bridged and there is a need to recognise two parts as two separate economic entity. He clearly told the sub-committee that the central government's control will be only defence, foreign affairs, foreign exchange and communications between the two parts of Pakistan while the rest will be handled by the provincial governments.

They accepted him as the president of the East Pakistan Association and in this capacity he extended help and assistance not only to the Bengalees in the then West Pakistan but also those lived abroad. I feel greatly honoured as he consulted with me on many matters because of my proximity with him. I was fortunate to learn many things and my small arena of knowledge was enormously embellished. At times he would take me to the cabinet meetings and



sitting in the next room I could guess the heated arguments he entered with Ayub Khan on many issues. He was otherwise a calm and soft-spoken person, but never failed to rise to the occasion whenever it was a matter of interest of East Pakistan and Bengalees. He used to argue forcefully for increasing the representation of the Bengalees in the armed forces and central government. He would always project the discriminations against East Pakistan and would make strong plea for substantially enhancing the allocations for development of East Pakistan. He was totally uncompromising on these issues. Justice Ibrahim remained an embodiment of this struggle till the last day of his ministry in the central government.

After I joined the Bureau, I was told to write and read out at a seminar an article on "National integration: Relations between West and East Pakistan." As I expressed my support for making Bangla as the state language of Pakistan in the initial stage of my article, I was threatened to be sent to jail as a sequel to an alteration on the article with the additional director of the Bureau. There is no denying that I was unnerved and turned to law minister Justice Ibrahim like most of the Bengalees government servants as he was seen by them as a "friend in needs". He made me his private secretary and arrangement was made for my accommodation at the 303, Peshawar Road, Rawalpindi, residence of the minister.

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the law minister left his family at Dhaka as his differences with the president had already crept up and he was prepared to resign any time. My wife was also in Dhaka as she worked at the Eden Girls College and I had plenty of time to watch justice Ibrahim. I saw him restless and disturbed as he was soon disillusioned about Ayub Khan and began realising that he was taken for ride on false promise. Ayub Khan made him law minister for helping him formulate a modern, secular and democratic constitution. Popular politician Shaheed Shurwardy had also become law minister of Pakistan government for enacting a constitution and holding national elections. Justice Ibrahim accepted the offer in Ayub's cabinet with the same intentions.

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