

TALKING POLLS AND BEYOND

'We all are against the corruption'

Barrister Rafique-ul Huq is now the busiest lawyer in the country. He is the counsel for both former prime ministers-Khaleda Zia and Sheikh Hasina. Born in November 2, 1935, Rafique completed his bar-at-law in 1961. He was enrolled as an Advocate in Calcutta High Court in 1960. He became a senior lawyer of the Supreme Court of the country in 1975. He was appointed Attorney General and Chairman of Bar Council of Bangladesh in 1990. He is a patron of Dhaka Shishu Hospital, Dhaka Ahsania Mission and several other organizations. He is the chairman of Ad-Din Hospital. **Ashutosh Sarkar and Rashidul Hasan** took his interview.

Do you have any confusion about holding of the national poll on the scheduled date of December 18?
As of today there is no confusion in my mind about holding of the next election in line with the electoral roadmap. As some political developments took place recently, I think, there is no confusion about the holding of the election. But, some people have been trying to foil the election at any rate.

If the election is not held on the scheduled date, the future of the country would be very bad. Government is saying that emergency is needed to ensure the security of the voters. What do you think?

The government is not correct, since the emergency is not needed to protect the voters. Rather, emergency is needed to show fear to the voters.

As per rules 16(2) of the Emergency Power Rules (EPR), anybody can be arrested at any time. The High Court and even the Supreme Court granted bail to some people in the cases against them, but some of them were re-arrested at the jail gates on charge of violation of these rules. These rules are a very serious and arbitrary law. How the candidates or their supporters can normally work during the election, if this law remains in force?

Freedom of movements and associations and holding assemblies are needed to hold the free

and fair elections, if the emergency remains in force those freedoms would be halted.

What is your evaluation about the reform initiative of the caretaker government?
Primarily we thought that the government has been doing well and we were all hopeful. But what happened finally?

It can be said that this government is a government of ordinance and destructions, not constructions. It has issued at least 91 ordinances, demolished the houses, roads and establishments. As per rules of the Constitution, this government's duties are doing routine functions and have no jurisdiction to take any policy decision, unless it is compelled.

Will you tell us about the good steps of this government?
I personally think that the government has done many good jobs including the amendment of the Income Tax Law, separation of the Election Commission (EC) secretariat from the control of the Prime Minister's office, Supreme Judicial Commission Ordinance, voters' identity cards with photos etc.

It will be wrong if it is said that all the steps of this government are bad. We must give the credits to the government for its good jobs. But, the government has not built any schools, colleges, roads and bridges. Has the government backed from its reform initiative?

I will not say that the government has backed from its reform works, but it is a matter of regret that the tenure of the ordinances, the government has issued, is 30 days from the first session of the parliament. It might not be possible to pass so many ordinances within this period.

If those are not passed in the parliament, those will be ineffective. Confusions have created in the mind of the people that this government wants to cling to the state powers since the government has issued so many ordinances.

Do you think that Election Commission's reforming initiatives will bring change in the present political culture?

I whole-heartedly congratulate the Election Commission for their initiative specially registering the political parties. If they do not take such initiatives, political parties do not amend their respective constitutions. Think about Jamaat-e-Islami and others, did they amend their constitution without EC's initiative? Credit must be given to Dr Huda and his colleagues definitely.

The Representation of the People Order (RPO) has been amended two times, what is your comment in this regard?

Bringing amendment in the RPO was a good initiative as there were some weakness and mistakes there. Earlier there was a provision in the RPO that the candidates will

have to pay the loans before six months of the election, it is not reasonable since there no certainty of holding the election before six months and now the RPO has been amended with a provision of paying the loan before 15 days of the election.

What should we do to end the confrontational politics and politics of disbeliefs?

This government is trying hard and soul in this regard and others are also trying. But you cannot force anyone to make him honest. People cannot be made honest by showing fears or threats, if they themselves don't become honest.

Some amendments should be brought in the Constitution during the regime of the political government. Article 70 of the Constitution mandates the elected lawmakers to support the party leaders if they do right or wrong. This rule should be amended. Another amendment should be brought in the rules of the Constitution for bringing a balance between the Prime Minister and the President.

When Rajendra Prasad was President of India, Jawaharlal Nehru was elected Prime Minister. He was asked who is more powerful, the President or the Prime Minister? He answered that it depended on the personalities. If the President has personality, he or she would see how the government runs the country.

What are the failures of this government?

This government has damaged almost all business houses by throwing the entrepreneurs of those houses into jails. The economy has completely been shattered. It is very difficult to recover the economic damages. The situation of the foreign investment is very bad.

Then, will the corrupt businessmen remain spared?
No, because the cases against them will run. I want to make it very clear that we all are against corruption. We want that the real corrupt

should be punished. **Is there any lesson for the politicians from 1/11?**

The lesson of 1/11 is, those who will form power, will elect as lawmaker will think seven times to be dishonest to misappropriate of public fund. Though lesson of the history is not to take lesson from history. Even then history has some influence over the future. It can happen

government could understand it. The government is now trying to make a plus-two plan.

Is reforms a matter of pressure or should it come spontaneously?

The reforms should be made spontaneously. After 1/11, the government's greatest achievement was their formation of public opinion. It is now thought that the country cannot run by the thieves and

Do you think there is still possibility of sitting Sheikh Hasina and Khaleda Zia across the table?

I am still optimistic about holding a meeting of the top leaders. But this depends on Sheikh Hasina's return to home. Khaleda Zia is always ready and she will remain ready to sit with Hasina. Even, Hasina never said that she would not sit with Khaleda Zia.

From what aspects you think this matter?

I innocently told the media that the two leaders should sit in a meeting together after the High Court had granted bail to Khaleda Zia in a graft case against her. Pointing the two leaders, I said, for Gods sake, you should work together and it's the demand of the people. We do not feel good that you do not have good relation. From this point and from the peak of my sentiment I said this. And now it has become the demand of the people. They have certainly got the realization after passing many days behind bar that getting love of the people is the highest satisfaction which cannot be compared to money.

There was a time when no suspected corrupt persons did not get bail and later they got bail at a wholesale basis, what do you think about this? Have you observed any fault in filing charge sheet and in the inquiry?

It happened because of the lacking of Anti Corruption Commission (ACC) to file the cases to make proper investigation. They (ACC) file FIR but do not submit charge sheet even after six or one year. They start inquiry but do not complete even after six months though they would have to submit it within seven days.

Those who are getting bail now are getting under health ground. How much the judiciary becomes independent? What is the obstacles on the way to independent judiciary?

There is no relation with the independence of judiciary than with

the independence with the High Court and Supreme Court. Independence of judiciary means independence of the lower judiciary, which had been separated from the administration on 7 November. Higher Judiciary was always independent, is independent and will remain independent. But the question is how you exercise your power.

When our judiciary became independent, they acted like autocrat in the name of independent. In the special court, you see that in most cases they gave the verdict of 13 years of imprisonment no matter the case was about misappropriation of Tk 13 or 13 crore or 13 lakh. Thus they show that they have become independent.

What is your opinion about the present anti-corruption drive? Do you think that it is on the right track?

It was started following the right track but now it is in wrong track due to extremes. I want to make it clear we all are against the corruption. We support eradication of corruption but do not support to destroy the country, to destroy the whole mechanism of the country, to destroy the industry in the name of eradication of corruption.

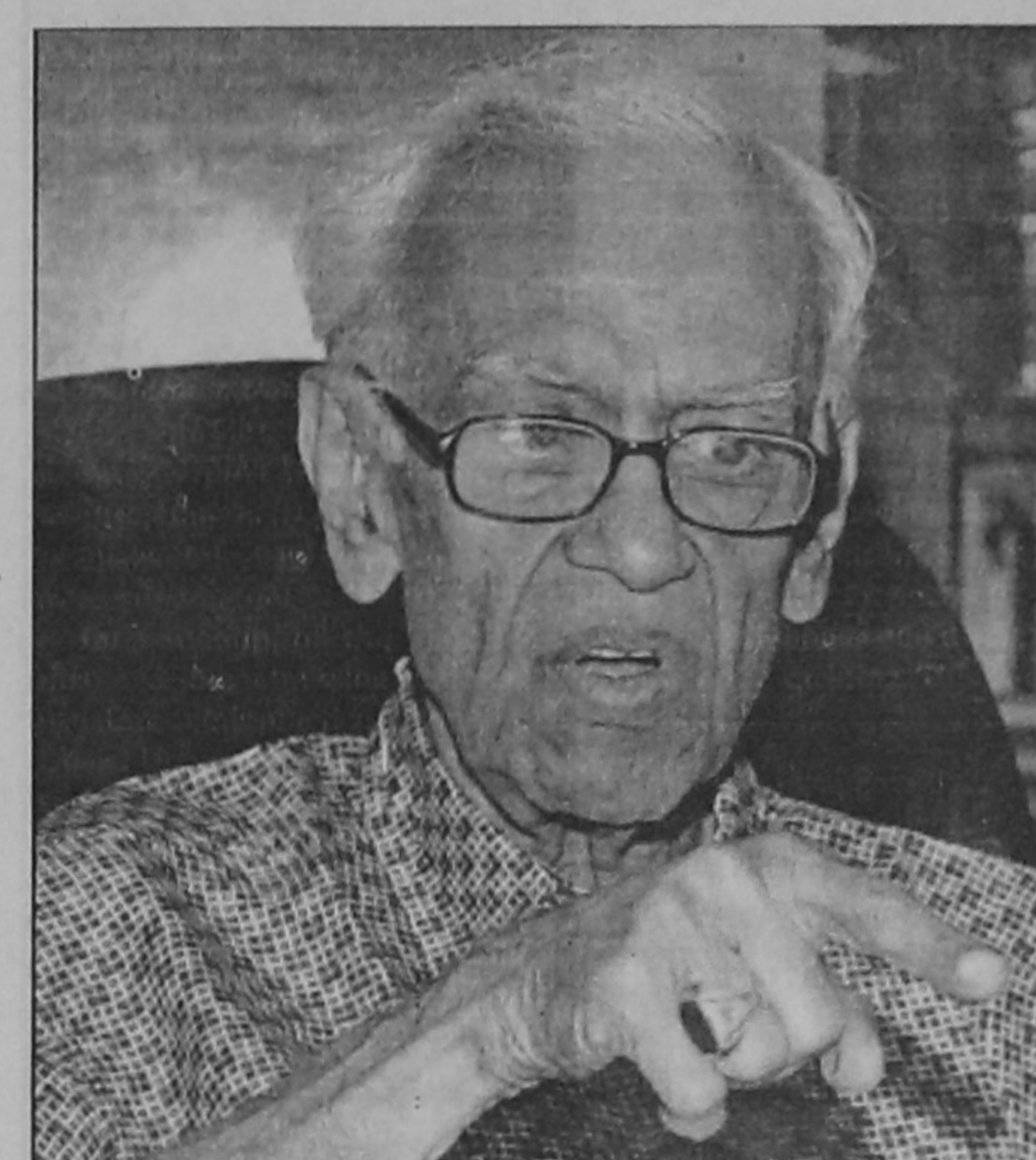
You are a defending lawyer in the higher court of several suspected and convicted corrupt persons. Is not weakening your moral position?

I am not defending lawyer of all, lawyer of very few, mainly lawyer of the two former prime ministers. A person is innocent until he or she is convicted.

I am lawyer in those cases that were filed under politically motivated. I am defending cases like this. Therefore, I am not guilty of my moral position.

Do you hope that confrontational politics would come to an end after the election?

Yes, I do hope. I hope that political party this time will not give nomination to those who are known as corrupt.



Barrister Rafique-ul Huq

that the future government may repeal the caretaker government system. The two political party might think that those who can run the country, can hold an election and you must keep trust on them. Big political parties must appoint an ombudsman if they want to bring real democracy in the party, if they want to clean the party.

What is your comment about the government's 'minus two' plan? This was a wrong idea and the

touts. Whoever may come to the government will have to think seven times about the consequences before doing any unethical thing.

Should the people charged with corruption be nominated for contesting the elections?

Not at all. But they cannot be barred from contesting elections until they are legally proved convicted. This is a constitutional point.

Resolve the core issues first

If the CTG is really serious about holding a free, fair, and credible election on December 18, they ought to resolve the three core issues -- participation of Sheikh Hasina and Khaleda Zia in the election, lifting of emergency, and rescheduling of upazilla polls -- before even declaring the election schedule on November 2.

CAPT. HUSAIN IMAM

ACCORDING to adviser Hossain Zillur Rahman, the unofficial spokesman of the caretaker government, the much sought after national election, scheduled to be held on December 18, is now on the highway and it is determined to reach its target dead on time. Yet the uncertainty with the election that has all along overcast the political horizon ever since the present CTG took over the helm of affairs of the country some 21 months ago is not over.

Mr. Suranjit Sen Gupta, one of the top ranking leaders of Awami League, thinks that the election train might have got on to the highway, but the possibility of a highway crash can never be totally ruled out. So the people should still be extremely cautious about it. I tend to agree with him.

Despite the fact that there have been several dialogues (official as well as unofficial) between the government and the two major political parties, AL and BNP, and after the one held last Thursday both sides claimed to have narrowed down the differences significantly, three major demands, almost common to both the parties, as pre-conditions for participating in the election, still remain unresolved.

The demands are: One, the party chairperson/president has to be fully, permanently, and unconditionally freed and allowed to participate in the election. Two, the emergency has to be fully lifted. Three, the upazilla election date has to be rescheduled and held at least 15 days after the national election.

If we understand what Dr. Zillur Rahman has been telling the public in the recent days, the CTG is prepared to relax emergency rules to an extent so that the political parties can carry out their election campaign and the voters can cast their votes freely and independently without any fear or intimidation from any quarters. But they are not prepared to lift the emergency rules

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Is emergency necessary for elections?

fully. The reason is not difficult to understand. They do not want those political leaders who have been held on charges of corruption and convicted in the trial courts under emergency rules to contest the next election. If the emergency is lifted, they will all be probably eligible for contesting the election.

The political parties might have to come to an understanding with the government at least on this issue if they really mean business. Because, one thing is for sure, people don't want to see those who are perceived or

known to have committed large-scale corruption, abusing state power in the recent past, entering politics or contest the next election.

And for the caretaker government, it is probably high time they gave up any hope, if they still have, of implementing the "minus two" formula. When Dr. Zillur Rahman can confidently say that there is no bar whatsoever for the two ladies, Sheikh Hasina and Khaleda Zia, to lead their respective parties in the next election and get their party candidates elected in the parliament, but is unable to say in clear terms whether they will be able to contest in the election themselves, one has valid reason to be wary.

BNP secretary general Khondokar Delwar Hossain has clearly and repeatedly said that his party will not participate in

parties, making it almost impossible to go through the election process. The earlier the CTG realises it, the better it will be.

As for upazilla election, most of the political parties including AL and BNP think that the date fixed for upazilla election, with only five days gap from national election, is an impractical proposition, running the risk of creating a mess for both the elections, and have rightly asked for shifting the date of upazilla election by a fortnight or so. The Election Commission will be well advised to listen to the mainstream political parties and act accordingly.

One more thing the caretaker government needs to realise. With only 50 days or so left for the national election, there is no scope for them to undertake any more experiment or embark upon any further adventure with democracy. They have had enough of them over the last 22 months. A few of them might have proved productive. But most of them, I dare say, met with disappointing consequences.

The latest idea to get the two ladies sit across the table and talk, a brainchild of their common lawyer Barrister Rafique-ul Huq, died its natural death before it could even see the light of the day. And now when we hear from Dr. Zillur Rahman that they would like to continue holding dialogues with the political parties to bring about a qualitative change in politics, we welcome their initiative but when they say that they would like to get a commitment from the political parties as to how they are going to run the country after the election, one cannot but feel pity for them.

If the CTG is really serious about holding a free, fair, and credible election on December 18, they ought to resolve the three core issues -- participation of Sheikh Hasina and Khaleda Zia in the election, lifting of emergency, and rescheduling of upazilla polls -- before even declaring the election schedule on November 2.

the election without Khaleda Zia. The stand of Awami League on this particular issue is not different either. That there can be no election, let alone a credible election, in the country without these two ladies is a stark reality.

Even if the central leaders of both AL and BNP, under compulsion and in the interest of a smooth transfer of power to an elected government (for argument's sake), decide to go to polls without Sheikh Hasina and Begum Zia, there is every possibility that they will face stiff resistance from the grassroots level workers and leaders of their

Capt. Husain Imam is a retired merchant navy officer.

DU admission controversy

These arguments are not very much based on any rationality, and, in fact, to some extent, are devoid of morality. This is because, if the decision was taken all of a sudden, it shows that the deans care little to spend adequate time in making decisions. Moreover, as pro-madrassa deans are dominant in the deans committee, they must take the blame, not others. As a teacher, one has to be morally correct in explaining one's position.

ABDULLAH SARKAR

THE recent controversy over the imposition of conditions to qualify for the admission test by seven departments of the social sciences faculty of Dhaka University has exposed an interesting feature.

Introduction of the requirements for the admission test is an usual academic practice not only for Dhaka University, one can witness such practice in other academic or job recruitment tests also.

The Act of 1973 has, in fact, given the respective departments of the university sole authority to decide anything for the improvement of the quality of higher education. And the deans committees are there to approve the decision taken at the departmental level. It has been the feature of academic autonomy of the university since 1973.

The vandalism of the VC office by the madrassa students in protest against the imposition of the conditions of studying 200 marks in Bangla and English separately at HSC or equivalent level and the partisan position taken by some of the "political teachers" now indicate something else.

This event took place immediately the next day! Interestingly, this decision was not adopted only at the department level, it was approved by the deans committee which is solely dominated by the supporters of so-called "pro-religion-based political parties."

Therefore, anyone can be curious to know why the deans have then retreated from their earlier decision and are now threatening to boycott the admission test. For the teachers who are familiar with the teacher voting patterns of DU, it is not a rocket science like difficult to understand what compels the

deans, as the highest body of the faculty, to approve the decision of the seven departments.

They know these seven departments have a good number of prospective voters. If they go against the decision of the departments, confidence of the voters might not be there for them. Prospect of re-election would be at stake. So they agreed in the meeting. This is one

nation against the madarassa students. However, these arguments are not very much based on any rationality, and, in fact, to some extent, are devoid of morality. This is because, if the decision was taken all of a sudden, it shows that the deans care little to spend adequate time in making decisions. Moreover, as pro-madrassa deans are dominant in the deans committee, they must take the blame, not others. As a teacher, one has to be morally correct in explaining one's position.



After the violence.

layer of the university politics. On the other hand, since these madrassa students got political backing of political parties to smash out the VC office, the ruling administration now realises that they have the capability to jeopardise their chance of getting a post if their party of choice comes to power in the next election. Therefore, the deans have lent their all-out support to the unruly madrassa students.

Now the pro-madrassa student deans are defending their position on two grounds: firstly, the decision was taken very hastily during the deans' meeting; secondly, the conditions are tantamount to discrimi-

nation against the madarassa students. However, these arguments are not very much based on any rationality, and, in fact, to some extent, are devoid of morality. This is because, if the decision was taken all of a sudden, it shows that the deans care little to spend adequate time in making decisions. Moreover, as pro-madrassa deans are dominant in the deans committee, they must take the blame, not others. As a teacher, one has to be morally correct in explaining one's position.

The morally bankrupt partisan teachers do not feel ashamed when they become the members of the committee for investing the vandalism and at the same time launch a signature campaign among the teachers in support of the madrassa students. This is not the only case. Also, there are many instances of such immoral practices. In many cases, proctors committee, which

even after completing the fourth year honours examination. Again, when the issue of discrimination comes, one has to consider the other side of the story also. It is the non-madrassa students who have to undertake 400-marks examination in English and Bangla at HSC level while it is 200 marks for the madrassa students. Even if it is discrimination, what if the students who have not studied 200-marks of biology at HSC level come out in the street in agitation and demand to get their admission qualification in the faculty of biological science!

In regard to madrassa students' qualifications to sit for the admission test, one must shed more light on the syllabus of madrassa education to know whether this education suits the needs of the students. I would like to politely ask some of my teachers and deans whether they would send their children to a madrassa to get higher education? If they would not, why they are not advocating for improving the syllabus of the madrassa education? In fact, none of the deans children study in madrassa. They know studying Figh and English together as one subject does not enhance one's language skill.

In opposing the requirement of admission test, one must realise that the decision has not been taken by a single department. The conditions have been imposed and approved by as many as seven departments and the deans. They must have reason(s) for doing so. There might have problems with the admission test process, which is failing to recruit meritorious students to the university, I suppose. Indeed, multiple choice questions for recruiting students for the faculty of social sciences is really something to be reckoned with. Without examining the writing and analytical skill of the prospective university students, how their merit can be judged?

Admission process of Dhaka University is really a matter of concern and confusion. I wonder whether the university authorities have ever assessed the standard of their admission test process in enrolling really brilliant and creative students for having a prosperous Bangladesh in future. Now it is urgent that the deans need to be more creative and committed for the betterment of the university.

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Abdullah Sarkar is a former student of Dhaka University, now living in New York.