

## Political party registration

Address the issue wholeheartedly

THE caretaker government is thinking of introducing a law whereby it will be mandatory for the political parties to register with the Election Commission. So long it was optional on their part to enlist with the EC. That the political parties which are the pillars of a democratic edifice should remain outside any legal framework is an anathema. If democracy is about ensuring transparency and accountability of its institutions then the major political parties being themselves institutions in their own right should be obliged to operate under a legal framework.

So, we would urge the political parties not to look upon registration as a constraining factor in their politics or any fetter put on them but rather treat it as their natural obligation to uphold the rule of law. We have had words with political parties on the issue trying to understand as to why they voice their reservations about the proposition. Their major concern stems from party funding realities. Those who donate to a political party do so rather discreetly keeping their name from being divulged to a rival party. Government party may not take kindly to an opposition party donor.

This issue should not be sidetracked; rather it ought to be handled sagaciously and squarely. Hence, the EC will have to engage the political parties on a discourse over the matter to arrive at a mutually satisfactory registration procedure.

The overarching concern for reform ought to be the state funding of political parties. Think tanks, civil society leaders and experts have from time to time aired their views on auditing the accounts of political parties given that tyranny of black money interfering with the fair electoral process. State funding of political parties in the elections can provide a level playing field for candidates of all political parties, besides being a highly transparent operation.

We strongly advocate registration of all political parties through a consultative process between the EC and the political parties.

## Reorganising the ACC

Autonomy is the key

THE Anti-Corruption Commission (ACC) is now poised for reconstitution following the decision to quit by the chief and the two commissioners from the statutory body.

These resignations have come about in the wake of various allegations against the ACC having put up a bad show since its inception as early as in 2004.

A proactive and proper functioning of the ACC is an important factor in creating an environment conducive to holding of an election that would be fair and free through instituting cases against black money holders and others who made money through all kinds of corrupt means.

Given the prevailing circumstances of high expectancy it is imperative that the replacements of the key positions in the ACC be made with utmost care. People chosen should be above reproach, highly professional coming from an unquestionable background with high moral and ethical qualities.

It is our view that restructuring and reorganizing of the ACC is a somewhat complicated affair. The Advisory Council should therefore proceed with a well-thought-out plan of action. Internal discord, and bureaucratic high-handedness were instrumental in sealing the fate of the original ACC. These will have to be scrupulously avoided.

There are various factors that need to be taken into consideration: like the organisation's autonomy, revision of the existing rules of procedures and freedom from all kinds of bureaucratic entanglements. The rules of procedures in force are not only weak but also inadequate. This aspect should also be taken into consideration. The newly formed ACC should be given maximum freedom in framing its own rules including setting up of the organogram.

The ACC's investigation capacity should be vastly strengthened with a prosecution wing added to it. Given the sincerity and commitment so far displayed by the caretaker government there is no reason as to why we should not have an ACC that is functional and we can all be proud of.

# The evil, the ugly and the cleansing operation



Brig Gen  
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SOME of the political bigwigs have been netted and the law of the land will hold them to account for their deeds or misdeeds. We have also been taken up with the issue of the religious extremists and with their misdeeds, with fresh reports throwing new light on their alleged sponsors and godfathers residing in the realms of Bangladesh politics helping them to secure their roots and conduct their destructive activities in the country.

Much also has been talked about the state of the country that was about to go over the precipice because of the way our politicians chose to do politics and because of the way the parties at the helm of affairs chose to run the country. It has had the most harmful effect on our body politic, and the effect may be longer lasting than we anticipate. This has made us appear foolish in the eyes of our foreign friends and prompted some of them to treat us rather like a vassal than a sovereign country.

## STRATEGICALLY SPEAKING

One finds it hard to make out any difference between dishonest and corrupt politicians, the religious extremists, and dishonest traders. Each of these, by the way he or she conducts his or her business, endangers the lives of people and the security of the country in their own unique way. They are the faces of the evil and the ugly. The country has no need for them.

In general, the long-term political vitality of the nation has been sapped. But there are ways out of it. We can reinvigorate our system given the will of the people who have by now demonstrated that they are no longer willing to be pawns in the hands of the politicians, they would rather dictate politics than be dictated by it. The biggest slur on our politicians has been the surge of popular support for an arrangement that is not quite the conventional type of democracy yet having full popular support, that has provided the people with respite from the troubles that had pervaded our political atmosphere, brought about by the practitioners of democracy.

The people in general have been caught up so much by politics in the last couple of weeks that a very serious issue has failed to attract our attention in the manner it ought to. The anti-hoarding drive has gained momentum over the last two weeks and we have been exposed to a very dismal picture of the practice of profiteering at the

nation's expense.

One would be hard put to determine which of the three is most harmful to the nation. There is a link amongst the three elements. Unfortunately, they thrive with one another's help, again at great cost to the nation. Hopefully, we have got the measure of the religious extremists. And given the commitment of the current caretaker government, their local and foreign links will be exposed soon.

Political cleansing, however, is quite different proposition, but people's wishes and hopes to see politics cleansed of the bad and the corrupt have been manifested in the government's action of netting the political bigwigs to start with. The public has welcomed the drive in general. But that should not be the end in itself. One can hardly take issue with the secretary general of the BNP that random arrests must be avoided and that no innocent person should be taken into custody without specific charges. But it would be relevant to remind him to keep this in mind if and

when his party comes to wield power in future and also to cast his mind back to the last five years when, through mass arrests, thousands of innocents used to be picked up before an opposition political program. Please remember their plight, Mr Secretary General. However, two wrongs do not make a right and we entreat the caretaker government, who has neither any political ambition nor any political axe to grind, to reestablish the rule of law that had gone missing over the last several years. There is nothing wrong with the "law" of the land but what is missing from Bangladesh is "order" in many spheres of our life.

In this regard, there are two sides of the issue about which the people are equally sensitive. They would like to see the culprits given exemplary punishment. They would want to see the caretaker government initiate long term measures to permanently break any possibility of the unholy nexus between the politicians, the unscrupulous businessmen, and the dishonest

bureaucrats in the future. That the poison teeth that have almost destroyed our society must be broken -- there are no two opinions about it. But it will be fair to suggest that the people are in general also sensitive about arbitrary curbing of the rights of individuals. In this regard there is the need to follow the legal process and the rule of law.

While real culprits must be held to account and pay for their misdeeds they must be afforded the chance to defend themselves through a transparent process. And in this regard the remarks of the advisor for law are very reassuring. Sending the arrested persons to detention has to be seen in the right perspective. While the innocent should not suffer, the people would not like to see the real culprits and the bad ones become heroes because of some legal loopholes or weak handling of the cases that results in their going scot-free.

As for the business syndicate is concerned, they must be also pursued with equal vigour. The fact that not only had these unscrupulous traders resorted to hoarding to manipulate the prices of essentials, they were selling rotten foodstuff that had become toxic in nature because of the way they were stored. What is absolutely inexcusable is making spurious baby milk and selling time expired baby food. There can be no more unethical, corrupt, and depraved people than those that play with the lives of our

infants, our future generation, and these people must not be shown any mercy at all. The best investment that a society can make is to put milk into babies, as Churchill had once said. Not only have we not been able to put milk into our babies, with the price of milk jumping up every day, thanks again to the syndicates, we have failed as a society to even ensure that whatever little they get is pure and healthy.

The syndicates and the hoarders and the unscrupulous businessmen have not evolved all of a sudden. They have been plying their unholy trade with the help of some dishonest and corrupt members of the administration and law enforcing agencies, very evident in certain recent incidents. Thus it is just not enough to arrest the unscrupulous traders only. Those that have helped them to ply their immoral trade, and as abettors are equally guilty of the crime, must also be brought to book.

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# Of deviant cops and defiant judges



MUHAMMAD NURUL HUDA

THE recent apprehension by the joint forces of a number of policemen, including an officer-in-charge of a police station, on charges of accepting illegal gratification to the tune of Tk 15 lakh has attracted widespread media attention.

The expected service, or disservice to be more appropriate, in exchange of the illegal gratification was to dilute the evidence and thus minimize the gravity of the offence of possessing and storing, by a business house, badly rotten foodstuff with a view to selling those. One expects that the guilty would be charge-sheeted soon, and face trial in the court of law.

The noticeable aspect of the whole episode, however, is the continued daring and deviant behaviour of a section of policemen who see nothing wrong in illegal deeds even when an expectant polity is hoping to witness large-scale changes in the attitudes and actions of public servants, specifically the law enforcers.

Although corruption is a malaise that has come to afflict the society as a whole, corruption in police has an extremely deleterious

implication for their overall image for two important reasons: One, being in uniform the corrupt policeman immediately catches public attention, and two, since the complainant the police deal with is often a person with a grievance, any corrupt demand imposed on him pains him beyond measure.

At present, when there is an admirable effort to cleanse our public life, particularly the service providing institutions, it may be worthwhile to remember that political interference has wreaked substantial havoc in our police force. The interference has been possible largely due to the fact that police officers themselves, including some of those at the helm of affairs, have evinced an undiluted proclivity to please the political bosses for their personal and professional aggrandizement. These officers have set a bad example for the entire force and that is where the police-politician nexus, much to the detriment of the norms of law and justice, comes into operation.

A glaring fall-out of the above nexus has been the police brutality during crowd control in the recent past and yesteryears, when policemen have often indulged in several excesses such as non-conformity to the principles of minimum force, use of force against innocent persons, false implication and arrest of persons not involved, and ill-treatment of the injured. There have been cases in which the protectors of law have themselves turned into its prime violators. Instances of policemen associating themselves in crimes like rape, robbery, extortion are on the increase. False encounters, custodial violence, and the unbridled trampling of human rights which many of the so-called "successful" officers rejoice in resorting to, at times end up in criminal proceedings against them.

A reasoned view is that political interference in police could be minimized by bringing about the necessary changes in political ethics. A code of conduct for legislators should be meticulously drafted, keeping in view the gigantic scope and extent of political interference in police working. In

this connection, it would not be out of place to suggest the creation of a "privilege committee," comprising retired judges, police officers and civil servants, with adequate statutory powers to insulate honest and upright officials from the antics of high-handed politicians in their day-to-day functioning.

Corruption in police needs to be dealt with an iron hand. There should be a concentrated drive to make it difficult for a dishonest person to remain in service. To begin with, recruitment standards must improve by strictly curbing corrupt practices at the time of recruitment. A radical revision is needed to change training programs from isolated, closed rigidities with uniformed "boot camp" indoctrination of automatons, to integrated interdisciplinary programs for the preparation of sensitive criminal-justice professionals who are creative, innovative and effective change agents.

A circumspect apprehension is that as long as the policing function, comprising detection of

crimes and prosecution of criminals, remains under the executive, specially the political executive, it may not be possible to bring about a reduction in unjust political interference in police investigations. The uncalled for, and unsustainable, subordination of the police to the executive breeds a cynicism which corrodes all positive cultural values. The question is: Are we ready to make the policing outfit significantly autonomous?

In the above scenario, where the police have been unsuccessfully struggling to transform themselves and the political class of the country is apathetic towards the need to revamp the police, the concern of the judiciary to keep the police on the democratic track is gratifying. However, the unusual utterances and actions of some of our learned judges, in their quasi-judicial functions at the Election Commission, have frustrated concerned citizens.

In the recent past the nation had to bear with a comically stubborn chief election commissioner who, before finally leaving office by agreeing to resign, reportedly, on the not-very-warm persuasion of the honourable president, caused large scale protests and demonstrations resulting in loss of life and property. It was indeed a tragic scenario wherein the referee was wrongly disowned by a significant portion of the players, but the former was perilously holding on to his position in an unbecoming manner.

It no longer appeared that the

chief election commissioner, a former justice of the Supreme Court, was the skipper of a constitutional body in which the nation reposed its trust. His was a beleaguered existence, flanked by not-so-stern looking sentinels, often enlivened by the on-again and off-again encounter with the gentlemen and women of the fourth estate.

It was quite hilarious to know of his legal acumen, and his quoting of poems to illustrate total commitment to the job. The tragedy was that an unenlightened audience could not take any cognizance of that. The former CEC will now have plenty of time, hopefully, to ponder. The nation wishes him good days and nights.

It has been widely reported that more than 100 crore taka have been wasted in the preparation of voter list on account of the obstinacy and intransigence of some election commissioners, in clear defiance of the directives of the apex court.

The question is: who will account for the squandering of the public money, and why the liabilities shall not be fixed as per law. Forced abdications will not suffice to meet the ends of justice, and the reconstitution of the Election Commission must not mean precluding enquiry into the malfeasance and misfeasance of the previous incumbents. Our revenue receipts are hard to come by, and its deliberate wastage by highly placed persons must be made a culpable offence.

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# Crossing hurdles to hold a free, fair and impartial election



M ABDUL LATIF MONDAL

IN his maiden address to the nation on January 21, Dr Fakhruddin Ahmed, chief advisor to the reconstituted caretaker government (CTG), said that the main task of his government would be to hold the next general election freely, fairly, peacefully and neutrally, with participation of all parties in accordance with the constitution and people's aspirations.

For holding a free, fair, peaceful and neutral election, the prime need is to create a congenial environment. In order to create a congenial environment, the chief adviser outlined a number of measures which include, inter alia, reconstituting the Election Commission (EC), preparing and publishing a flawless electoral roll, examining introduction of voter

## BARE FACTS

The transfers have thus not been meaningful for election. It may be mentioned that DCs and UNOs normally act as returning officers and assistant returning officers and, consequently, they are the most important persons in conducting elections in their respective jurisdictions. The CTG of Fakhruddin Ahmed will have to correct the anomaly.

identity card (ID) and transparent ballot boxes, curbing influence of black money and muscle, collecting wealth and income statements of the prospective candidates and ensuring their veracity. The CTG and the EC may have to cross some hurdles to create a congenial environment for holding the next general election.

First, the new CTG, reportedly unilaterally, reconstituted the EC following the resignation of the six members at the request of the president. It is to be seen whether the reconstituted EC receives acceptance of the two major political alliances. It should be mentioned that recently some partners in the AL-led alliance raised a demand for reconstituting the EC in consultation with the political parties. It may be noted that appointment of the chief election commissioner (CEC) and other

election commissioner(s) in consultation with the political parties has been an important demand of the AL-led coalition.

Second, preparing and publishing a flawless voter roll is the constitutional responsibility of the EC. But, at present, the issue is pending before the High Court (HC) which issued a rule on January 29 that suspended the holding of all elections, including the next parliamentary polls, for three months, and directed the EC to explain why the present voter roll should not be declared inconsistent with the provisions of Representation of the People Order (RPO), 1972, and the directives passed by the Appellate Division of the Supreme Court in 2006.

The rule has also asked the EC why it should not be directed to prepare a fresh voter list, introduce voter ID card and arrange for trans-

parent ballot boxes for the next general election. The ruling came following a writ petition filed on June 29 by one Kazi Mamun Rashid, a constituent of Dhaka-6, a day after the expiry of the 90-day time-frame for holding the general election on the dissolution of the 8th parliament.

The EC was asked to reply to the rule within two weeks. So, updating voter roll and publishing it is dependent upon the verdict of the HC. Presuming that, in the changed circumstances, the EC will not oppose the rule, then updating the voter list and publishing it will require, among other things, a huge amount of money at a time when there is a significant shortfall in revenue earnings against the target in the first half of the current fiscal year. Further, this will seriously damage the image of the EC which is a constitutional

body. Third, submission of wealth and income statements by the prospective candidates to contest the next general elections is also facing a legal battle at the highest court of the country.

The High Court Division's verdict of May 24, 2005, directing the EC to collect with the nomination paper of each candidate the following information (a) academic qualification with certificates; (b) any pending criminal accusations; (c) any record of past criminal cases, and the results; (d) the candidate's profession/occupation; (e) sources of the candidate's income; (f) description of the role he/she played in fulfilling his/her commitment to the people, if the candidate was a parliament member before; (g) description of assets and liabilities of the candidate and his/her dependents; and (h) particulars and amounts of loans taken from banks and financial institutions personally, jointly or by a dependent, or bank loans taken by companies from banks where the candidate is the chairman/managing director/director in the form of an affidavit to be sworn by each of them, is pending before the Appellate Division for disposal.

The Appellate Division stayed the HC verdict following an appeal by one Abu Safa against the HC verdict. The Appellate Division stay shall be in effect till the disposal of the appeal. So, asking for submission of personal information, including the wealth and income statements of the prospective candidates, will not be possible until and unless the Appellate Division vacates its stay order.

Fourth, the chief adviser's promise to curb the influence of black money and muscle on the election will need certain stringent measures, including barring those persons who whitened black money on payment of an insignificant amount as taxes. This will require amendment to Article 66 of the constitution, which sets the criteria for disqualifying a person for contesting parliamentary elections, as well as to the Representation of the People Order, 1972.

This has to be done by promulgation of an ordinance by the president. This may give rise to the question as to whether the CTG which, under the constitution shall discharge the routine functions of the government and assist the EC in holding the general election, should take such policy decisions.

Fifth, civil society leaders, researchers and the media are unanimous in their opinion that compulsory registration of the political parties with the EC will not only help bring organizational and financial transparency and discipline among the political parties themselves, but will also contribute toward curbing the influence of black money on the election, and prevent mushrooming growth of "name only" parties. In many countries, including our neighbouring countries India and Pakistan, registration of political parties is a must for allocation of election symbol to contest elections.

The CTG of 2001 amended the RPO, 1972 to make provision of registration of political parties. But, it is optional. Only six political parties, including three factions of the Jatiya Party, have reportedly registered themselves with the EC so far. The two major parties, the AL and the BNP have not felt the necessity to get registered with the EC. The CTG should take steps for making registration of political parties mandatory.

Last but not the least, the field-level administration (which is mainly responsible for conducting elections) designed by the immediate past BNP-led alliance govern-

ment was kept largely intact, as the deputy commissioners (DCs), superintendents of police (SPs), upazila nirbahi officers (UNOs), and officers-in-charge (OCs) of police stations were, during the time of President-cum-Chief Adviser Iajuddin Ahmed, transferred from one district to another while holding the same positions.

The transfers have thus not been meaningful for election. It may be mentioned that DCs and UNOs normally act as returning officers and assistant returning officers and, consequently, they are the most important persons in conducting elections in their respective jurisdictions. The CTG of Fakhruddin Ahmed will have to correct the anomaly.

To conclude, Chief Adviser Fakhruddin Ahmed, in his first address to the nation, listed actions that are required to be taken for holding a free, fair and credible election with participation of all political parties in accordance with the constitution. So, all necessary actions have to be taken to that end without impairing any constitutional provision regarding holding general election under the CTG.

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