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From our archives

# Caretaking isn't the last word

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"We obey law not because it is always right, but because it is right to obey law," RM McIver. Democracy implies, from the days of Herodotus, a rule of the people. The people have ruled themselves directly as in the Greek city states or elected their representatives who ruled on their behalf with their consent. That speaks why the system of election has become so significant in democratic order. In the words of SP Huntington, "Elections, open, free and fair, are the essence of democracy, the inescapable sine qua non." In the western democracies, social conditions have been so orchestrated that a voter can cast his vote on his own volition, without anybody's prompting or coercion. Neither any voter, finding his vote already cast by somebody else on his behalf, gets dithered nor prevented from voting by force. In other words, social conditions are so modulated that elections require the politicians to compete for people's votes. The politicians take the entire electoral exercise in sportsmanship spirit. The election com-

from any quarter. In the new democracies like ours elections are held, though not regularly in all cases, and quite often these are rigged. The politicians, instead of competing for people's votes, try either to purchase them with their black money or cajole them to vote for them through questionable means. In some cases, they use their muscle power, often with hired goons, in broad day light, to force the recalcitrant voters either to abstain from voting or vote for them, thus getting themselves elected. They talk of black money and muscle power but have never made any serious attempts to eradicate these evils with a view to creating a congenial atmosphere for fair poll in the soci-

kind of no-confidence of the political leaders against the political leaders themselves. The elected ones run the government for five long years but they are adjudged unfit for handling the general election. Isn't it a dire aspersion on the integrity of the entire crop of political leadership in the country? I still remember how Mujahedul Islam Selim, one of the better products of Dhaka University, came up with a draft of a neutral caretaker government system in the dying days of 1990 for approval of the top leaders of different political parties so that elections could be free and fair during the tumultuous post-movement period. He prepared it as a temporary measure, for three or four gen-

amendment was possible; even then they went on pressing for the neutral caretaker government, thus taking the country to a no-government situation. Ultimately the sixth Jatiya Sangsad appeared as a necessary evil. Evil in the sense that general election, which was held, was not free and fair. Necessary in that the Non-Party Caretaker Government was brought forth through the thirteenth Amendment Act in March 1996. After a decade or so since then, the issue of free and fair election through the contrivance of Non-Party Caretaker Government has again come to the fore. The leader of the opposition Sheikh Hasina herself has raised this issue,

Government do about the mighty intrusion of black money or muscle power in the electoral process? I still recollect the operation of a countrywide small project initiated by a left party, when some dedicated workers of the party went out in different parts of the country with such slogans as: I will cast my own vote; I will vote for my own candidate at my own will. That was a small beginning. If the move continued, some of the aberrations now, confronting the electoral process in the country could have been wiped out. The spirit of the move is the very essence of democracy. This is how the western societies have been prepared for a democratic order. Indeed the game of politics must be played according to certain fixed rules. These rules are formulated and accepted by the political leaders themselves. Election Commission plays the role of a neutral umpire. To enable it to play the desired role, it must not only be independent but also powerful. Much of what is required in this area depends on democratic culture rather than on the Non-Party Caretaker Government. The consensual approach involving mutual give and take, being respectful to one another's views and the overriding concern of the majority party to work harmoniously with the minor ones emerges from the societal norms rather than from any political mechanism. In other words, the political leaders should be consciously inward-looking. Taking a close look at the social conditions and at themselves they should fashion their political orientation so that the system of neutral caretaker government becomes a thing of the past in, the last analysis, and the political leaders themselves would emerge as the prime movers of general election. The non-Party Caretaker Government stands out as a veritable slur on the nature and capability of political leadership in the country. They should stop thinking of any reform measure for the Non-party Caretaker Government, because it can neither handle the evils of black money nor can it do anything of the undesirable muscle power nor can it make the Election Commission independent. That the Chief Adviser heading the Non-Party Caretaker Government should be a consensus candidate sounds quite good, but political reality in Bangladesh does not warrant it.

Where consensual approach in the society is conspicuous by its absence, how can you think of a consensus candidate? One can argue that those who matter in this area would be forced to accept the proposal. In that case it is not politics but something else that would work and to that extent political class in the society would hurtle themselves to the crevice of deep calumny and political system, to a deep crisis. The political leaders, moreover, must shift their attention from the rule of persons to rule of law. Here lies the area where they can exhibit the best in themselves. In here the creativity of political leadership should be demonstrated best, not in their expertise to fabricate confrontational politics or agitational juggernaut. If the rule of law becomes their overriding concern and if they can build consensus among themselves on the key social issues including electoral issues, political activities are bound to be back on the rail. Without consciously preparing social soil for eradicating the evils, any tinkering with the Non-Party Caretaker Government would certainly be fruitless, nay positively harmful. The political leaders should concentrate more on social conditions to make the society safe for democracy.

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mission, like a dispassionate umpire, takes care that the electoral rules are strictly followed. The political leaders trust the people and trust one another. Being victorious, the candidates do not lose their sense of proportion. At defeat they do not feel that the sky has fallen down; rather they start working for victory in the next election. Societal norms negate any form of captive votes. Social conditions make any type of vote-rigging practically impossible. These states thus have not been in need for any such political contrivance like the Non-Party Care-Taker Government for making elections open, free and fair. If any irregularity crops up any time, the political leaders concentrate on social conditions, come together, look at themselves, discuss and get it settled without caring for any mechanical political mechanism or any intervention

ety. They take election as the veritable gateway to political power and win they must, by means fair or foul. If they win, everything is fine. When they lose, they go on discovering conspiracies all around, at all layers of electoral exercise, as if the whole world were busy conspiring to bring about their defeat. Then they start talking about rigging or vote-robbing, whether subtle or blatant, even if an angel were in charge of the whole exercise. This is how the former President of Bangladesh Justice Shahabuddin Ahmed portrayed the cognitive map of our political leaders a few years ago in a seminar. The political leaders in our country do not trust the people nor do they trust themselves. No-Party Caretaker Government, the unique political creature in our history, brought forth through the Thirteenth Constitutional Amendment Act, reflects in fact a

eral elections. Social soil, he thought, could then be prepared by the political leaders themselves so that the important political sapling of election could have a luxuriant growth in the society, bringing in both vigour and sanity in political activities. The Thirteenth Amendment Act however has made it a permanent feature. Everybody remembers how the Thirteenth Amendment Act was passed by the sixth Jatiya Sangsad. The demand for neutral caretaker government began to be vociferous from the later part of 1994, though the sitting government was adamant against it. The movement for it by the opposition political parties became intense. To add fury to it as many as 148 members of the Jatiya Sangsad resigned on 28 December 1994. The opposition leaders knew that after the resignation of 148 members of the Jatiya Sangsad no constitutional

although she has not yet spelled it out clearly. Being utterly disappointed with the outcome of the last general election she, instead of taking closer look at the social milieu, has raised the issue of electoral reform. Top leaders of several left leaning political parties have also joined the chorus. Indeed there are areas which need to be straightened. In the interest of fair poll the evil influence of black money must be checked. The ominous role of muscle power must be brought to a halt. The election commission must be independent and strengthened so that it can effectively exercise its supervisory role. The financial dimension of the electioneering persons must be made transparent. Law and order situation must be normal. Everybody in the society would be happy to see these faultlines rectified. What can the poor Non-Party Caretaker