

# Lawmakers must not be lawbreakers

To conclude, it is clear that the amended Upazila Act is in clear violation of our Constitution. It is also not consistent with the prevailing court decisions. Thus, our lawmakers, we are afraid, have become lawbreakers, which is not consistent with the idea of the rule of law.

BADIUL ALAM MAJUMDAR

RECENTLY, a headline of The Daily Star (June 20, 2009) read "MPs to make local development plans." According to the report, the government has decided to give MPs the power to prepare the development plans for their constituencies, which will be implemented by the ministry of LGRD. This decision, we are afraid, will once again be a blatant assault on our Constitution.

The first assault on the Constitution was made when the 9th Parliament in its maiden session reintroduced the 1998 Upazila Act with some amendments. The amended Act designated the MPs advisers to the Upazila Parishad and made it mandatory for the Parishad to heed their advice. Giving the MPs controlling authority over the Upazila Parishad is a clear violation of Article 59 of our Constitution.

Article 59(1) of our Constitution mandates that "Local Government in every administrative unit of the Republic shall be entrusted to bodies composed of persons elected in accordance with law." The upazila chairmen and two vice-chairmen, not the MPs, were elected to run the Upazila Parishads.

Members of Parliament, elected under Article 65 of our Constituion, are vested with "the legislative powers of the Republic." Legislative powers generally include enacting laws, debating policy issues, ensuring transparency and

accountability of the executive branch through Parliamentary Standing Committees, and approving budgets and the government's financial decisions.

Running local bodies, it must be noted, is not among the constitutional responsibilities of the MPs. In fact, Article 9 requires "local government institutions composed of representatives of the areas concerned." Article 11 requires "effective participation by the people through their representatives in administration at all levels." That is, the constitutional requirement is for the locally elected persons to represent the people in local bodies.

Furthermore, according to Article 7(1) of our Constitution, "All powers in the Republic belong to the people, and their exercise on behalf of the people shall be effected only under, and by the authority of this Constitution." That is, whoever is given whatever authority to exercise on behalf of the people must stick to it. Thus, when the MPs, elected for the House of Nation, are brought in to run the local bodies it is a violation of the basic structure of our Constitution. This transgression, we are afraid, makes our lawmakers the lawbreakers.

The amended Upazila Act violates the basic structure of our Constitution in yet another way. Modern states like ours consist of three essential branches -- the executive, the legislature and the judiciary. They are co-equal and independent of each other, although mutually interde-

pendent. Thus, one branch cannot become involved in the activities of another. Local government is included in Part IV of our Constitution, and is a part of the executive branch.

Consequently, if MPs take over the controlling authority of local bodies, it will nakedly violate the basic structure of our Constitution. The same argument is applicable in the case of MPs becoming the chairs of the governing bodies of educational institutions.

Our MPs, we are afraid, have become lawbreakers in yet another way. If something that cannot be done directly is done indirectly by enacting a law, it is called a "colourable legislation." Since, according to our Constitution, MPs are not elected to run local bodies, the amended Upazila Act is bound to be a colourable legislation.

The amended Upazila Act is also discriminatory in that it makes only the MPS from single territorial constituencies advisers to the Upazila Parishads, leaving out the women MPs elected from reserved seats. This is in clear violation of the fundamental right of nondiscrimination based on sex, as enshrined in Article 28 of our Constitution.

Some of our MPs contend that the sovereign Parliament is supreme and it can do and undo anything, including amending the Constitution. Unfortunately, this is an erroneous view. Parliament may be sovereign in Britain, where there is no written Constitution, and the Parliament there is the Court of Records, but it is not applicable to Bangladesh, which has a written Constitution. In our country, none of the branches is subservient to another.

A judgment of the Constitutional Bench of the Indian Supreme Court is most relevant in this regard: "It is necessary to remember that though our Legislatures have plenary powers, they



Voted to power to uphold the law.

function within the limits prescribed by the material and relevant provisions of the Constitution. In a democratic country governed by a written Constitution, it is the Constitution which is supreme and sovereign. Therefore, there can be no doubt that the sovereignty which can be claimed by the Parliament in England, cannot be claimed by any Legislature in India in the literal absolute sense."

That is, our legislature is not supreme and our MPs cannot do anything they want by ignoring the Constitution. All powers do not belong to them. They are merely the custodians of the powers given to them, on behalf of the people, by the Constitution. In addition, even in amending the Constitution, they must follow Article 142 of our Constitution. In enacting legislation on local government also, they cannot go beyond the Constitution. As the Appellate Division of the Bangladesh Supreme Court, in *Kudrate-E-Elahi Panir vs Bangladesh* (44DLR(AD)1992), clearly stated: "Parlia-

ment is not free to legislate on local government ignoring Articles 59 and 60."

In the same vein, the decision of the government to give MPs the authority to formulate development plans and the LGRD ministry to implement them is also a violation of our Constitution. According to Article 59(2)(c) of the Constitution, functions of local bodies include "the preparation and implementation of plans relating to public services and economic development." Thus, the MPs, by using their plenary legislative powers, cannot take away the authority of formulating development plans given to the local bodies without violating the Constitution. Similarly, it will be a clear violation of the Constitution for the LGRD to directly implement the development plans.

The amended Upazila Act not only violates the Constitution, it is also inconsistent with prevailing court judgments. When the "District Minister" system was introduced during the last government,

Mr. Anwar Hossain Manju filed a writ against it before the High Court.

In declaring it unconstitutional, Justice A.B.M. Khairul Haque and Justice A.T.M. Fazle Kabir stated: "None of the ministers, whips and other functionaries mentioned in the above notifications can be appointed in respect of any of the districts mentioned therein. They do not have any function as such in respect of the districts, save and except their functions as ministers for the particular departments in the context of the entire country. Similarly, the members of Parliament have got no direct role or function, in respect of either development or maintenance of law and order, in the district or in other local administrative units. As such, the petitioner, a member of Parliament, has got no function in respect of Pirojpur district."

To conclude, it is clear that the amended Upazila Act is in clear violation of our Constitution. It is also not consistent with the prevailing court decisions. Thus, our lawmakers, we are afraid, have become lawbreakers, which is not consistent with the idea of the rule of law. This is also inconsistent with Awami League's commitment in its election manifesto to strengthen the local government system.

In addition, the amended Upazila Act has given rise to a situation of serious conflicts at the local level, which is bound to hamper development activities at the grassroots. We hope that our Honourable prime minister will take note of the gravity of the situation and initiate effective steps to redress it. We further hope that the MPs, in the meantime, will stay away from the city corporations, pauroshavas and the union parishads.

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# Front-line science and technology education

The challenges associated with crises such as food, energy and climate change can be handled with the use of scientific methods and techniques. Hence, it is accepted that science and technical education plays a key role in sustainable development of a country.

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OF late, the dramatic decline in science studies has been vividly featured in the media. It is observed that enrolment in secondary and undergraduate science studies has decreased by approximately 30% and 45% respectively in the last eight years. One may claim that it is a global phenomenon, although it is particularly acute case in Bangladesh. If this trend continues, there may be serious consequences, which could result in the country's inclination to trade in technology rather than manufacture its own.

It is recognised that everything evolves through the use of scientific knowledge. As such, it is impossible to reduce poverty and achieve the goals of the millennium development without appreciation of and experience in science and technology. The challenges associated with crises such as food, energy and climate change can be handled with the use of scientific methods and techniques. Hence, it is accepted that science and technical education plays a key role in sustainable development of a country.

To attract and retain top students in these areas of studies, consideration should be given to factors such as attractive pay package and good job prospects. The course curricula should address the natural questions of a child as well as emerging issues relating to educational

development of future generations and needs of industries. In the era of globalisation, industry always aims to produce competitive products through modern technology.

Without knowledge and training in modern science and technology, it will be impossible for Bangladesh to evolve as a strong economy. The government must be committed to the creation of a science and technology driven economy in order to face the challenges of the 21st century.

To fulfill the government's commitments in this regard, sufficient funds should be allocated to boost science and technology education. Educationists should look into redesigning of textbooks, syllabi and curricula to be in line with the leading schools, colleges, institutes and universities around the world. Efforts should also be focused on exploring new areas to balance the scientific and technological developments in the global community.

Very appropriately, a potentially new landscape of "Mechatronics Engineering" has emerged, which sets the contexts for robust discussions and further development of ideas. This field is similar to electro-mechanical engineering work. It is, however, known as "Mechatronics Engineering" (MTE) in the global engineering community. A Japanese engineer (Tetsuri Mori) from Yasukawa Electric Company first coined the term "mechatronics" in 1969 to

reflect the merging of mechanical, electrical and electronic engineering disciplines.

Since then, the term has been widely used in the engineering community all over the world. The bottom line is that mechatronics is a synergistic combination of mechanical, electrical, electronics and computer technology. This field is, indeed, playing a leading role for rapid and successful developments in industries using advance technology. It is currently regarded as one of the popular fields in Germany, Malaysia, South Korea, Japan, North America and so on.

The MTE field provides in-depth

knowledge and skills necessary to analyse and design complex electro-mechanical systems involving electronic sensors, drives, and actuators. This field, being multidisciplinary in nature, will require multi-skilled engineering professionals to play multicausal roles and responsibilities in all sectors of electrical, electronics, mechanical, industrial control, automation, and robotics.

It is expected that mechatronics graduates will be able to perform as multidisciplinary professionals with greater responsibilities and increasing management content.

A mechatronics graduate has a wider

range of career opportunities compared with graduates from other engineering disciplines, both in the country and overseas. In addition, this field will create a unique opportunity for self-reliant entrepreneurship. The demand for mechatronics graduates is least affected by the downswing of the economy and, therefore, is less likely to fall victim to unemployment.

These reasons will encourage industrial entrepreneurs, researchers, engineers, and designers to employ graduates of MTE by offering them attractive pay package and enabling them to do the job of several engineers of different disciplines.

This field, where possible, should be brought to the doorsteps of potential beneficiaries in the country. However, as indicated, there are no such mechatronics engineering programs running at any public or private university in the country. It is hard indeed to run industrial control and automation systems without applying mechatronics techniques. The present technology is based purely on the mechatronics system.

Since the mechatronics system is relatively new, and still unknown to many people as it has mainly been used by foreign experts. An adequate number of local experts on mechatronics system should be developed through appropriate programs in the country.

The World University of Bangladesh (WUB) recently launched a four-year graduate program for socio-economic development through innovative technology in the country. This initiative is truly praiseworthy and will offer the most rewarding and exciting career path for prospective students.

Subsequent to this initiative, the technical education board has also intro-

duced a four-year diploma program of mechatronics engineering at Polytechnic Institute, Rajshahi, at the secondary level of education. The reason for the introduction of this new program is to teach advanced technology and its applications, which are highly needed in industries.

This initiative will be enhanced to further develop human resources with multi-skills in the grassroots level of the engineering hub. So far as I understand that the mechatronics program will be gradually introduced in other polytechnic institutes.

There is no doubt that mechatronics graduates will play a pioneering role in building a highly sophisticated and state-of-the-art technology-based industries in the country. Mechatronics graduates will not be jobless, rather the job will chase them. From a survey, it is found that a huge number of mechatronics graduates are needed in industries at home and abroad. It is, therefore, recommended that institutes and universities should consider introducing this program throughout the country.

In addition, other fields such as biotechnology and biomedical physics/engineering should be introduced in academic programs at the secondary and tertiary levels of education. It is time to motivate the next generation to study potentially new and emerging science and engineering fields rather than just business studies for the sustainable development of the country. Front-line science and technology education is the only way to turn the country into a technologically independent country.

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A decline in science studies can have serious consequences.

# Things you should never say



YOUR humble narrator saw a parent performing the time-honoured ritual of losing it.

"Stop looking at me like that," she screeched, red in the face, jumping up and down. Her child was so astonished that he couldn't take his eyes off her, and neither could the rest of us.

Business at the supermarket came to a complete halt for a minute, which, given current prices, suggests a multi-billion dollar loss. My trolley alone contained close to a million dollars' worth of basics, that is, two jars of coffee and a capsicum.

If I'd had been quicker, I could have recorded the scene on my camera-phone and garnered four billion hits on YouTube, now that we're living in an age where quality entertainment is defined as shaky camera-phone videos of people having tantrums.

The following day, I saw a woman at a bus stop hollering: "stop crying," at a

small child. Incredibly, being screamed at did not turn his tears to joy. I tried to think of a polite way of telling her she should be jailed for being an utterly hopeless parent. (I'm still working on it).

Both the above are self-defeating utterances. Another is: "go to sleep." I know parents who whisper it, coo it, croon it, shout it and shriek it, it never occurring to them that they are asking the impossible. Adults cannot fall asleep to order, so why think children can?

The easy way to get a child to sleep is give her something she can do. "I'm not asking you to go to sleep," I tell my daughter. "I just want you to lie there

quietly and think of ponies and puppies and birthday cake." Thirty seconds later she is in a coma that a one megaton nuclear bomb in the bedroom could not disturb.

But the self-defeating phrase I hate most is: "Cheer up." I'm not sure why this is, but you can approach any person suffering from low spirits, and tell them to cheer up, and they will immediately turn into a psychotic mass murderer. I'm one myself. One moment I'm feeling mildly depressed, my wife says, "Cheer up," and the next thing I know I'm knee-deep in blood and there are corpses strewn as far as the eye can see. It hap-

pens every time.

Meanwhile, back to that woman at the bus stop shouting at her child. I stroll past them and pause, staring at the ground. "Eww, look at that huge beetle," I exclaim.

"Where?" says the mother stepping backwards.

"Where?" says the child, stepping forwards.

"There," I say, pointing to a small bug on the pavement.

"That's not huge," objects the child, brows furrowed.

"Have you seen a bigger one, then?" I ask.

"Loads of times," he says, with that deep solemnity reserved for small boys talking about things, which are important to them.

The crying has been forgotten. Self-defeating statements not needed. The secret of child psychology is understanding kids' priorities. For small boys, bugs are important.

So promise me: never say "stop crying," "go to sleep" or "cheer up" to anyone, child or adult again. Or at least, not until I have the camera phone ready. YouTube and I are standing by for you to make us famous.

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