

REMEMBERING THE MARTYRED INTELLECTUALS

They shaped the psyche of the nation

It is the writers, poets, artists, singers, playwrights, journalists, stage artistes, teachers, columnists, and social thinkers in a society who carry out that arduous task of rekindling the flame in the hearts of the millions so that their souls get illuminated and they could separate right from wrong. And the intellectuals of Bangladesh had been doing that to the best of their ability since the 1950s, especially more vigorously since the Language Movement in 1952. Since that historic moment they never put down their pen until victory became theirs.

SHAHNOOR WAHID

THE elements that go into shaping a nation's destiny and preparing it for the ultimate goal -- freedom from the subjugation of another nation -- were evidently present in this part of Bengal. Through diverse, often perilous, socio-political progression, the people of the land attained that freedom in 1971, and established the independent state called People's Republic of Bangladesh. The cherished goal, with its inevitable finality, came after a nine-month long War of Independence,

officially beginning on March 26, 1971, and ending on December 16 of the same year. In many strange ways the saga of the Bengalis would remind one of epics of Homeric proportion, more like the trials and tribulation of Ulysses on his way back to his home, Ithaca. The Bengalis, each a Ulysses prior to finding Ithaca, drifted in the haze of treachery and deceit that was Pakistani rule for painful 23 years. Like Ulysses, Bengalis had to endure many adversities -- some deceptive, some threatening in nature -- in their quest for equality and equity in sharing state power.

The undercurrent of denial became conspicuous right from the creation of a flawed country having two wings separated by a thousand miles of another independent country. The bizarrely deformed nation was doomed to die prematurely, which it did in 1971.

If the geographical distance was conspicuous, the cultural, mental, and intellectual difference between the peoples on the two sides of the divide was overwhelmingly wide. The Pakistani rulers were clever enough to foresee the predicament and lost no time in installing a mechanism, a coalition of civil and

military forces, for plundering the wealth of Bengal before the time came to pack up. With the help of some local quislings, Bengali and Urdu speaking, Pakistani military rulers and a hoard of traders began the process of denuding Bengal of its pristine resources in the name of tarakki and tamaddun (development).

They needed a potent drug to dope the simple-thinking people of the land so that they could not perceive the ulterior motive. And what else but religion could come to their help? The Pakistanis fully capitalized on the religious sentiment to allure and coerce the simple thinking but hard working people of Bengal. They kept pointing their fingers at India, and made serious attempts at fanning an anti-Indian jingoism or xenophobia to divert the attention of the Bengalis from their furtive scheme of plundering. "Islam khatriy may hai" (Islam is in danger) became the infamous slogan of the time.

But Ulysses never lost the sense of the direction of land, even for a moment. He never lost the zeal for survival; never lost the will to fight back against the evil, and never wavered from his mission to reach home. When Bengalis began to see clearly through the haze of Pakistan-made Islamic frenzy, the saga turned into a manuscript of mayhem. The chapter of overall resistance began from here on.

But resistance needs guidance. To resist effectively one needs knowledge. To resist a powerful enemy and to reach the ultimate goal requires imbibing certain essential knowledge and principles that go into preparing the collective psyche of the people to take up arms to attain freedom. Before charging for that final goal, the mind and soul of the people need to be imbued with the essence of the elements -- patriotism, love for tradition, language, culture, and customs -- so that the ethos of freedom finds its roots deep in the

soul. Once the emotion and the rationale successfully converge at a given point to forge an inseparable bond, the march along the path for victory turns out to be an idyllic journey.

But who would imbue the people? How would the elements of emotion or rationale be instilled in the souls of the masses? Can such molding be done in one day, in one month, in one year? Obviously not. Then again, who are best suited to mould the thoughts of the masses and prepare them for greater suffering and sacrifice before pushing for the shore in the distance, as Ulysses did?

It is the writers, poets, artists, singers, playwrights, journalists, stage artistes, teachers, columnists, and social thinkers in a society who carry out that arduous task of rekindling the flame in the hearts of the millions so that their souls get illuminated and they could separate right from wrong. And the intellectuals of Bangladesh had been doing

that to the best of their ability since the 1950s, especially more vigorously since the Language Movement in 1952. Since that historic moment they never put down their pen until victory became theirs.

In their newspaper articles, short stories, poems, plays, songs, in seminars, meetings, and social interactions, the intellectuals of Bengal boldly and blatantly spoke about the economic exploitation of the people by the corrupt rulers from Pakistan. Some of the politicians of the land began to speak openly in public meetings about the disparity that existed between West and East Pakistan and demanded equal share if not more in the distribution of wealth. But the Pakistanis were not in the mood to listen and comply. Sensing a greater movement brewing in the imminent future the military junta, in cahoots with an equally corrupt civil administration, accelerated the pace of plundering and torture.

Bengalis realized it was time for total freedom. Their eyes had opened up and they had come out of the haze. Now they had knowledge and they are ready for nothing less than total independence. The intellectuals had done their duty well. Now it was time for the students, teachers, workers, and farmers to meet on the battlefield to defeat the enemy and snatch victory. Ithaca had been sighted. The final battle remained.

It came in the shape of March 25, 1971. The brutality of a well-armed enemy got befitting reply throughout the swathe of the landscape for nine months. On December 16, the hyenas accepted an ignoble defeat and receded to the bushes to lick their wounds. In the month of December, Bengalis the world over remember in silence the sacrifice of the martyred intellectuals. We shall not forget them.

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Is 90 days written in stone?

DR SAADAT HUSAIN

ARTICLE 123(3) of the Constitution enjoins that a general election of the members of parliament shall be held within 90 days after dissolution of parliament. No Proviso is attached to this clause.

Clause (4) of the same article deals with the time limitation for by-elections. The clause enjoins that by-election for the vacant seat of the parliament has also to be completed within 90 days after the seat has fallen vacant.

This clause has been qualified by a proviso which allows the CEC to extend the time for holding by-election for another 90 days only on account of "an act of God." By-election, according to constitutional provision, cannot be deferred for any reason other than "an act of God."

Evidence shows that in the last few years, we had at least three cases where by-elections were not held within 90 days. "Act of God" was not cited as the reason for not maintaining the time limit in any of the three cases: (i) election in Dhaka-10 constituency, due to vacation of seat by major Abdul Mannan (Rtd), (ii) Comilla-8 constituency due to demise of Col. Akbar Hossain (Rtd), and (iii) Dinajpur-3 constituency due to demise of Mrs. Khurshid Jahan Huque.

Besides these, election in Bhola-1 constituency in the 7th parliament was not completed, such that the constituency

remained unrepresented throughout the parliament. The parliament consisted of 299 MPs (plus 30 women MPs in the reserved seats) instead of the constitutionally mandated 300 MPs (Article 65). This was clearly a violation of the constitutional provision.

The above evidence perspicuously demonstrates that constitutional enjoinments regarding time constraint or composition of the parliament were not adhered to on more than one occasion. Apparently this did not trigger any constitutional crisis. The revealed reality points out that the time constraint is an injunction which is neither precatory nor rigidly inviolable. It is apt to be dominated by the ground reality.

Non adherence because of court's order or some other insurmountable obstacle does not invoke any drastic consequence for the parties involved in the process. In fact, so far no person has been brought to task for ignoring constitutional obligations without compelling reasons.

Such inherent craters and crevasses bring into sharp relief the weakness of the Constitution of Bangladesh. Consequences of violating the provisions of the Constitution are conspicuously absent in the whole shebang.

This may explain why successive governments have ignored or violated with impunity the constitutional provisions regarding Ombudsman (Article 77), separa-

tion of judiciary (Article 22), formation of elected local governments (Article 59), and placing of all international agreements in the parliament through the president (Article 145A).

The upshot of the discussion is that we must make every effort to hold the election within 90 days as prescribed in the Constitution. No intentional dilly-dallying in this respect should be condoned. Constitutional enjoinment should never be taken lightly.

The Constitution is not a religious book, it is not however a pocket thesaurus either. It has to be respected and followed to the best of our ability. Despite our best efforts, if we find it impossible to follow the constitutional provisions in letter because of ground reality, we should not be unnerved so long we are determined to follow the spirit strictly.

The spirit is that we must hold an acceptable general election at the earliest and must not betray any fiendish tendency to delay the process. In order to follow the spirit, the acceptable standard of the elections must be maintained at any cost, even if it implies release of the time constraint.

The way out from any unavoidable quagmire is provided in Article 106 of the Constitution. The Supreme Court as the apex interpreter and protector of the Constitution may proffer its supreme ruling about how to overcome the impasse. The nation will

abide by the ruling without question. It is not a unique phenomenon. Such ruling has been delivered in many countries, including ours.

One point needs to be clarified at this stage. The time constraint for holding elections within 90 days applies to the Election Commission; it is not in any way relevant for the tenure of the caretaker government. The tenure of the caretaker government extends up to handing over power to the next elected government, marked by the oath-taking ceremony.

The CTG may remain in power for a few more days after the elections if the elections result in a hung parliament or if the formation of the new government is delayed for any other reason. The responsibility of making all efforts to hold the elections within the prescribed time limit lies with the Election Commission; the CTG has to provide all "possible" aid to the Election Commission for holding "peaceful, fair and impartial" election for constituting the national assembly.

It is therefore incumbent for the EC to work in close co-operation with the CTG to hold fair and impartial elections within the time range, as prescribed by the Constitution or the extended time as ruled by the appropriate court.

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WALIUL HAQUE KHONDKER

GOING into the elections with a voter list that is flawed to the extent of 13 percent false voters, and 2.5 percent of existing voters missing from the list damages the credibility of such elections. An election conducted with such a voter list will be a travesty of democracy.

The current methodology adopted by the Election Commission to correct and update the voter list is unlikely to produce the desired results. The EC should be pro-active and infuse some fresh ideas to rectify the voter list to the satisfaction of the general public, and the eligible voters in particular.

One such idea could be to take advantage of information technology. Let me explain how IT can help. Even in the recent past, many in Bangladesh were quite skeptical about the success of submitting DV-2005 application forms on-line as per the requirement. Hard-copy applications were not accepted.

What was the result? Even a person who had never seen a computer before could eventually submit the form! Necessity for migration to the greener pastures of the US led to the wide use of IT in Bangladesh. It also revealed the power of private sector IT in Bangladesh. We saw a mushroom-

ing growth of cyber-cafes even in small towns of Bangladesh, where the village based intending applicants could, at a minimal cost, fill up their "dream" applications.

Now it is all up to the EC, whether they want to use IT or not. I would urge the honourable members of the EC to give it a try, and they will be surprised to see the abilities of the so-called impoverished and illiterate people of Bangladesh. If the impoverished women of Bangladesh could win the Nobel Prize for Peace, a correct and flawless voter roll is far too simple a goal for them to achieve. The true lessons of Grameen are that people should be trusted, and all they need is an enabling environment for success.

This is how you can help. To start with, the Election Commission must upgrade its current web site, www.ecs.gov.bd to something more useful and user-friendly for those who want to visit it. It lacks even the basic feature like FAQ (frequently asked questions) which even the website (www.ecp.gov.pk) of Election Commission of Pakistan has got.

This is an essential tool to tell the voters about "who," "what," and "how" of voter registration in particular, and conduct of an election in general. Relevant forms for the voters to register or to de-register must be made easily accessible. User-friendliness and easy acces-

sibility to these forms in the website (www.eci.gov.in) of the Election Commission of India may be seen as examples.

To use IT as a deliverer from the current task of rectifying the electoral roll for general election 2007, may I humbly put forward a few suggestions which may duly be deliberated upon with the web-site related IT specialists, and executed to attain the desired objective, i.e. to go for the polls with a correct and up-to-date voter list.

- 300 pdf. files containing voter rolls of three hundred parliamentary constituencies may immediately be uploaded for public viewing. We are already aware of the existence of such voter rolls in compact discs (CDs) with the Election Commission.
- Forms 2, 7, and 9 to be uploaded for registration, inclusion of names and deletion of non-available voters. These forms must be accessible, downloadable and printable easily. All the 83 district election offices ought to be raised to this task with out-sourced assistance from the local cyber-cafes.
- Accept filled up forms on-line, if possible, or else printable downloaded forms ought to be accepted without problem, which will be duly signed or thumb impression imprinted by the voters. 9 deputy election commissioners may be

assigned with the task of over-seeing acceptance of these voters in their respective regions and scrutinizing the voter rolls of their respective divisions.

- As a test case, on-line registration of voters for the parliamentary constituencies comprising Dhaka and Chittagong metropolitan areas may be introduced and accepted as valid.
- Assign private sector IT companies, to undertake the task in the six divisions of the country under supervision of the deputy election commissioners. This will speed up the process of voter roll rectification within the given time frame.

There is a general impression in the public that it is only the political parties who insist on a correct voter roll, and the EC is averse to it. In fact, the reverse may be the case. A politician friend of mine told me the other day that the benefits of "bhua" voters may go either way, depending on whoever has control of the particular polling center.

The Election Commission cannot remain oblivious to this scenario. It is the sacred task of the Election Commission to produce a correct voter roll, and to conduct the elections fairly; failing which they will fail the nation and put the future of democracy at risk.

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Voter awareness is the key

The first step for updating the voter list should be to make arrangements for availability of the present inaccurate and faulty voter list, at least upto union level, so that the members of the political parties, the civil society as well as NGOs can find out the real problems with the existing one. Nobody can deny the fact that in the rural areas all the voters, irrespective of caste, creed or religious faith, are known to the people of the area. Therefore, it will be easier for all to identify the false, fictitious and bogus voters, and rectification of the electoral roll will accordingly be easier.

ZAHID HOSSAIN

THE Washington-based National Democratic Institute has asserted that the existing voter list with 1.22 crore extra or duplicated names can be corrected with the cooperation of the political parties and the members of the civil society. But since we have very limited time at our disposal, the voter updating program must be carried out with utmost urgency and care, in order to avoid the recurrence of the recent exercise in this respect by the Election Commission. Therefore, the local representatives of political parties have to remain alert and active during the updating period, and pinpoint every defect of the existing voter list as well as to ensure their rectification.

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ties, the civil society as well as NGOs can find out the real problems with the existing one. Nobody can deny the fact that in the rural areas all the voters, irrespective of caste, creed or religious faith, are known to the people of the area. Therefore, it will be easier for all to identify the false, fictitious and bogus voters, and rectification of the electoral roll will accordingly be easier.

Besides correction and updating of the voter list, extensive and elaborate voter education program are also needed for making the voters aware of the correct procedures for casting their votes. This will definitely reduce the percentage of false and invalid voting.

While updating the voter list the relevant officials involved in the task should ensure that the list contains names of all known persons who are eligible to vote in the ensuing parliament election. During the process of updating of the list the following procedures should, as far as possible, be ensured for better coordination and more acceptable result.

- Displaying the voter list publicly for inspection of all, including the members of political parties.
- Providing the voter list to political parties, civil society organizations and NGOs for scrutiny.
- Making additions, deletions or corrections to the voter list, based on filed claims and objections.
- Resolving disputes lodged by political parties, civil society organizations, NGOs or citizens concerning the inclusion or exclusion of particular individuals from the voter list.

These steps in the updating process will enable the representatives of political parties, civil society members, NGO workers and people in general to identify the actual false and fictitious names. Once the job of identification of false, duplicate and extra voters is done, it will be easier to delete them within the shortest possible time. Moreover, the participation of representatives of political parties in the process of updating the voter list will reduce the tension and misunderstanding amongst them,

especially about false voting.

Finally, the revising officers, their assistants and others associated with the updating process of the voter list must ensure that the voting population as a whole has easy access to the process. This will ultimately enable them to exercise their voting right in the next parliament election.

Equally important is a voter education program. Generally, such programs undertaken for voter education ensure that voters participate more effectively in elections; voters become more knowledgeable about voting procedures, make better use of party and campaign information to make election decisions, and are better informed about the form of government that will result as an outcome of the election. This knowledge will, to a large extent, help to increase turnout of the voters, reduce tension and intolerance, and increase the likelihood that election results will be accepted even in a conflict-situation.

The constitutions of many of the developing countries normally confer universal adult franchise on all citizens irrespective of caste, creed, religion, sex etc., although the percentage of illiterate people in those countries is around, or less, than fifty percent. But to exercise the right of franchise, and the other democratic rights conferred on the citizens by the constitution, effectively and judiciously; awareness should be created in

them. Any non-exercise of their valuable rights will cause distortions in the political system and will lead to a situation which will fail to truly reflect the will of the people, which is what democracy is all about.

Regarding our existing voter list prepared by the Election Commission, violating the guidelines of the higher courts, a recent survey of the National Democratic Institute (NDI) has revealed that a total of 1.22 crore names are either extra or duplicated. Different local election monitoring agencies and political parties have also been pointing out such defects for quite some time. But the Election Commission under the leadership of Justice MA Aziz and SM Zakaria played some dirty tricks in making a voter list of their choice and liking, and did not pay any heed to those allegations, resulting in many political problems.

In many countries the official machinery undertakes the revision of electoral rolls by periodic house-to-house enumeration. After house-to-house visits a draft roll is published, and claims and objections are invited. But many people do not avail of this opportunity and do not file any claim or objection. Only at the time of a general elections, or bye-elections, when they find that their names are not included in the rolls do they wake up and approach the election authorities for inclusion of their names. To avoid such a situation,

and to create awareness amongst the people to be alert and on the lookout for an opportunity to ensure that their names are included in the rolls, awareness programs need to be undertaken to educate the voters in a planned and organized way.

Some apathy on the part of the electors is seen at the time of actual polling also. According to one study, the voter turnout at the general elections in most of the under-developed countries normally ranges between fifty and sixty percent. But in some countries the percentage of voters is much lower. Generally the candidate who secures the largest number of votes is declared elected, irrespective of whether he or she has got a majority of registered voters or not. There is a general trend in the developing countries that the number of contesting candidates is comparatively large, and in many constituencies the number is even more than ten. If under these circumstances the voter turnout is also below fifty percent the result naturally fails to reflect the mandate of the people.

Therefore, the electors have to be educated about the importance of their right of franchise. The need for voter education programs is all the more important for the voters of the less developed countries like Bangladesh, where the percentage of literacy is still not very high.

From an analysis of the 2001 election, it was observed that the

percentage of invalid votes ranges from 0.50 to 6.90. In a few constituencies the number of invalid votes was found to be more than the winning margin. In other words, if none of the votes had become invalid, and if all those valid votes had gone in favour of the second candidate, the result would have been different.

Accordingly, it becomes necessary to educate the voters on the correct method of voting so that their ballot papers are not declared invalid. For this purpose, copies of instructions to electors for marking ballot papers need to be printed/photocopied/ cyclostyled and distributed through political parties and contesting candidates, or through relevant government agencies. These instructions may also be inserted as advertisements in the newspapers, if necessary funds are available. TV and radio channels can also be used for this purpose.

Voter education in some countries is done by a number of organizations. These include the Independent Electoral Commission, political parties and non-governmental organizations. A programme similar to voter education is designed and run for election personnel throughout the country. This is to ensure that the less educated voters and the ill-informed election officials get proper training and education for effective management of electoral affairs. Less

educated and uneducated voters are normally targeted by such organizations, and their programmes are generally designed according to the electoral act of the country.

Anyway, the Australian Election Commission in particular undertakes both continuous long-term and election-specific civic education activities to promote a better understanding of the electoral system in the community. In particular, young people are a major focus of these activities. They have many years of experience of providing non-partisan civic education programs with regard to elections. The term "civic education" can have a variety of meanings, ranging from instruction in the responsibilities of citizenship and the mechanics of government to indoctrination in political ideology.

And finally, in a developing country like Bangladesh, where the literacy rate is not that high, the media can be a partner in voter education, augmenting communication and so contributing to the success of the electoral process. Its role is to keep voters informed and to assist in developing a general democratic culture and a democratic election culture, prior to, during and after elections. It can also discourage political intolerance and encourage healthy competition among election participants.

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