

Why blame only the politicians?

When one party was adamant to go ahead with a farce election as per their blueprint and recapture state power to protect the huge wealth illegally amassed in the past 5 years of their rule, more appropriately misrule, and another party was determined to resist it at any cost, how can we put all of them in the same bracket and brand them as power mongers, out to destroy our democracy?

HUSAIN IMAM

EVER since the state of emergency has been declared in the country and the political parties have been barred from carrying out political activities, a section of our elite class, comprising some retired members from civil and military bureaucracy, bankers, business leaders, journalists, columnists and editors of newspapers seem to have embarked upon a special mission to tell the public that it is the politicians and the politicians of our country who are solely and fully responsible for the political turmoil and in consequence the emergency.

It is still not very clear what they are up to. Speculation is that they want emergence of a third force to take over the helm of affairs of the country through a newly orchestrated political process. According to them, if I can understand their language, the politicians are all corrupt, selfish, and unpatriotic. They are in politics only to make money.

So, these politicians should no longer be trusted with power to rule the country. The people would better be served by a government of the type similar to one, if not the same, in power now.

The way some of these persons of our so-called civil society talk about our constitution, democracy, politics, and about the politicians, one might easily mistake them for legal experts, constitutional specialists, or political pundits of international repute. When we see a business leader talking about not only our constitution but also that of India and try to suggest that what we have in the name of constitution is nothing but a bogus document worth throwing into the bin, who will believe that he had never been a student of law or political science?

When this business leader says that the politicians as well as the politics in the country are all rotten and filthy, needing complete reform, who will believe that he is one of those fortunate few who have been the principal beneficiaries of what in his language is rotten and filthy. When he points his finger, accusing the politicians of our country of being immoral, he probably does not notice that three of his other fingers are pointing back at him.

When a retired general turned

columnist finds all wrong in our politicians and holds them fully responsible for all the miseries that have befallen on the people of this country, he forgets to mention that this country was ruled by the army generals for almost half the period of our independence and it was one of those generals who said he would, and in fact did, make politics difficult for the politicians.

When an editor of a newspaper tells us that despite all the odds, we had some remarkable success in the different sectors of our national life over the last 15 years of our democratic practice, but credit for all these achievements goes to people and the civil society, not the politicians, he is certainly not fair in his judgment about our politicians.

How can we deny the historic role of our politicians in giving us a free and independent country, a flag, a national anthem of our own, an identity for our future generation? How can we deny the immense sacrifice of our politicians in upholding the democratic and other basic rights of our people whenever these rights have been threatened by the usurpers of power?

Today we all say that for a true and meaningful democracy to take root, a free, fair and credible election is a must, and for that so many things need to be done by the caretaker government -- a truly independent and competent election commission, a flawless voter list, if possible voter ID card, transparent ballot box, and reform of electoral laws so that black money and muscle can not influence the electoral process -- before announcing the election schedule.

What did the majority of our political parties, the AL-led grand alliance to be specific, ask for? They also asked for almost the same things and took to the streets with tougher programs like blockade and hartal only when all other mild and peaceful programs failed. And we called them rogues, out there to subvert the electoral process and destabilize the country.

When one party was adamant to go ahead with a farce election as per their blueprint and recapture state power to protect the huge wealth illegally amassed in the past 5 years of their rule, more appropriately misrule, and another party was determined to resist it at any cost, how can we put all of them in

the same bracket and brand them as power mongers, out to destroy our democracy?

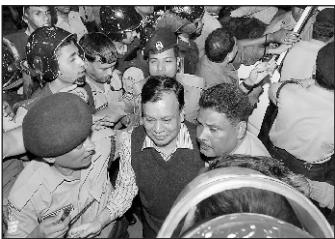
There is no denying that most of the people we see in politics are corrupt, immoral, and devoid of any political ideology. They are there in politics only to earn money and wield power. But it is unfair to pass a sweeping comment or to say that there are no honest, dedicated, and patriotic people in politics.

The problem is that most of the people we see now in politics are not politicians. They are either businessmen or retired bureaucrats or mastans who have turned politicians overnight by virtue of their muscle, money, or position in the society. It is probably high time that the political leadership took a close look at the matter and redeemed their strategy or else, as per Gresham's law, they might soon see the bad ones driving out the few good ones and take the driving seat. To be frank, the process is already on.

It is heartening to see that the present caretaker government or interim government, by whatever name one may wish to call it, is making an effort to reverse the process. Wishing them all the success, we only hope that whatever they do they do it within the frame work of law -- remaining absolutely neutral and impartial and without being distracted from their actual goal of handing over power to a truly representative elected government in the shortest possible time.

Having said that, the question is, how fair will it be for the civil society or government in power to singularly target the politicians and launch propaganda against them for all that is bad in the country, taking undue advantage of the emergency? The politicians are dishonest but are the other groups in our society all angels? The politicians are power hungry, but who isn't?

Professor Iajuddin Ahmed and Justice MA Aziz were not politicians. As non-political persons, people expected them to play an absolutely neutral and impartial role in ensuring a free, fair and credible election and handing over power to a truly representative elected government. Instead, they played the role of a poodle and made a complete mess of the whole democratic process. Can anybody honestly say that they



were less responsible for the situation?

We all want reform of the political parties. The business community seems to be more vocal than anybody else in this respect. But why don't they ask for reform of their own world -- trade, business, loan default, labour relations, tax policy, anti-adulteration law and so on -- so that nobody can easily get away without repaying the bank loan, nobody can adulterate food, produce fake medicine, import animal feed for human consumption, evade tax or siphon money out of the country by under or over-invoicing, or exploit his employees. They won't. Why would they if they can make the politicians the scapegoat?

We see some retired bureaucrats and police personnel also joining hands with others in condemning the politicians indiscriminately and wanting the caretaker government to go for rigorous political reform. Why don't they ask for reform of the administration also? Nobody will say that they are all clean. Not least those who had the misfortune of going to them empty-handed.

We will probably serve the nation better, if we look at our own face in the mirror first before we point fingers at others.

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United force of media and civil society

The media, besides performing their own duties as disseminators of news and views, have acted as mouthpiece for the conscientious, conscious and concerned community. Vigilant media and vibrant civil society had a definite effect on the development of events in the last few months, including proclamation of emergency. Their active roles could not but have an impact on the attitude and position of the people at large, and on the political parties, law enforcing agencies and the military.

M. SHAH ALAM

THE last hundred days in Bangladesh have been remarkable in many ways. Things have happened which, while frustrating in nature, also give reasons for optimism. Arbitrariness of the government in power immediately before the caretaker government and partisan actions of the then caretaker chief adviser, accompanied by massive agitation and country-wide siege by the 14-party alliance, put the nation to great test. We have seen some of the worst of our times; we have seen some of the best of our times.

The country was caught in a whirlwind of instability provoked by political chaos. However, despite its political institutions and socio-economic infrastructure being fragile, Bangladesh has absorbed tremendous shocks and demonstrated great potential for resilience and sustainability. Reactions and responses of various social and professional groups, specially the media and civil society, to the turbulent events of the last few months merit a searching examination.

For reasons generally known and understood, our politics failed to attract the best sons of the soil. The result has been dismal and disappointing. It has affected all spheres of our life, for politics is all-pervading and all-embracing. We find our politicians discouragingly mediocre, if not worse. Their efficiency in governance would mostly find its peak in corruption. Once in power, their main task is to prepare the ground for coming back to power, not by good governance and good work, but by undermining the opposition and accumulating more power and wealth as tools for self-aggrandizement, and for winning the next elections. Last time, the dose was too high for the nation to swallow. Excesses have their own peculiar way for rectification.

On the other hand, the opposition is no angel. Their sole task seems to be to put roadblocks for the government, no matter how costly it would be for nation's economy. They would not even sit in the parliament, instead they play their own part with whatever they have, violent or non-violent, to prepare their own ground to return to power. This is confronta-

tional politics, which makes the entire nation hostage to the wishes and whims of the politicians.

Declaration of boycott of the January 22 polls by the grand alliance, and the unscrupulous resolve of the CTG and EC to go ahead with the election, to be participated by the uncompromising 4-party alliance, signaled great danger for the country. That the country has not gone astray entirely, and that it has the power to rebound, was signaled by the proclamation of emergency and the support it got from the people. How, and by whom, things have been made to happen as they have, is not the point here. What is important is that the nation has risen to the occasion and fought back. After all, politics is too important to be left only to the politicians. This indicates a high level of maturity the nation has attained.

Of the forces that contributed to the nation gaining maturity and strength in facing odds, may we specially mention and examine the role of the media, both print and electronic, and the civil society. It is encouraging to note that the media and the civil society have been emerging of late as very positive and constructive forces in the nation-building process. We have seen the media and the civil society at their best during the turbulent days after the departure of the alliance government. The media and civil society have long been expressing their concerns about holding of the upcoming polls in free, fair and credible manner, and about removing the hindrances that threaten fair polls.

The media and civil society are closely interrelated, for we have seen how the media have so strongly conveyed the message of the civil society to the people. The media, both print and electronic, have their own way of eliciting, moulding and mobilizing public opinion, which they have successfully done, utilizing whatever freedom of press and speech has been in existence in our country. It is encouraging that, despite political and ideological differences and affiliations to different political parties and trends, most of the press and private TV channels broadcast news more or less objectively and do not shy away

from speaking the truth.

While it is true that the reach of the media is still very limited in our country, the relative rise in literacy rate and expansion of private TV channels to the country-side have immensely raised the level of people's awareness of the political life of the nation. Considering the total circulation of the dailies and weeklies, the dish channels, and also the multiplier effect of any news and views published or broadcast, the media's role in informing the public and forming public opinion has been proved to be very formidable.

The media and civil society are great allies. The last few years, specially the last few months, have witnessed a very healthy and credible rise of civil society in Bangladesh. Think-tanks, educationists and researchers, enlightened sections of the business community, retired civil and military servants, eminent citizens, and members of the private professional groups have been voicing their concerns over specific national issues through the media, seminars symposiums, and even by organizing collective and peaceful protests.

They have strongly spoken on issues of democracy, human rights, political culture, governance, environment, sustainable development etc. For the last few months they specially concentrated on the issue of holding fair polls and the behaviour of the political parties, and brought to light many pitfalls which were hindrances to holding credible polls. It was very heartening to see major national dailies organizing roundtable discussions by eminent citizens and expert groups on burning national issues.

The media, besides performing their own duties as disseminators of news and views, have acted as mouthpiece for the conscientious, conscious and concerned community. Vigilant media and vibrant civil society had a definite effect on the development of events in the last few months, including proclamation of emergency. Their active roles could not but have an impact on the attitude and position of the people at large, and on the political parties, law enforcing agencies and the military.

The founding fathers of the United States had called the

press the fourth estate of the government after legislature, judiciary and the executive. From the very beginning, they took great care to ensure a free press. The media have played an enviable role in developing democratic institutions and traditions in the US. Our media still have a long way to go. But they have lived up to their potential promises. In a country like Bangladesh where democratic institutions and practices have not matured, where political parties and governments are capricious and take advantage of weak political institutions and relative ignorance of the people, and where the socio-political and economic infrastructure is fragile, the media have a great mission to carry out.

Perhaps it is not wrong to say that we in Bangladesh excel better individually than collectively. Many of our failings as a collective body, epitomized in the organization of the state, are explained by this trait. This entails greater responsibility of the individual members of our enlightened civil society to mobilize their efforts towards greater and nobler collectivity. There is no question that for the media and civil society to play their parts effectively, there is need for minimum conditions of freedom of press and speech. We want to believe that these minimum conditions exist in the country.

When the emergency ordinance and regulations were made public, there was naturally an instant and sharp reaction from media people because it concerned press freedom. The caretaker government's clarification of the matter removed many of their concerns, though not all. More importantly, the government seems to understand the necessity of free media for the very objectives which the CTG has set before itself to accomplish. Freedom of press and speech, and fostering of this freedom by whatever government is in power, will invoke greater participation of the media and civil society, and bring more enlightened minds to address national issues to nurture healthy public opinion for greater good of the nation.

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Blatant fraud at the highest court



The whole story was concocted. Mr. Safa did not procure a nomination paper to contest in Chittagong-3 (Sandwip) and he did not file one, even though this was the pretext used for the stay. His name is not even included in the existing electoral roll. More seriously, he does not even live in Sandwip and after repeated search he could not be traced anywhere.

BADIUL ALAM MAJUMDAR

SOMETHING unusual happened at the Supreme Court of Bangladesh on December 7, 2006. On that fateful day, a Division Bench of the Appellate Division decided to consider drawing proceedings against one Md. Abu Safa, an

appellant in a very important case involving enormous public interest, for committing fraud on the highest judiciary of the land.

This was truly an extraordinary turn of events, which opened the possibility of unearthing how some unscrupulous individuals abused the system, bringing down the prestige and public esteem of the

apex court of the land and almost got away with it. The "story" appears to be so blatant and reckless and it involves such high stakes and enormous risks that it could perhaps beat any fictionalized drama.

The sensational story unfolded like this. In May 2005, the High Court Division, in a historic judgment, in *Abdul Matin Chowdhury and Others*

vs Bangladesh and Others, required the candidates in parliamentary elections to disclose their antecedents so that voters could make informed choice. Information required to be disclosed included candidates' criminal records, educational qualifications, sources of income, amount of wealth and loans etc. Unfortunately fraud was committed in every step of the way of this important case intended to prevent criminalisation of politics and the election of clean and competent candidates.

The first unbecoming incident happened at the stage of the Mr. Safa's filing the leave to appeal petition. The Supreme Court secretariat noted on the petition that Mr. Safa was not a party to the original writ and as a third party he could not be allowed to file the appeal. In spite of this serious question regarding the maintainability of the petition, for some mysterious reasons he was allowed to swear affidavits for the appeal.

Next fraudulent action took place at the time of granting the actual leave to appeal. The notice for the hearing was not served on the Election Commission even though the commission and the CEC were the only defendants in the original case. The notice for the three original petitioners was sent to them by using an insufficient address, making sure that the notice did not reach them. As a result, a bench of the Appellate Division, comprising of the chief justice and three other senior justices, granted the leave with one-sided hearing. However, no stay was given on the High Court judgment by the bench. But the court raised no questions about the absence of the original petitioners even though the case was of utmost public interest.

The next turn of events was even

more reckless. After the leave to appeal was granted, the original petitioners filed caveat and kept waiting for the hearing of the appeal before the full bench of the Appellate Division. However, suddenly on December 19 -- the day before the nominations for the elections to be held on January 22 were to be filed -- Mr Safa's lawyers, without notifying their opponents, approached the Chamber Judge Md. Joynul Abedin and received, in absence of the original petitioners, a stay on the judgment. In the petition for the stay, Mr. Safa claimed that he bought a nomination paper for contesting in the upcoming parliamentary elections and since he was less educated, the disclosure of the educational qualifications will be discriminatory against him.

The whole story was concocted. Mr. Safa did not procure a nomination paper to contest in Chittagong-3 (Sandwip) and he did not file one, even though this was the pretext used for the stay. His name is not even included in the existing electoral roll. More seriously, he does not even live in Sandwip and after repeated search he could not be traced anywhere.

The decision of Justice Md. Joynul Abedin involving an issue of monumental public interest begs many serious questions.

First, while a bench of three of his senior colleagues, including the chief justice, did not stay the High Court judgment, on what basis Justice Abedin saw it fit to issue the stay order? Second, when a caveat is filed, the lawful procedure is to ensure the presence of all interested parties and hear them. Why did not Justice Abedin do what is lawful? Third, instead of raising the issue during the regular session of the court, Mr. Safa's lawyers petitioned for the stay four days after the court

went on winter recess. Why did not Justice Abedin raise any question about this suspicious move? Fourth, even though Mr. Safa raised objections to disclosing his educational qualifications, Justice Abedin stayed the entire judgment. He could easily stay the disclosure of educational qualifications while allowing the implementation of the rest of the judgment. In addition, instead of ordering a blanket stay, the court could prevent the disclosure of only Mr. Safa's antecedents.

Finally, the judgment given by the High Court nearly 19 months ago was widely accepted by the citizens and the EC implemented it in five consecutive by-elections. How could then Justice Abedin justify the issuance the stay order in absence of the opposing parties? How could the honourable court become an unwitting party to a move to thwart the people's right to know and thereby allow criminal elements to run in the elections that were to be held on January 22?

Another unusual thing that happened was that while the court allowed a stranger like Mr. Safa to appeal the High Court Judgment, a submission on behalf of Shujan to be a party to the appeal was summarily rejected by the honourable judges. It may be noted that in 2005 a group of Shujan members filed a writ asking the court's intervention to fully and completely implement the original judgment. Thus, the outcome of the appeal will directly affect the outcome the writ.

The most serious fraudulent action was that the information Mr. Safa disclosed in his leave to appeal petition as well in the stay petition was totally fabricated. In both petitions, he stated that because of poverty he could not pursue his education beyond class eight.

However, by dint of his own effort he became a self-educated person, and he is involved with many schools and colleges in his area in Sandwip. He is a dedicated politician and a social worker. Although he came from a poor family, he made his fortune and he is now a philanthropist in the locality. Mr. Safa also claimed that he is a very popular, credible and important leader in Sandwip, and he is a potential candidate in the coming parliamentary elections. Since the disclosure of his educational qualifications by means of an affidavit would be discriminatory against him, he filed the appeal in public interest.

Not only Mr. Safa gave totally false information in sworn testimony, pertinent information about his background was also concealed in his petitions. Based on our investigation we found that, Mr. Safa was an ordinary soldier expatriated from Pakistan. Although he used the address of his ancestral home in Sandwip, he does not live there. In fact, he was not there for the last six years. He did not even attend the funerals of his mother and brother. He already sold his share of his ancestral homestead in Kalapania village -- not Kalapahia, as written in the petition.

The claims that he is a philanthropist, a social worker, a political activist and that he is a patron of local educational institutions are utterly baseless. In fact, according to local people, Mr. Safa is a cheat and an unsavoury character. According to his first wife, children, and the neighbours, he married more than once without spousal permission and he abandoned his family. His wife and children even do not know where he lives, even though their speculation is that he works as a security guard somewhere in Dhaka.

That Mr. Safa is a popular political leader in his area and he is a contestant in the next parliamentary election is utterly false. In fact, his family and neighbours laughed at the news. Furthermore, although he filed the appeal in public interest, Mr. Safa does not have any track record whatsoever of public service. In addition, if he was a well known and popular leader in his locality, the voters would know his background, including his educational background, and disclosing his educational qualifications would not in anyway hamper his position.

It is thus clear that by misrepresenting himself, Mr. Safa served the interests of others. In fact, even his senior lawyers one after another abandoned him because they were misled. According to Dr. Mohiuddin Farooque Vs Bangladesh and Others, the court must exercise some rules of caution to ensure that a public interest litigant acts in "bona fide," his interest in the matter is "real" and he is not "acting for a collateral purpose." Mr. Safa does not meet any of these requirements.

More seriously, the highest court of the land has become a victim of the fraudulent scheme of Mr. Safa and the interest group who used him. But, who is this interest group? Who are involved in this group? We fervently hope that in the interest of protecting the prestige of the apex court and ensuring public confidence in it, the honourable justices will dig deep into matter to identify the culprits and give them exemplary punishments. Since the highest court is the last refuge for the citizens, its prestige must be upheld at all costs.

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