

Election: Free and fair

One minister once commented that through winning of election they got lease of the country for a period of five years, and were authorised to do whatever they desired. Election, thus, became the rubber stamp for giving legitimacy to plunder and abuse in the name of democracy.

G. M. QUADER

ELECTION may be considered as the gateway to democracy. Democracy is the rule of the people. Representatives of the people selected through a process of election exercise rule.

The persons so elected are to govern. At the same time, they are to remain accountable to the people to ensure that the governance represents the hopes and aspirations of the people.

The election process selects representatives on the basis of acceptance of the majority or, in some cases, the highest number of votes, which may not constitute the majority. For that reason, a government so formed generally represents, at best, the majority who supported it, not the entire population.

But democracy aims at government representing all, including those who supported and those who did not during the election process, and to fulfill the aspirations of all in its activities. That leads to another definition of democracy -- "rule of the majority with the consent of the minority."

In the context of the prevailing system in Bangladesh it may be rephrased as "rule of the highest support holder during election with due cognisance to the views of the others."

But, unfortunately, what really happened in Bangladesh was that the government least bothered to represent the people who voted them to power, not to speak of those who did not. Instead, they kept all their attention and efforts to fulfill self and coterie interests, abusing the authority of holding government power. By no measure could the process of governance, as was practiced, be called democratic as neither the government was accountable to, nor their actions reflected the hopes and aspirations of the people.

The formation of the government could to some extent be accepted as democratic as it came by an election, which received some credibility and made peaceful transfer of power possible.

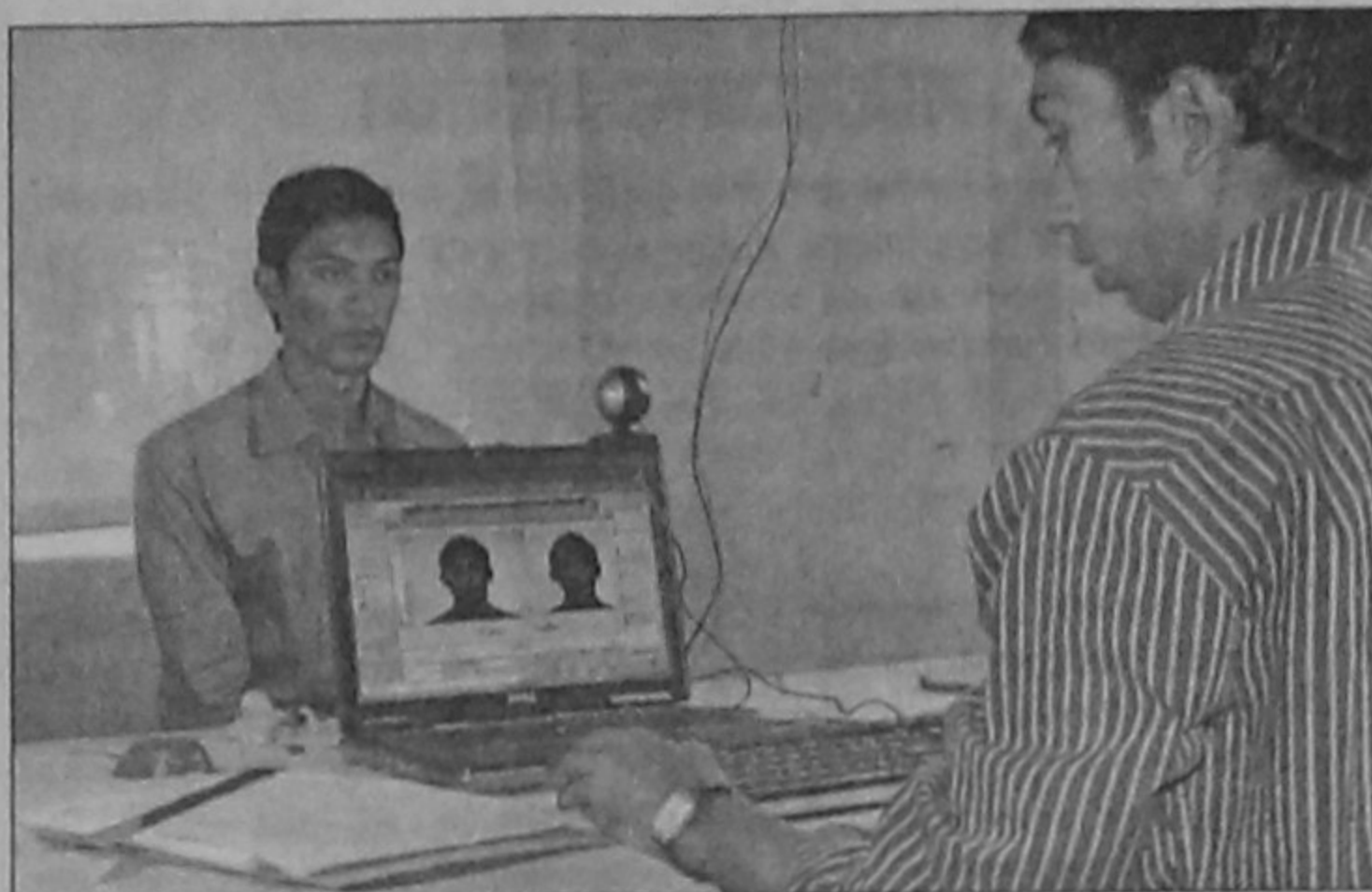
Election, instead of being the gateway to democracy, actually opened the door for an autocracy leading towards oligarchy. Election was being used as a license to the misrule that followed. One minister

once commented that through winning of election they got lease of the country for a period of five years, and were authorised to do whatever they desired. Election, thus, became the rubber stamp for giving legitimacy to plunder and abuse in the name of democracy.

That was not enough. The political parties while in power started to twist the election process by tampering with the institutions, administration, the use of government funds and authority, and the facilities to influence the result in their favour. The goal was to avoid final accountability to the people by flouting their right to change the representatives. The intention was to perpetuate the rule of the party in power.

Tampering reached its peak during the rule of the last government. It went to such an extent that it became obvious prior to the election of 9th parliament that the results were set in favour of the same government prior to election, irrespective of whatever way people voted.

Demands for reconstitution and reform of institutions, reshuffling of administration and making a level playing field for all the con-



Now no one else can cast my vote.

testing parties came up. A violent movement was waged by the people, with the leadership of all the political parties which were outside the EPA, for postponement of general election due to be held on January 22, 2007, and for fulfilling the said reforms before election.

The idea was to restore an environment which would ensure a free and fair election, where people would be allowed to exercise their voting right without the influence of fear or favour.

As a result of the movement, the election was postponed on January 11, 2007. A new caretaker government was appointed on the same day. The new government expressed its commitment to complete all the necessary measures for holding of a free and fair election at the earliest.

In addition, it also vowed to carry out reforms in public and political institutions in order to facilitate practice of democratic culture and value and also for establishment of accountability in the system.

The Election Commission (EC) and many other public institutions like Anti-Corruption Commission, Public Service Commission and University Grants Commission etc were reconstituted. The EC declared a time frame for different jobs to be completed for ensuring a congenial atmosphere before election and came up with a deadline of December 2008 to complete the general election for the 9th parliament.

The EC took up preparation of voter registration with photograph, and issuance of national identity

card. So far, reportedly, the work is progressing more or less as per schedule, which was one of the big challenges.

The EC is also making new laws and rules for election and for registration of political parties in consultation with the political parties. The new law as proposed would provide stringent measures against use of money and muscle power.

The registration law, as drafted, sets conditions for political parties to ensure democratic practice and transparency in their operations to receive or retain their registration or legal recognition as a political party.

It is hoped that the new election laws etc will be enacted soon. But, it may be mentioned here, there had always been laws and rules against use of excessive money and use of force and violence to allure or intimidate voters, and many other provisions to resist irregular practices in election.

But, the law could never be implemented effectively by the concerned authorities to reduce the same, not to speak of stopping the same. On the contrary, in the past the irregularities showed a trend of continuous rise with the passage of time.

As regards the registration of political parties, the law is still to be enacted. There might be time for redrafting party constitutions in line with the requirements of the law when enacted, and adopted by

the parties after the ban on political activities is over. But, it is doubtful whether there would be enough time left to monitor who are following the reform measures and who are not before the election deadline.

Moreover, with the activities and deliberations of the leaders of political parties, there is reason to believe that they may not be agreeable to any change, and would continue to follow the path which they had followed in the past.

The caretaker government (CTG), which took office after January 11, 2007, has carried out substantial reshuffling in the administration, changing officials with partisan inclination from positions vital in respect of election.

But, those officials who became party-biased as a result of getting undue benefit during that party's regime are still in service of the government, and are in a position to influence the election result if they so desire.

The wide-scale anti-corruption drive tried to net those who made substantial fortunes through corruption, including politicians, business groups, different professional groups, and the private and public sectors etc.

But, most of them are still at large, waiting for an opportunity to come out of their apparent hibernation to work for their benefactors.

These mentioned officials, extortionists, professional groups and so called business groups, carrying out all possible irregular and illegal activities, form a strong vested interest group. They use and misuse their authority, money and muscle heavily during election for the parties from which they received undue favours while those parties were in office.

These people do this to show their gratitude, and also as an investment for future favours. This time, the stakes for the said elements and their mentors are even higher.

Under the circumstance, with the level of reconstitution of the institutions, reshuffling of administration, cleaning of corrupt vested interest groups from the field that could possibly be achieved till the committed election time, it would still be an uphill task to ensure a level playing field and a fair election free from the influence of money and muscle.

In case the political parties do not take up the reform program voluntarily and with due seriousness, and do not avoid nominating corrupt and/or violent candidates, it may be impossible to have a fair election, and a subsequent government and politics free from criminalisation. To ensure fair election it may not be made free for the criminals.

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Proposed local government laws

It is, therefore, clear from the definition that LG institutions are self-governed, and their office bearers should have the authority to take political decisions as to plan and implement development initiatives required for their constituents.

KARTICK CHANDRA MANDAL

BANGLADESH has a long history of local government (LG). Through this article we will try to discuss some of the critical issues pertaining to LG, and finally make a recommendation to the government.

Conceptual framework

Is our local government (LG) self-governed? The answer to this question is obviously known to all of us. The LG institutions, numbering around 6 thousand, are not self-governed, rather they are treated as mere extensions and appendages of the national government. This reality fundamentally goes against the very concept of LG as such, and is against the spirit of the

Constitution of Bangladesh

To look into the conceptual issues we may synthesise the definition, the most recognised and widely accepted, given by the United Nations as "the term local self-government refers to political sub-division of a nation or a state which is constituted by law." It is, therefore, clear from the definition that LG institutions are self-governed, and their office bearers should have the authority to take political decisions as to plan and implement development initiatives required for their constituents.

The constitutional provisions

Now we shall analyse the constitutional spirit with regards to LG. Article 59 entrusts the LG institu-

tions with the authority to plan, coordinate and implement development initiatives, and to manage their staff. Article 60 confers on them the authority to prepare budgets of their own as well. Article 9 says the state shall encourage the LGs. These provisions unambiguously uphold the true sense of LG and, thus, it is obligatory for the government to translate these provisions into law.

Being constitutional entities, they should not be made subservient to the national government. They must have such autonomy as enjoyed by other constitutional entities, such as Public Service Commission (PSC), University Grants Commission (UGC), etc. Regrettably, however, the legal frameworks, thanks to the colonial legacy, make the institutions dependent on the national government. These colonial relics, in the

guise of modern bureaucratic machinery, denies their constituents to be served with local human, physical, financial and social capital.

The reality

The entire LG system is historically weak, and has been made purposefully fragile. Though there are social, political and administrative reasons, nevertheless, the bureaucracy is the major deterrent in strengthening these institutions. The bureaucracy always likes to create "a sense of fear" in the minds of the elected representatives.

I am just furnishing one example to delineate the sense of fear that prevails in the minds of LG representatives. In the month of November, while I was talking with a Union Parishad chairman at Dharmapasha, under Netrokona, about non-formation of the standing committees, the Chairman said "shaes shamayae kore abar DCR thela khai" (forming the committees at the end of the term, I may be brought to book by the DC (Deputy Commissioner)). The implication of

the sentence is very far-reaching and eye opening, therefore, to be thought in the light of the constitutional spirit in the first place.

Recent steps of the government

The government is now revising existing laws in the light of the recommendations put forward by a committee set up by it. The government should examine the proposed laws through the lens of the conceptual framework, and vis-à-vis the constitution, in order to create an enabling environment so that LG institutions function as self-governed entities, free from the executive. To work in that environment, these entities need a guardian institution, working as a buffer institution between the government and these entities.

Local government commission

In formulating a commission to oversee LG institutions, two



issues are critically important; (1) eligibility and selection of members and (2) the power and authority to be vested in the commission. Eligibility should be broad-based and inclusive. Putting bureaucrats at the helm will be like "pouring old wine into a new bottle," and providing a wider scope for giving the

reduces the. To herald meaningful change and an era of autonomy, issues such as taking oath, dissolving the elected body and suspending the representatives, and preparing the budget must lie with the commission. To establish good governance, paving the way to attain the

targets of PRSP and MDGs, the government should have a decentralisation policy devolving power, resources and authority to the LGs, and the commission should have the authority to ensure its implementation.

Public opinion seeking

The government is finalising the process of formulating the "The Local Government Commission 2008." Since strengthening the LG system, and the formation of a commission, is a two-decade long demand from the concerned quarters, the government should go for seeking public opinion and consult with the relevant stakeholders including the civil society as is done in case of right to information act. And that would be the best rewards for the framers of the Constitution, in this month of liberation and independence.

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Death-traps on rooftops

What is urgently required is steps for removal of all unauthorised billboards and neon signs from city areas, and framing of a policy guidelines as regards size and structure of billboards and neon signs, keeping security interests above other considerations.

NURUL HUDA

BILLBOARDS installed on rooftops in the city claimed some lives, and left several others injured, when they collapsed during stormy weather.

Unplanned and, in many cases, unauthorised billboards and neon signs on weak structures at different city corners and rooftops have been posing a threat to the lives of city dwellers. Many more accidental deaths and injuries are feared with the advent of stormy weather in Baishakh.

An unidentified young man was killed in front of the Chandrima supermarket on March 20 when a billboard fell on him. Hazrat Ali, a security guard of a CNG fuel filling station was killed in a similar acci-

dent in June 2006, and a boy died last year when a billboard fell on him in front of Shishu Park.

So far no step, as it appears, has been taken to check recurrence of such accidental deaths. The question that has been haunting us is whether some organisation will come forward to stop recurrence of billboard related accidental deaths. The responsibility for such deaths and injuries need to be fixed on priority basis, and those responsible should be asked to pay compensation.

So far about 3000 rooftop billboards, as reported, have been installed in the city. A senior police officer reportedly told The Daily Star that action could be taken against the owners of the billboards under the Negligence Act of the Dhaka

Metropolitan Police (DMP). He, however, wanted to shift the responsibility to the Dhaka City Corporation (DCC) to take care of the matter.

Meanwhile, one relevant official of DCC told the daily that they could not continue the demolition drive of billboard as some of the owners had filed writs with the High Court.

But we have seen demolition drives against unauthorised structures throughout the country for recovery of government land. Sometimes, as has been reported, court cases were ignored in the larger national interest. As such, the argument of the DCC official that due to court case the authority had to keep its demolition drive suspended does not appear to be at all convincing.

There is, as it appears, a tendency among the concerned agencies to shift the responsibilities. Had there been seriousness and sincerity on the part of the concerned agencies, there could even be out of court settlement of the matter.

The DCC demolished more than 1,000 billboards and neon signs in November, 2006, on the eve of the 13th Saarc Summit. There was an initiative for assessment of the city's illegal billboards and neon signs.

But the initiative reportedly failed due to inefficiency of the DCC. There are allegations that the DCC drive against unauthorised billboards and neon signs failed

also due to underhand deal between a section of corrupt officials of the organisation and a section of less known advertising agencies.

The number of companies running the trade, as has been estimated, will be more than 300. The reputed companies usually do not sign contracts with less known companies involved in the business. But companies that are not reputed sign contracts with unauthorised companies for promoting their products.

In this context, it can be recalled that The Daily Star carried an article under the headline "A new death trap?" in June 2006 after reports of billboard-related accidental deaths. The article strongly pleaded for proper compensation for billboard related accidental deaths, injuries and damage to property. But no action has been taken since then to find a solution to the issue.

What is urgently required is steps for removal of all unauthorised billboards and neon signs from city areas, and framing of a policy guidelines as regards size and structure of billboards and neon signs, keeping security interests above other considerations.

Human rights bodies or legal aid organisations can, on their own, sue those responsible for billboard related accidental deaths or injuries. There can be also Public Interest Litigation (PIL) case holding the advertising agencies and the DCC responsible for billboard related accidental deaths and damage to property.

The court on its own can also act as frequent billboard related accidental deaths and injuries, have become a security concern.

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Public servant salaries

A comprehensive incomes policy is needed to ensure that wage increases are linked to productivity growth, and to check unscrupulous profiting by business. In the absence of a comprehensive incomes policy, wage adjustments for inflation would be a knee-jerk policy response.

ANIS CHOWDHURY

PUBLIC servants' salaries are in the news. The government is apparently considering raising the salaries of government servants in view of the recent rise in inflation, but many are concerned about the inflationary impact of salary adjustment. The Daily Star in its editorial (March 20) has rightly highlighted the folly of such a policy response, which may end up in the vicious circle of a wage-price spiral.

In my column on "The Inflation Worry" (The Daily Star, January 28), I argued that "... (the government) must not cave in to the demand to raise wages of public servants. This will be most dangerous, as it will add fuel to the inflation fire."

Once the wage-price spiral takes hold, the government will eventually be forced to act with contractionary macroeconomic policies, which is likely to harm the economy. We are likely to see increased business closures due to credit squeeze, and cuts in government development expenditure, both causing a rise in unemployment and declines in long-term economic potential.

Thus, the anticipated policy response will be counter-productive in the long run. There can be many reasons for adjusting civil servants' salaries.

First, this should be part of civil service reforms aimed at making service more efficient and creating disincentives for corruption. Therefore, the rationale for a civil service salary hike should not be based solely on the inflationary adjustment argument.

Real wages must be maintained, but extreme care is needed to prevent the wage-price spiral. This is possible only through a comprehensive wages and prices policy, referred to as "incomes policy." Such a policy is required to prevent aggressive behaviour from both business and labour in the catching up race, which results in the passing of wage rises to prices.

A comprehensive incomes policy is needed to ensure that wage increases are linked to productivity growth, and to check unscrupulous profiting by business. In the absence of a comprehensive incomes policy, wage adjustments for inflation would be a knee-jerk policy response.

In my earlier column, I suggested non-inflationary ways of adjusting public servant salaries. They can be adjusted upward by paying with savings certificates, or by making increased contributions to their pension funds.

The government can also consider expanding the housing scheme for public servants to lessen pressure on their living expenses.

It is reported that the government is likely to revise the budget for the current fiscal year by downsizing the development budget and expanding the revenue budget (The Daily Star, March 10). The government's planned increase of public servant salaries may be linked to the reported readjustment of revenue and development budgets.

If that is the case, then it would be the most irresponsible policy response. While reduction in the development budget will damage the long-term potential of the economy, hence the supply of goods and services, increased salary will simply add to demand, causing prices to rise at a faster rate.

If the government decides to expand the housing scheme for public servants as compensation for higher living expenses, then the development budget should rise. Even though it may have to be financed through budget deficits, which can be inflationary in the short-run, it is unlikely to create the vicious circle of a wage-price spiral. Furthermore, such a program will create jobs and, hence, create income for the poor.

The government can also compensate the public servants by subsidising high quality health services for their families and education for their children. This will be less inflationary in the long run, even though it needs to be

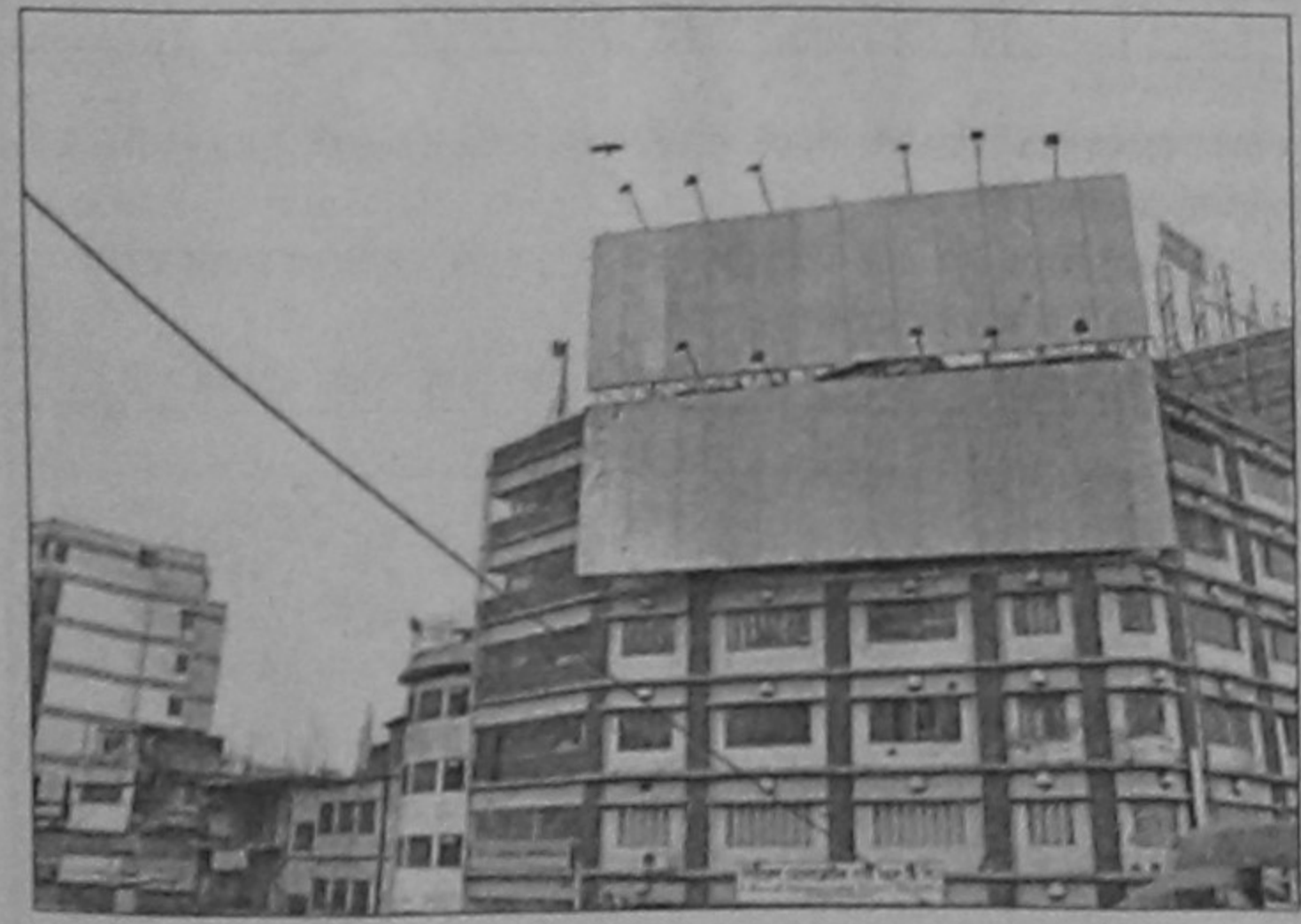
financed through a deficit.

If the reported increase in revenue budget is for such a program then there should not be any concerns, but that does not have to be matched by a reduction in the development budget in order to maintain an overall balanced budget or a moderate level of deficit. This kind of program adds to long-term potential, hence dampening effects of inflation.

The private sector can also consider such programs. Professor Salim Rashid of the University of Illinois at Urbana-Champaign has floated the idea of a compact village. Large private sector employers, such as owners of large garment factories, can build multi-storied accommodation facilities with well-serviced schools, health-clinics and recreational facilities for their workers as part of their employee compensation package. This will not only reduce industrial unrest, but also enhance productivity and, most importantly, international image in a world which is becoming increasingly concerned with labour rights.

We can expect the private sector to act if the government leads by example. If the government raises the civil servant salaries to adjust for inflation then workers in the private sector will demand the same. This will lead to increased industrial unrest, loss of output, and, if there is an eventual cave-in, the economy will plunge into the devastating wage-price spiral.

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Watch out when you are near one of these!