

The art and dirt of politics



MUHAMMAD NURUL HUDA

POLITICS has often been described as the art of wise people, and alternatively as the last refuge of scoundrels. There is, however, no doubt that efficient politicians are artful people who are driven by an admirable urge of public service. As such, their altruism has been appreciated and recognised in all societies and politics has been deemed to be an edifying activity.

It is, therefore, quite striking to note that in recent years, politicians, irrespective of their country of origin, have figured very low in the popularity ratings, therefore it is no wonder that governments administered and steered by politicians have been less than trustworthy in public eyes in different parts of the world. The increasingly strident voices of civil society and non-

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governmental organisations in such a scenario have further eroded the credibility of politicians.

Nobody would question the politician's prerogative to rule. The historical fact is that people have risen to great heights when they have basked in the glow of noble kings or leaders. It is, therefore, a sad sight to witness the continued demeaning of politics and politicians in our midst and near home.

The question is, has politics become dirty because we see many of our politicians occupied solely in maintaining a system which is poisoned by collective bad faith and polluted by individual avarice? Are our politicians served by deception and craftiness instead of vision and imagination? Has the near breakdown of politics been caused by the fragility of our institutions? Such

worries should bother a concerned citizenry.

Have not the bigwigs of both Awami League and BNP pressed their partisan advantage to a bitter end, never understood and respected the political opponent, and hardly ever stressed the importance of unity between all citizens? Did not they realise that, since the spirit of moderation did not prevail, our society has degenerated into divisions and hatred has replaced goodwill?

Politics brought to the fore a lot of dirt because our democratic experience did not depend upon habits of consent and compromise that are attributes of a mature political society. We did not seek to establish and sustain a lawful government under the rule of abiding law and with freedom of opposition and dissent.

Living in a democracy entails hazards. In such living there is no

particular concern or mercy because democracy demands the cooperation of all perceptive citizens in the business of running the country. Sadly, that has not been our experience.

It is time, therefore, to ensure that arbitrary power cannot once again wear the garb of constitutionalism. The elected representatives who betrayed the people's trust need to be kept away from public affairs. The question is, how do we restore politics to its artful best and to the bonafide politicians?

Our first task is to have leadership at all levels by doing away with the concentration of all power and decision-making authority in one individual. Simultaneously, we have to let all groups function harmoniously so that the synergistic effect of such harmonious cooperation can be felt everywhere. At the national

level, we need to establish Government of Bangladesh Limited -- limited not in responsibility but limited by the rule of law and the discipline of the constitution.

Politics in Bangladesh has to ensure that the lawmakers, dressed in brief authority, are not supreme. The supremacy of the constitution and the eternal human freedoms have to get the precedence. We have to remember that the people are supreme and they have given the constitution unto themselves.

Such laws have to be passed that ensure the good of the country in the long years ahead. Necessary transition towards that end would demand a higher standard of intellect in politics. Sadly, in our average politician we have witnessed the sordid amalgam of lack of intellect with lack of character and lack of knowledge.

We can no longer vote ignorant professional politicians to power. The survival of politicians must not depend upon the continuation of the forces of ignorance. Politicians having a vested interest in illiteracy must be rejected. Perhaps the time has come when citizens must wrest the initiative from professional politicians and insist upon persons of knowledge, vision and character being chosen as candidates for various elected bodies, including the parliament.

There is a deep-felt need for an intelligent and adequate organisation of voters. There can be a citizen's council in every constituency, consisting of impartial non-party individuals who would appraise the candidates and recommend the right ones. Such arrangement is meant for a few years, as it is expected that with upright persons at the helm of affairs things would become stable sooner than later.

At present, we have to admit that citizens are caught in a vicious circle. Persons of talent and integrity will not enter public life because of the filth and stench; and yet public life cannot be cleansed unless persons of talent and integrity enter it.

We have to admit that our

conduct is still largely governed by emotions rather than by reason. It is, therefore, the sacred duty of every citizen to not merely vote but to vote wisely. The voter has to vote for the best person, irrespective of any consideration or the party label. The right person in the wrong party should be preferable to the wrong person in the right party.

In Bangladesh, politics, in its wider connotation, should really mean taking one's agenda in one's own hands. It should be about the process of change; how society is organised; what its power structure is; who the actors are; how they interact with each other and with the outside world. It is also about social responsibility, about participation, about inclusion. It is about ideas and new concepts and their implementation.

When we restrict politics to politicians and their antics, and intermittent interventions by the military, we exclude the above-mentioned subjects from purview. Politics in such a situation becomes a spectator sport. Quite naturally, in such a scenario, the people have no role in selecting the players nor any part in the game itself. Therefore, the people also share the strengths and weak-

nesses of the players.

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Politics should touch our daily lives. For residents of urban centers, the issues of law and order, shortage of water and electricity, lack of a public transportation system, and unemployment should be the focal points of our politics. Issues which concern citizens' lives are political issues.

The colonial masters introduced the concepts of modern governance: a neutral civil service selected on the basis of a comparative examination, codification of laws, delegation of powers, local self-government and an independent judiciary; and, of course, modern universities and colleges for social science, medicine and engineering. If we succeed in rejuvenating all those we will have excelled in the art of politics.

Muhammad Nurul Huda is a columnist of The Daily Star.

LEST WE FORGET

Ishtiaq: An extraordinary legal mind

JUSTICE MUSTAFA KAMAL

Iknew him since 1950 when we were enrolled in the 1st year BA (Hons) class in the University of Dhaka, he in the Economics Department, and I in the Department of Political Science. It took me some time to realise that he was not a Bangali by origin (he and his family came from Gazipur, Uttar Pradesh, India), because he was so fluent and flawless in Bangla and injected so much of colloquial corruptions into his Bangla conversations that it was difficult to discern any non-Bangali trait in his origin. It is only when I came into personal contact with his parents, his four elder brothers and one younger brother (who remains the only surviving brother till today) that I came to know of his roots. Later he told me that he started in infancy his elementary education in a toll run by a single Gurumashai under a banyan tree at Hilli, Dinajpur where his father had a business.

We became instant friends, more because of his expansive nature than because of my own ability to make friends. We shared at that time some things in common -- outlook on life, commitment to country and the people, simple life and so on. He was a powerful and skilful orator in English. He used to address in English huge public meetings on public issues at Purana Paltan Maidan while still a student of Dhaka University. His listeners did not perhaps understand him fully, but he kept them spell-bound. Those of us who are surviving witnesses to Ishtiaq's fiery speeches in English in the early fifties at the huge Purana Paltan

Maidan are yet to find another Ishtiaq who can mesmerise countless ordinary Bangali listeners for hours on end in the English language. For many more like me, he was a rarity for all ages as an orator and gifted speaker with equal facility of expression in three languages, English, Bangla and Urdu.

Ishtiaq was outstanding in his University career in showing leadership, organising ability, persuasiveness and singleness of purpose. A few days before the language movement on the 21st February 1952, he was struck unfortunately with jaundice that physically prevented him from taking any active part in it. It is recognised on all hands that along with Marhum Ibrahim Taha he was a vanguard in the preparatory stages of the movement and remained a dedicated pursuer of the ongoing movement after his recovery. While remaining active in the language movement he passed the BA (Hons) examination in Economics in 1953 securing a high second class. He was arrested with others while attending a secret meeting of the leaders of language movement and was kept in prison for some time in 1954. That was the year when he passed the MA examination in Economics, securing the first position in the second class, none having secured first class.

He continued to be a student of the University in the 1st year LLB class. The whole student community very much wanted him to stand for election as Vice President of Salimullah Muslim Hall Union in 1954, but he disappointed them all so much so that as soon as he announced his decision not to contest, a group of highly charged supporters rushed to physically

assault him. A few equally disappointed supporters saved him. He married in June 1955 our batch-mate Sufia Ibrahim, daughter of Marhum Mr Justice M Ibrahim. Later in life Sufia became National Professor, Dr Sufia Ahmed.

As already stated, Ishtiaq, Sufia and myself were batch-mates in the University of Dhaka during 1950-54 studying in three different departments and maintaining a steady friendship. We all three along with Justice Ibrahim's eldest son, Marhum Khaled, Ibrahim (Manju), left for England for higher studies on the same day and on the same plane in September 1955. While Sufia pursued an MA and PhD degree in history at the School of Oriental and African Studies (SOAS) in London, Ishtiaq was reading for the Bar at the Hobble Society of Lincoln's Inn. I was awarded a Merit Scholarship that helped me study the MSc (Econ.) course at the London School of Economics & Political Science (LSE) while keeping the dining terms at the same Inn. Ishtiaq retained as usual his student activism while pursuing studies in London. I was drawn into it too. We scouted London in our pursuit for political activities, cultural rallies and functions, widening social contact.

Ishtiaq-Sufia's first baby, today's Mr Justice Dr Syed Rifat Ahmed, was born in London in December 1959. I completed the Bar in October 1959 and rushed back home to have a last glimpse of my father who died exactly a month and a half since my return, after suffering a four-year long protracted illness. Ishtiaq and Sufia returned to Dhaka in 1960, after Sufia completed her Ph.D. Ishtiaq

waited for her to complete her studies and in the meanwhile obtained the MSc (Econ.) degree from LSE. He started school teaching in London while Sufia braced herself for Ph.D. While in London we stayed close together. All through our later lives we harboured and nurtured many sweet memories of years of companionship and friendship. My father and Sufia's father went to London at different periods of our stay there for treatment. We came to each other's aid as much as we could. Our bouquet of friendship is strewn with flowers of comradely empathy and assistance.

Not many would know what struggle we both had to go through to establish ourselves in the legal profession. We both attended for some time the Chamber of Marhum Barrister ATM Mustafa at Ramkrishna Mission Road in the evening and returned to Purana Paltan in the same rickshaw at dead of night. At times none of us had even the eight annas rickshaw fare to pay. We literally started penniless and from a scratch.

It may be partially true that being the son-in-law of a celebrated former Judge of the Dhaka High Court and a former Vice-Chancellor of Dhaka University, Marhum Mr Justice M Ibrahim, Ishtiaq had a better head start in the profession than others who joined the profession on or about the same time with him, but it will be a travesty of truth if one ascribes his phenomenal ascendancy in the profession to just this one causal connection. He applied himself dedicatedly and in full to the profession. No digression to politics, no filtration with competitive pursuits, he utilised his working

hours in gaining knowledge and experience to establish himself on a firm footing in the profession. He had a natural edge over others, in that his gift of the gab was given by Allah and was inborn in him. He made good use of it.

It was hard and dedicated work, sincerity and honesty that catapulted him into the summit of the legal profession in the earliest possible time. Once he started climbing he did not have to look back. From the very early stage of the profession he involved himself with international conferences of lawyers and jurists and soon became a frequent traveller abroad bringing glory to himself, the profession and the country. The law reports of the country since 1961 till his death in 2003 are full of reported cases in which he appeared in various types of cases that often set up precedents for the future generations of lawyers and judges to follow. This by itself is an enormous contribution by any standard. A lifetime of appearances in precedent setting cases can be a subject matter of envy and goal for any lawyer of any age.

Ishtiaq was a polite, respectful, and forceful advocate of the causes of his clients. His eloquence, measured submissions, analytical capacity and, above all, his wit, was a source of delight to all those who listened to him.

Marhum Justice SM Murshed, former Chief Justice of East Pakistan, was a great admirer of his advocacy. Ishtiaq, like all great lawyers, was an astute capturer of a Judge's psychology. He knew Justice Murshed was allergic to citing case laws before him. Being a judge of exceptional original thinking, he treated case laws almost

with a disdain. Yet to bring home his point Ishtiaq had to cite two cases from the English jurisdiction that Justice Murshed might not have been aware of. He started by saying that he read two case laws on the point at issue for his own knowledge and assimilation and would not cite them, for he knew that the court was already aware of the principles contained in them. He would merely place those decisions before the court for his own satisfaction that he read the right decisions. Justice Murshed gave him a chuckle and started reading those two decisions in silence. Ishtiaq won his point and Justice Murshed referred to those two decisions in awarding a judgment in favour of the client of Ishtiaq.

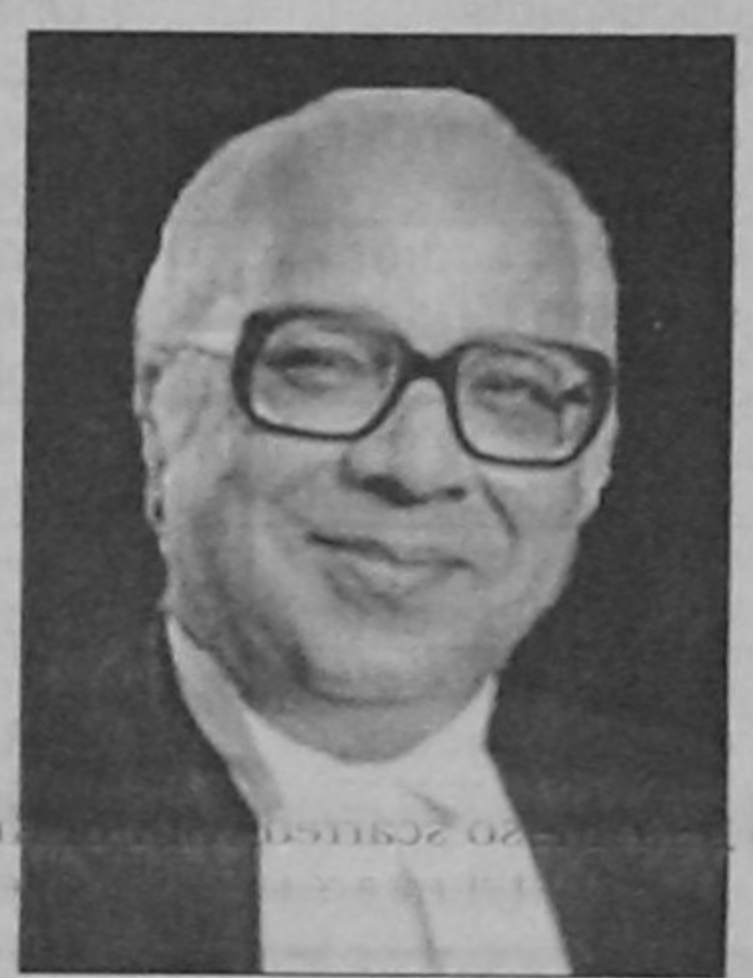
Marhum Mr Justice BA Siddiky, another former Chief Justice of East Pakistan, told me very early in my career as a judge that he found two lawyers in his court at their very best when incited, provoked or contradicted. He mentioned Ishtiaq first and Khandakar Mahbubuddin Ahmed next. He said that these two lawyers could indeed take their arguments to lofty heights, beyond the imagination of their tormentors, if they were so waylaid. When I grew up as a senior Judge I sometimes used this technique on some selected lawyers and found out to my delight how very much true the keen observations of Chief Justice Siddiky were in respect of those two lawyers. These two lawyers flourished and flowered in their arguments when they were so provoked. Those were indeed the most delightful and enjoyable moments in their advocacy. Like myself, all judges will wonder if the same technique will yield the same result

in respect of all lawyers of standing.

Although miles away from active politics, Ishtiaq retained a close association with politicians of all hues and colours. On matters of national importance he never shirked from making his views known. He was respected and trusted by those politicians who were respectable themselves.

Without joining active politics Ishtiaq quietly became a national figure. When the High Court Division was split up into seven permanent Benches scattered throughout Bangladesh he rose in fury and played an activist role in rescinding it courting arrest without trial twice. When the political parties drew up an agreed Charter to get rid of the presidential system, Ishtiaq's skill was used inevitably. No wonder that he was nominated twice to head the Law Ministry under two different Chief Advisers. He did not hold his office decoratively. His activist mind soon transformed this Ministry into a vehicle of change. The Judicial Administration Training Institute (JATI) and the Law Commission were activated by him. Those were so long in existence only in the statute book. During his second term he took all steps to materialize the separation of judiciary from the executive, but he was thwarted from finally doing it due to the last-minute intervention of the Prime Minister in the office. He remained frustrated till his death for this tragic outcome of his sustained efforts.

It is a matter of history that Ishtiaq as an activist fought both in and out of court to realize his goals. His mighty arguments found the highest court's endorsement in the famous Eighth Amendment case.



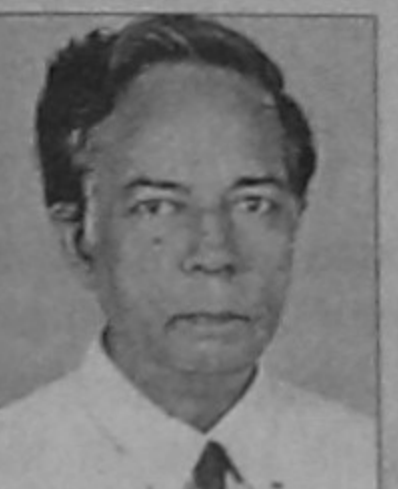
His powerful advocacy gained the court's support in Mazdar Hossain's case. For 20 years the Law Reports contain a chain of constitutional cases in which his advocacy paved the way for creative interpretation of various provisions of the Constitution by the highest court.

Not many will know, but Ishtiaq was a philanthropist all his life. His immediate and proximate family members, his near and distant relations, his closest and little-known friends, associates and employees and even rank strangers never returned from his door without being helped when help was asked for.

Death has taken away from us a lofty man with lofty ideals, a gentleman par excellence and a man of affection, gentility, with humour and kindness. A chapter has been closed. We who are left behind can only pray to Almighty Allah to bless his soul with eternal peace.

Justice Mustafa Kamal is former Chief Justice of Bangladesh.

HIV/AIDS: Hold the scourge at bay



MD. ASADULLAH KHAN

THE recent survey report by the National AIDS / STD Works Programme on the spread of HIV infection in a section of the intravenous drug users (IDU) in a certain area of Dhaka city is alarming. The report indicated that the prevalence of HIV among such drug users has reached as high as 10.5 per cent in that area (the name of the area has not been made public) of the city. ICDDR, B conducted the survey by collecting blood sample of more than 10,000 IDUs in selected 19 areas of the country and the result indicated HIV infection among such users to be less than 1 per cent but the average infection rate among IDUs in the Dhaka city has been found to be 7 per

What we have got to be worried of is that promiscuity is the single most important way by which the epidemic spreads. One reason for its rapid dissemination is that symptoms take an average five years to show up, so an afflicted person can pass the virus unknowingly to scores of people. Moreover the middle class seldom believed that it was vulnerable to the insidious spread.

cent and in a certain area as high as said above. With prevalence rate of 5 per cent or more considered as epidemic for any disease, the large incidence of HIV infection in a concentrated population in the city is a chilling message to all vitally linked with the development of the country.

While epidemiologists have long labeled Africa as a time bomb for the outbreak of afflictions such as AIDS, much of the world, more specifically India, Bangladesh, Nepal, Pakistan and Myanmar remained somewhat indifferent to the region's plight. The situation is set to change with a new World Bank report that brings the threat of AIDS closer to home. The infection rate in Asia, says the report, will dwarf the health crisis Africans suffered over the past 15 years.

According to the report, there

are more than 8 million people infected with HIV or AIDS in Asia. What's worse, the number is expected to jump dramatically in the near future. The reason for the new outbreaks, says the report, is that most of Southeast Asia has reached a concentrated stage of infection. This means that the disease has reached high levels among those most at risk -- intravenous drug users and sex workers, -- and is set to creep into the rest of society.

Speaking about India, on the most conservative of estimates, as per statistics taken in 2004, more than 600,000 already have the disease and more than 5m are infected with HIV. That means India ranks second only to South Africa in terms of its number of infections. If India's rate were to rise by just a few percentage points, not only would millions

more there be condemned to live with -- or more likely die of -- AIDS, but so would millions of its neighbours, especially Bangladesh with 4222 km porous land border put to the risk.

Precisely true, no country is condemned to follow Africa into an AIDS cauldron. The policies adopted by not so distant Thailand have the greatest relevance for us. The Thais adopted six policies in particular: evaluation and monitoring of the outbreak, a concentration of efforts on high risk groups, general education about HIV and AIDS, combined with a 100 per cent condom use programme and a campaign to dispel with the stigma associated with the disease, collaboration with as many people as possible on all fronts, international support and political will.

Understandably, the growing

number of HIV cases in India calls for stepping up efforts to halt the spread of the disease in our country through cross-border transmissions. The most worrying aspect is the trafficking of teenage girls to India who after being coerced into sex trade, eventually come back to Bangladesh with high probability of carrying with them the treasured HIV infection.

The Home Adviser's disclosure while inaugurating a new police investigation unit formed to strengthen fight against human trafficking in the city in the recent past as reported in The Daily Star on June 18 last that every day about 50 Bangladeshi women were trafficked to India came as a bewildering shock to the nation. It was stated in the report that 400,000 Bangladeshi women were engaged in forced prostitution in India. The report further added

that 40,000 female children were exploited in Pakistan.

Reports carried by a Chennai (India) based AIDS Research and Education Centre revealed that the centre was treating two sons of a wealthy industrialist for AIDS. The sons admitted that they had unprotected sex with "high class" call girls before and after marriage. Neither believed that there was any risk involved so long as they kept away from the official red light areas. "Now their wives are also infected," said the director of the centre glumly.

Heterosexual transmission now accounts for over two-thirds of all HIV positive cases in underdeveloped countries like India, Uganda and other African countries. Contrarily, in Thailand just within three years since the beginning of 1996 the number of infected cases shot up from 1000 to 50,000 through intravenous drug users like that we see in Bangladesh now. Referring to the high incidence of HIV infection in an area of the city Dr. Nazrul Islam, an eminent HIV/AIDS expert and Professor of Virology at BSMMUH said, "It's a concentrated epidemic in a small area and must be construed as a red alert for a densely populated

small country like Bangladesh.

Either in India or Uganda or Thailand or our own country what we have got to be worried of is that promiscuity is the single most important way by which the epidemic spreads. One reason for its rapid dissemination is that symptoms take an average five years to show up, so an afflicted person can pass the virus unknowingly to scores of people. Moreover the middle class seldom believed that it was vulnerable to the insidious spread.

AIDS is an expensive disease, expensive to prevent and expensive to treat. With a limited budget more money for prevention means less for treatment. On the other hand without the promise of treatment no one has the incentive to be tested and without tests the disease will spread. Then it will be apparent that AIDS is an expensive disease to neglect.

UN experts have indicated that in the Asian region including India, Myanmar, Nepal, the Philippines and last of all Bangladesh, a disaster is waiting to happen. There are 5 million new cases every year, of which 58 per cent are people under 25. About 10 million Asians have

either HIV or full blown AIDS, including about 8 million in India which is a grim warning to Bangladesh.

Till recently many people in our country considered AIDS a scourge of the libertine West that posed little threat to a conservative society like ours based on monogamous marriages. But Bangladesh has also hundreds of thousands of sailors, labourers of all varieties and other professional groups who work abroad for a time and a continual tide of businessmen and trafficked women beyond the borders of this country. Villages in Bangladesh, to say nothing of the cities and towns, are not, in fact, the bastions of sexual probity they are quaintly imagined to be. Studies have shown that Bangladesh society, long considered so conservative, is more footloose and sexually free than is commonly admitted. The incidence of HIV virus in an epidemic form in a concentrated zone in Dhaka city should serve as a wake up call for the government in power and the one that would be coming to power through a credible election.

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