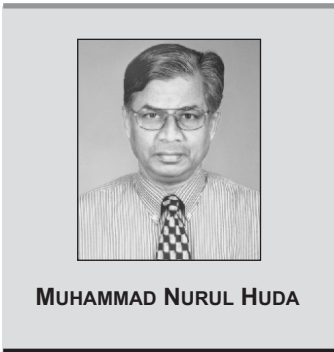


# Dueling politicians on the road to perdition



MUHAMMAD NURUL HUDA

STUDENTS of history and law are surely aware of the fact that when William the Conqueror came to England, he introduced a system of ordeal by battle or trial by battle. The fight had to be by the litigant in person unless he was allowed to be represented by a champion. We have to thank providence for the subsequent change in the mode of advocacy. However, cynical observers of the current Bangladeshi political scene entertain grave doubts about a real change in the style and substance of advocacy in so far as our dispute resolution scenario is concerned. Their continued pessimism is not without ground as hapless Bangladeshis sadly watch their guardians unmoved despite the combined onslaught of logic and reason, law and fact.

The optimists are, however, aware that, politically speaking, the current scene is not the first example when otherwise responsible and erudite people have talked irreverently and irreverently. The tragedy is that we are forgetting that democracy, with freedom of opinion and opposition, is not the normal way of organising society but is a rare human achievement. In our environment, many citizens may appear un-dimensional but our political leaders have no excuse for being so perilously un-dimensional. They

have to act as catalyst. The responsibilities which today lie on their shoulders are far greater than at any earlier time in our history.

We seem to be oblivious that law moves on a unique plane and that a lawful society reflects man's sense of order and justice. Such society embodies rules and traditions that have a binding effect and provides the enduring element, the dimension of permanence, in history. We cannot have a govern-

ment without order and there can be no order without law. Viewed in the above context, there is no doubt that the country is in the midst of a grave crisis and the premonition is that the downward slide to ominous uncertainty may have commenced. The protracted pain of the polity's descend is being acutely felt after the President's discouraging announcement that he had no other important function but to hold the constitutionally mandated general election on 22nd January 2007. This came as a rude shock to many concerned Bangladeshis who could not come to terms with the President's holding of the post of Caretaker Chief Adviser without exhausting all the constitutional options.

The country is now sharply and dangerously polarised with political adversaries bent upon

destroying each other. The language of reason and moderation is absent while there is hardly any trace of tolerance. This, however, does not come as a surprise as forebodings of a perilous polarisation were there for any keen observer to realise. One feels constrained to comment that the country is held hostage to the partisan ambition of an immoral and acquisitive class whose kleptocratic instincts are no

threats to our fledgling democracy. The enormity of the issue has not been realised and appreciated. No wonder, therefore, a great deal of slipshod work and adhocism have characterised the movement for creating proper poll atmosphere. Altruism has hardly been the virtue of our politicians.

One may need some guile or perhaps be wily to remain steady in the rough and tumble of politics but must we stoop so low and deadly as to besmirch all the regulatory and corrective institutions only to outwit the opponent and perilously clamber to power? Concerned Bangladeshis wonder if their veteran politicians including the immaculately dressed suave and sweet talking Barristers are aware of the devastating consequences of their politicking. Cynics say that the cabal of few Barristers, Bureaucrats and Businessmen is spearheading the perilous course. A balanced view would, however, suggest that all our politicians should not be reviled the way it is being done now. Perhaps it is a natural weakness to revile that which we cannot do without.

Sadly, politics has been debased to low ends and has unfortunately become a mean pursuit instead of a high adventure. It has been used as a means of livelihood instead of being pursued in the grand manner so as to afford opportunities for a full and fulfilling life. Since our major political parties are not equally committed to shared principles of constitutionalism, we may have to wait for the working class and the peasantry to organise political parties.

difficult to regain the image and effectiveness of this novelty in the foreseeable future.

The defenders of the constitution would not admit the manifest reality that during the last couple of years institutions like general administration, Police, Election Commission, Public Service Commission and judiciary have been politicised and made partisan thereby rendering the holding of impartial election extremely difficult, if not impossible. One has to find out why desperate attempts have been made to somehow return to political power. The unfortunate reality is that while sinister politicians have gone full speed on the self-defeating course of sabotaging the state institutions to serve their selfish interests, the political opposition has miserably failed to inform and activate the polity about the real

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## 'Act of God': A curse or a boon?

IMTIAZ AHMED

TWO factors prompted me to write this article. Firstly, the political crisis insofar as its propensity to turn into a "national crisis" demands intervention from all, in whatever possible form, towards resolving it. Not being a member of a political party, but at the same time being passionately political, the best I could do is express my views with the hope that they would ignite imagination and fashion practices on the part of policymakers, politicians and the general population, towards resolving the crisis. Secondly, in the backdrop of the partisanization of "constitutional legalists" there is now a need not only to "departisan" legality but also to delegatize partisan responses. This provides an opportunity for the non-legalists as well as non-partisans to contribute not only to the interpretation of the Constitution of Bangladesh but also to the politics arising out of it. This column seeks to address both these issues.

I will begin with the interpretation of the constitution. The caretaker government, the Election Commission, the BNP-Jamaat alliance and their respective intellectuals have all been collectively arguing that the general election must be held "within ninety days after parliament is dissolved," as stipulated in Article 123 para 3. But when attention is drawn to Article 123 para 4, where the ninety days provision is relaxed for bye-elections and for "reasons of an act of God," the above collective aggressively maintains that it is not applicable for the general election. Why not? And here I found the acting chief election commissioner (a post which is itself unconstitutional) telling the media with a gesture of glee and satisfaction: "Is there a tsunami, flood or earthquake? No

act of God has taken place, therefore the question of postponement of the general election beyond the ninety days does not arise!"

Critics, including members of the Awami League (AL)-led grand alliance, came out with three varied responses to counter the above contention. Firstly, let the president refer the issue to the Supreme Court, and let the latter judge as to whether the extension of the ninety days provision earmarked for the bye-elections is

given for the holding of the office of the non-party caretaker government save the mentioning of the "period" from "the date on which the chief adviser ... enters upon office after parliament is dissolved...till the date on which a new prime minister enters upon his office after the constitution of Parliament" (Article 58B [1]).

The above should suffice to nullify the "legalist" argument for holding the general election within ninety days. But there is more to it.

conclusion that the "act of God" was absent. The divine, after all, as the Article indicates, remains "the basis of all actions!" It is interesting to see that even groups, parties and individuals taking pride in their identity on the basis of religion waste no time in seeking "secular judgments," when found expedient, to the point of displacing religion altogether.

Why then the rigid stand in the name of standing by the constitution, knowing well that the "legal"

Going alone and holding one-sided election in the midst of protest, violence, and bloodshed is as much a problem before the election, and surely on the election day, as it is after the election. If this comes about then people would suffer. The economy would lose its momentum. Key institutions would be paralyzed. At the same time, the short-time political benefits for the one-sided victors would cease to exist for them in the long-term both at home and abroad, something from which they would have a hard time recovering.

applicable to the general election or not. In this context, they refer to Article 106, which allows the president to "obtain the opinion of the Supreme Court" in matters of "public importance."

Secondly, critics also draw attention to Article 7 para 1, that is, "All powers in the Republic belong to the people...." This nullifies the reading of Article 123 para 3 in isolation, and since the crisis is a matter concerning the "people" there ought not to be any bar for the president to seek an opinion from the Supreme Court.

Finally, critics also argue that the ninety days provision stipulated in Article 123 para 3 was part of the constitution long before the "Non-Party Caretaker Government" provisions (Chapter IIA of the constitution) were inserted in the constitution and, therefore, ought not to be read in isolation. Rather, the said article must be read in collaboration with Chapter IIA where no time frame is

Let me go back to the acting chief election commissioner's comment on the "act of God." It seems that he has chosen a secular interpretation of the "act of God," where the latter stands only for the natural disasters, or what could be referred to as the divine curse on earthly people! But such a secular interpretation of Article 123 para 4 ceases to be meaningful following the insertion of Article 8 para 1A which states: "Absolute trust and faith in the Almighty Allah shall be the basis of all actions." I am sure the acting chief election commissioner would agree that even his elevation to the position of "acting chief" could not have happened without the "act of God," or the blessing of the Almighty!

In light of Article 8 para 1A, therefore, the "act of God" must include both natural disasters and human actions. Since the current political crisis resulted from human actions, that ought not to be the reason for coming to the

argument is weak, if not flawed? What is the way out then, particularly now that we have constitutionalized human actions (a la Article 8 para 1A) as no less than an act of God? On this, I would limit myself only to three scenarios.

Firstly, presidential reference to the Supreme Court is perhaps the sanest scenario. This would certainly extend the election period. But that itself would not resolve the crisis. A combination of two or three outcomes is required here. One, implementing the long overdue critical reforms to recover the trust, at least to a minimum level, in the election process. This includes reforming the Election Commission, the caretaker government, and the administration. On the last one, policies could be devised whereby the returning officers and the assistant returning officers, given the current nature of the politicization of the administration, are selected from a pool of

names provided by the two major political alliances, and distributed equally throughout the country. Two, ensuring the participation of HM Ershad or his party, the JP. And three, and this is a subject less talked about, policies are to be devised where political parties would not feel threatened (politically as well as physically) if they fail to win the elections. This is particularly true for the relatively small partners within the alliances. Jamaat, JP and LDP are good examples.

Secondly, the enactment of a state of emergency. This is the first of the two worst scenarios. Democratic election under a state of emergency is a misnomer to say the least. Finally, the second of the two worst scenarios. Going alone and holding one-sided election in the midst of protest, violence, and bloodshed. This is as much a problem before the election, and surely on the election day, as it is after the election. If this comes about then people would suffer. The economy would lose its momentum. Key institutions, including public education, would be paralyzed. Dubious elements would end up running neighbourhoods and mahallas with muscles, machetes, and mortars. At the same time, the short-time political benefits for the one-sided victors would cease to exist for them in the long-term both at home and abroad, something from which they would have a hard time recovering.

Still, I hold my faith on human actions, on the street as elsewhere. In this light, and as Article 8 para 1A would have us reformulate, let the "act of God," at least for once, stand for a boon and not a curse!

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## Our time has come

### Every cloud has a silver lining

NAZIM FARHAN CHOUDHURY

I am not going to get into the discussion about the state of emergency that prevails in the country at this moment. There are far more capable people than I to debate this. What I want to take up a bit of your time on is the contention that the Caretaker Government (CG) that is going to be announced soon should have representation from Generation 71.

Generation 71 is the term some of its members are using to refer to people under the age of 40 (give or take a few years). This generation was either born after 1971 or were too young at that point of time to have vivid first hand experience of the pains of liberation. We have always been Bangladeshis. We were too young to know Shiekh Mujib or General Zia. During the formative years of the Ershad regime we were still busy deciding which toy to buy. Politics these days seem reliving history over and over again. It is governed by what happened in the past. Who said what when and who did what to whom where. We have been shackled by the past and are not building bridges to the future.

Demographically speaking we are in the majority. 115 out of 140 million Bangladeshis are below 40. Generation 71 makes up more than 70 percent of the current voter roll. But are we represented in the parliament or decision-making politics with equal gusto? Barring a handful this is not the case. Now before you give the "you are too young" speech, let me point out that in other spectres of Bangladesh life the Generation 71 are making their mark. Be it sports or journalism, business or culture, NGOs or rock bands, IT or banking, I can give you literally handful of names of people who are redefining their fields. Alas this is not the case in politics.

I wonder why? Student politics has always been in the forefront of political change in Bengal. Be it the Language movement or the 1969 movement that laid

the foundations of the Liberation War or the anti-Ershad movement. When young got involved things got done. Dr Kamal Hossain was in his early 30s when he wrote the constitution. Rehman Sobhan a young lad when authoring Bangladesh's economic roadmap. Tofail Ahmed or Moudud Ahmed or Rashed Khan Menon or ASM Rab or Mannan Bhuiya all were in their 20s and 30s when they played their part in the formation of our country. But 30 odd years later it is the same face we see running the nation. No disrespect meant but has their "sell-by" date not passed? Are we not now victim of stale thinking? Are we not held ransom to the experiences that they have lived through? It is time for fresh ideas, fresh way to look at things, fresh impetus for change. Only will the passion and vigour of youth bring about such a revolution. Give Generation 71 a chance. Let the future decide the future.

Over the next day or two the new Caretaker Government will be constituted. I am sure in the list will be prominent and capable names. But now is the time to also include in that list a couple of names of people who have the potential to create a difference. Generation 71 should, if by nothing else but the virtue of the fact that we are the majority in the nation, get representation in the CG.

I strongly believe and I am sure many of my peers will agree that this will be one of the catalyst to bring back the interest of the majority of the young to the noble calling of politics and statehood. And that in turn will infuse life into the most dynamic group in any civilization. Look across the world from Georgia's President Saakashvili to Jordan's King Abdallah; US's Senator Obama to UK's Leader of the Opposition Cameron; the young are now moulding the future of our world. Why should Bangladesh be left behind?

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## Millions of Indians await benefits of globalisation

JESSICA EINHORN

DOES India need globalization? There are plenty of experts to tell all who listen, that globalization opens up tremendous potential for growth and poverty alleviation, and an outward-looking model frees up entrepreneurs to innovate and invest.

Such expert advice from outside is not, however, necessary in India, whose political system already has important groups of reformers who do not need to learn from foreign experts, but who need external support in legitimizing the reform agenda that they wish for the country to embrace.

Most importantly, they need the backing of India's own elite and politicians to carry through tough reforms.

The official line from the former Prime Minister Atal Behari Vajpayee's Economic Advisory Council is unequivocal, arguing: "Globalization is an unavoidable process which is taking place independent of us. It forces us to cope with it. There is not room in a globalized world for an economy delinked from world trade and foreign investment."

The advisory council candidly says: "The truth is that if we do not reform rapidly, and position ourselves to compete, we will be marginalized. There is no divine dispensation that gives India alone the power to survive and prosper as an isolationist island in a globalized world."

Under the new prime minister that conviction is undiminished. Nonetheless, universal consensus on this view is far from apparent; as a Financial Times columnist wrote in October 2004, "Globalization means many things to many people, particularly in India, which is host to probably the widest range of anti-globalization groups in the world."

Anti-globalization in India is historically rooted, as governments, unions, and businessmen have traditionally emphasized industrialization and self-sufficiency.

Competition to this insular view came not from the ideology of liberal trade and capitalism, but from the followers of Mahatma Gandhi, who championed handicrafts and village industries as the economic path forward.

Indian ambivalence towards markets and free trade has been evident in the way it has dealt with the Bretton Woods institutions. The World Bank and the International Monetary Fund were created with the fundamental belief that protecting and expanding the system of liberal international trade would help avoid a third major global conflict.

India has been a vibrant participant in these institutions, not only as a major client, but through its brilliant staff members and its commanding executive directors.

And yet India never bought into the major premise of free trade and open markets, at least not as a

prescription for economic progress at home.

Politics was also a factor, but only up to a point: While India during the Cold War found itself ideologically more drawn to the command and control model of the Soviet Union than the capitalism of the United States, the economic crisis of 1991 provided a real turning point for the Indian economy.

The external payments crisis was the immediate impetus for forcing reforms, but more important perhaps, the major changes in the international system had by then cast a rather unfavorable light on India's approach to international trade and investment.

If the collapse of the Soviet Union was a shock of one sort, China's spectacular reform-driven growth after 1978 was incontrovertible evidence of what could happen when a country abandoned a planned economy in favor of greater market reliance internally, and greater engagement through international investment and trade with external powers.

The 1991 crisis forced the Indian political establishment to embrace reforms quite simply because the status quo was not viable. While the first emphasis was to tackle the macroeconomic crisis, success in that arena also paved the way for reforms of domestic industrial investment policy, foreign investment regulations, and foreign trade.

Since the dark days of 1991, India has come a long way. It has healthy foreign exchange reserves (despite high levels of domestic debt), a booming software and services export market, and a burgeoning knowledge economy.

Clearly India has tremendous potential to benefit from globalization, but there is also consensus that the challenges confronting Indian development are substantial, even daunting. India remains handicapped by enormous infrastructure and institutional (labor and capital) constraints.

The question is not whether India has begun to produce an impressive record in growth, employment, and poverty reduction, but rather how to overcome the obstacles impeding even faster progress, as the global economic system becomes increasingly competitive.

There are several discussions going on between India and its international partners. In the public sector, there are the ongoing trade negotiations, along with calls from the IMF and the World Bank to correct new macroeconomic imbalances and press on with reform.

From the private sector, there are calls for microeconomic reform and infrastructure investment to allow India to take the giant leap that would position IT to alleviate its poverty and fulfill its potential as an economic powerhouse.

On the trade side, India is being called upon to break with its histor-

ical ambivalence towards engagement, and use trade negotiations to improve its position.

India did not succeed in halting the launch of a new round of negotiations in Doha, and its pro-globalization friends now call upon it to use the Round to make progress on a positive agenda.

India, they say, should be pushing to maintain liberal market access and circumscribe the anti-globalization agenda of expanding the scope for trade sanctions into areas such as human rights, labor and environmental standards.

India should strengthen the multilateral trading system, rather than champion trade regionalism, and it should join other developing countries in reforming WTO decision-making procedures.

The important question going forward will be: How does democratic India build a politically stable cross-party consensus for economic reform? Or, more to the point, what are the politics of globalization in India?

Despite the robust democratic systems in place in both India and the United States, neither country can take for granted that its party systems will produce the kind of growing prosperity and opportunity that form the only real foundation for long-term sustainable democracy.

Party politics can freeze privilege and hand it back and forth, or it can paralyze reform simply by blocking progress by the party in office. Commentators frequently claim, for example, that the complex story of the 2004 elections can be reduced to the simple explanation that the BJP was ousted because it did not pay enough attention to the poor.

No one is suggesting, however, that Congress and its coalition will abolish poverty before the next election, or the one after that.

To avoid the stalemate of mutual recriminations, something more fundamental in civil society must be locked-in so that the context of party politics favors reformers in both parties, and gives them time to compete on the reform agenda instead of against it.

Elites need to provide the political legitimacy to leaders in both parties who are willing to stand up for reform, or their children will be left to face the consequences.

More than anything, India needs to find a way to campaign and govern against those privileged by regulation, and for those mired in poverty with a message that explains why the system must change for the relatively few, and how it will benefit the hundreds of millions who await modernity.

The United States and the developed world too has to remember that in the era of globalization, we will either succeed together in building a prosperous world, or we will suffer together as we each lose ground.

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## Overcoming the barrier of disability

MD. HAFIZUR RAHMAN

BANGLADESH is a small country with a big population -- about 15 crore -- of which 85 percent live below the poverty line and more than 9 percent are disabled. Due to poverty most people suffer from malnutrition, lack of education, superstition, lack of medical facilities etc. Besides they are vulnerable to the natural disasters, human atrocities etc. So these are the few causes for many people to be disabled.

### Three major problems

**Education:** Because of our socio-economic condition majority of the people have no access to general education. Considering the fact, disabled persons getting into mainstream education systems is beyond imagination. Only 4 percent of the disabled have access to education. Normal

educational institutes are reluctant to take students with disability. There are only few specialised educational institutes for them. Moreover poor people have little capacity to bear the high costs of training.

**Training:** There is very insignificant number of training institutes in our country for the disabled. They are simply inadequate to serve the cause as there are different types of disabilities of too many.

**Employment/rehabilitation:** After completion of education disabled persons find it difficult to get a job. Even those who become disabled while on job loose it. They suffer from frustration and often lead inhuman life. So in this situation organisations/institutes are required for rehabilitation of such disabled persons, where they could work to earn their livelihood and also be able to contribute further to the society.

### Probable solutions

Specialised educational institutes should be established in all upazilas so that the disabled people anywhere have access to education.

Category-wise special training centres should be established so that after finishing studies disable persons can be equipped with training to start their career.

Adequate number of rehabilitation centres can help the disabled to find suitable jobs besides what has been said above.

Though we know that solution of the above problems cannot be expected overnight, but combined effort put in by the government, NGOs as well as individuals for giving "education to all" can work wonder.

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