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# Fakhruddin government



FROM PAGE 13

through the Election Commission on December 29th and the smooth transition of power to the elected government headed by Prime Minister Sheikh Hasina on January 6th 2009. The government may be credited for providing strong support all the way to the Election Commission to prepare a fresh voters' list. With the assistance of armed forces, the preparation of the voters' list by the Election Commission was a groundbreaking exercise and more than 81 million voters were registered with photographs and finger prints within 11 months.

The general election took place in an environment that international election observers found comparable with that prevalent in mature democracies.

The government also extensively amended the Representation of the People Order 1972 making the registration of political parties mandatory and compelling candidates of elections to disclose his/her income and expenses, educational qualifications, and other personal details so that voters know who they are and what are their backgrounds. Such disclosure before the election has been consistent with efforts to strengthen democracy in the country and the government could take credit for it.

After a lapse of 18 years, the interim government, despite initial objections by major parties, instructed the Election Commission to hold the elections of the Upazilla that took place on 22nd January, 2009. The interim government must be given credit for this.

The government strengthened the state institutions with re-constitution of the Public Service Commission, the Anti-Corruption Commission, and the Election Commission with members of competence and probity.

The separation of judiciary from the executive has been implemented since 1st November 2007 with the approval of the Supreme Court. Judicial commission was set up to nominate judges to the Supreme Court. In 2008, the National Human Rights Commission was set up and the Right to Information was given a legal cover.

Chittagong port and its Customs office were streamlined and some functions were computerised to reduce

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corruption. Bureaucracy including the police force had been re-shuffled on the basis of merit, not on party affiliations.

The interim government managed to import food items to fill in the deficit of about 18 lakh metric tons, despite export bans on food grains by many countries and high prices. It also handled ably the adverse consequences of the two floods and cyclone Sidr in 2007.

With the extensive support of the caretaker government, the farmers had produced record bumper boro, aman and aus rice crops amounting to 30.3 million metric tonnes (3 crore and 30 lakhs metric tonnes). By December 2008, the government had left stock of 1.3 million (13 lakhs) metric tonnes of foodgrains in the storages.

On energy the interim government was able to increase 400 MW of power and by the summer of 2009, it is estimated that another additional 600 MW will be produced.

The government was able to reduce inflation from 10% to 6.2% percent by the time it had relinquished its power to the elected government largely because of falling international prices.

The interim government ratified the 2003 UN Convention Against Corruption. In the past, Bangladesh regrettably shied away from signing the Convention, although Transparency International put Bangladesh on top of the lists of corrupt countries for a number of years.

The interim government could bring back Tk.1,219 crore (more than \$1 billion) from abroad from graft suspects and deposit the same in the national coffer, partly by virtue of the ratification of the UN Corruption Convention.

Besides all these, the overarching credit the caretaker government may

take is that it has brought some fiscal discipline, accountability and transparency in running the country. This will, in my view, hopefully have a long-term impact on the elected governments in governing the country in future.

#### Failures of the government

The caretaker government started with an over-ambitious agenda and half the way it lost focus because it wanted to "put its finger" on everything. Such approach was neither doable nor practicable. The list of agenda was too extensive and therefore could not be sustained. They did not seem to prioritise and limit their agenda to the transitional nature of its tenure.

From the very beginning an unnecessary fear was instilled in the minds of poor people. For instance, ejection of hawkers from the pavements, demolition of slums in the cities without any provision for alternative plans for the victims as well as knocking down of corner shops in towns and rural areas for breach of construction rules were perceived as an inducement of fear among the poor. It led the self-employed people in the urban and rural areas to unemployment and misery. Much criticism was levelled against the government for these unwarranted actions by Human Rights activists.

In anti-corruption area, the government cast its net far and wide. Whereas they could have pursued the glaring instances of wealth accumulation and identified the sources of income of only high-profile suspected corrupt persons and given directions to the Anti-Corruption Commission (ACC) accordingly. Some say that care-taker government's action through ACC against suspected corrupt individuals could be termed as "justice hastened is justice

denied".

In many cases, the procedure of the Anti-Corruption Commission (ACC) to lodge cases (total number of cases lodged 1, 200 including 300 cases against politicians and businessmen) in the courts under the emergency provisions could not eventually stand in the superior courts. This had provided an impression of naivety, inefficiency and lack of rigorous legal supervision.

There is a view that the Truth Commission should have been set up at the early stage of its rule and the Commission could not do its job at the fag end of the caretaker government. This demonstrated lack of clarity in the government's thinking as to how to approach the issue of clemency.

There were allegations of high-handedness and denial of due process to individuals, politicians and businessmen by some human rights organisations against the interim government. For example, arrest of academics and students following the August 2007 incidents in the Dhaka University, and harsh actions against some businessmen that led them to halt imports for sometime were perceived as bad approaches to dealing with given situations marking a decline in popularity of the caretaker government.

The interim government faced strong criticisms for high prices of basic commodities and although some reasons for the increase were beyond its control, people perceived that the caretaker government had failed to meet their basic necessities. Poor people were victims of the price rise and as a result the poverty level rose.

The Centre for Policy Dialogue (CPD), a private think-tank, estimated that due to income erosion, an additional 8.5 percent people had fallen

below the poverty line between January 2007 and March 2008, putting 25 lakh households below the poverty line. The CPD also observed that during the 15-month period of the care-taker rule, the gross income of poor people decreased by 36.7 percent, mainly due to price hike of food and inflationary pressure.

There was strong criticism against prolonging the emergency rule in the country. Human rights organizations accused the government of denying some fundamental rights to its citizens for a period that was unnecessary. Only on 17 December 2008 it was lifted.

Although media was seen to be free, often press advice or informal instructions would be given to the media, particularly the electronic media. The leaders of the media including editors had performed their job well by being critical to some of the actions taken by the interim government. The media held the interim government in check, so to speak.

Some alleged that the caretaker government had gone beyond their boundaries set by the Constitution. They promulgated 120 ordinances covering different areas.

Many of their decisions and actions were challenged at the Supreme Court by lawyers, and in many cases, they obtained relief from the courts, to the deep embarrassment of the caretaker government.

#### Summation

The bottom line is that the care taker government is not an elected government and therefore it has limitations to govern and after a certain period of time it loses its appeal and its utility erodes. Acceptance of the Fakhruddin caretaker government wore thin with the public as the days went by. People impatient with continuing political vacuum, eagerly looked forward to an elected government.

The holding of a free, fair and credible general election on December 29th is the high water mark of the Fakhruddin government while its low score relates to addressing effectively the corruption issue as well as the prolongation of emergency rule.

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