

Landmark SC judgement on fifth amendment

It is our chance to return to core values

HISTORY generally takes its natural course. But when that course is blocked through unnatural or spurious means, there must be found the ways in which to put it right again. In Bangladesh, the judgement of the Supreme Court nullifying the fifth amendment to the constitution must be considered one significant means by which history can be restored to its natural course or must be made to move in a direction that will uphold the interest of the nation.

The verdict is a severe indictment of military take-overs and usurpation of power by extra-constitutional means. It has demonstrated in unmistakable terms the truth that the judiciary is often called upon to uphold the law and ethics through raising and placing on the heights the principles and core values a nation must live by. It is thus that the judiciary becomes larger than life.

Today, in this country, it is the court which informs us that we can indeed regain the pristine values and fundamentals which were enshrined in the 1972 constitution. It is a matter of profound sadness and regret that the constitution was given short shrift through the fifth amendment. Given the historical background of our struggle for democracy and freedom, such ought not to have been the case. Now that the judgement on the fifth amendment is before us, we can state happily that at least in principle we are on course to recovering the core values that were undermined by the said amendment. One of those values is democracy, which through the seizure of power by unconstitutional means came to be distorted in many ways. Today the time has come for us to reassert democratic governance as it was envisaged in the 1972 constitution with vigour and pride.

Apart from a return to unfettered democracy, we also have the opportunity today, thanks to the landmark SC verdict, to have our secular spirit as a nation restored in the constitution. It has been with intense regret and sometimes outrage that we have over the years observed some quarters deliberately twisting the meaning of secularism to suit their own narrow political ends. Secularism has never been and can never be a negation or abandonment of religion. It is a much higher principle, one that promotes and ensures the equality of all faiths and the right of all citizens to practise their religion in their individual ways. Unfortunately, those who have been vociferous against secularism have used religion to give themselves a political base. Politics is a game of power and using religion to achieve political goals only leads to a degeneration of politics and an undermining of faith. The verdict nullifying the fifth amendment gives us a huge chance to place religion once more in the only place where it should be, namely, a high moral pedestal. By upholding secularism, the 1972 constitution demonstrated deep respect for religion. Now we go back to reasserting that respect.

There are some clear, crucial lessons to be learnt from the Supreme Court judgement. One is that it is the fundamental duty of all citizens, no matter where they might be placed professionally or in any other capacity, to preserve, protect and defend the constitution against all onslaughts on it. It is especially incumbent on the various organs and institutions of the state that this oath be upheld. Another lesson relates to the nation's political parties, which in light of the SC verdict must internalize the values that the verdict re-emphasises both within and without. It is a task they must do in the interest of a prosperous, progressive democratic future for us and for future generations.

'Infiltrators' in the ruling party

Prime minister needs to come out of denial spell

PRIME Minister Sheikh Hasina's warning that wrongdoers, who, she believes, have infiltrated into the Awami League and its front bodies would not be able to get away with their criminal activities. While it is appreciable that she wants to cut the deviant elements to size, we would like to add in the same breath that such warning rings hollow at a time when workers of Bangladesh Chhatra League (BCL) are involved in unlawful activities like toll collection, tender and admission business and so on. They have also been found running in hot pursuit of their fellow members brandishing firearms over sharing of the spoils or establishing sphere of influence as it happened in the Jahangir Nagar University in recent times.

Are all those wrongdoers moles serving the Awami League's enemy camp? As things stand, the term 'infiltrator' brings no significance since, to all appearances, the wrongdoers outnumber the good elements in those front bodies of the party.

The realities on the ground, therefore, fly in the face of her 'belief' that it is the infiltrators who are behind all the misdeeds that are being reported in the media about every other day. Or is it that she finds it more comfortable to resign herself in the world of make-believe, or is it that what she said was nothing, but merely an instance of public posturing!

We think the prime minister does not herself believe that her party people are all angels. On the contrary, the sooner she is ready to face facts the better it is for the party.

For until she is able to come out of her denial mode about the fact that there is a problem in the BCL, the party would hardly gain anything out of it. On the contrary, with such affirmation and reaffirmation in support of the party aficionados from no less a person than the prime minister, it will go only to embolden her ministers and party leaders, especially the home minister, to indulge in the rot to fester.

A final note of caution here. As long as she would be hesitant to act against the recalcitrant elements, her party will have to pay dearly in terms of its credibility loss.



RASHID TALUKDAR

The mills of God

Let us make no mistake about it. The war crimes trials will fundamentally change Bangladesh, and for the better. It is about time that we restored our battered national pride and sense of honour and common decency as a society.

ZAFAR SOBHAN

IS time finally running out for the Jamaat-e-Islami in Bangladesh? For the past 35 years the party has stood tall, casting its ominous shadow over the political landscape, untouched and untouchable.

Not only were the party leaders not brought to justice for their role in 1971, but the party was fully rehabilitated and granted a position of respect within the political firmament.

Nor was the party's influence limited to politics alone. The party leveraged its political power into patronage for its people in the police, the civil service, and the armed forces, and, with the imprimatur of official authority and respectability, slowly propagated the party philosophy into every nook and cranny of the country.

It controlled government ministries and departments, schools, colleges, and universities, banks, insurance companies, and welfare organisations, newspapers and television stations, and the influence of its philosophy was felt in every sphere of Bangladeshi life.

If the country has moved rightwards in its social orientation, if it is a less welcome

place for religious and ethnic minorities, if its attitude towards women's rights, and in fact human rights, remains mired in the Stone Age, if it has become a less open and tolerant and inclusive society, the party remains a principal cause.

I have argued before that our failure to bring to justice those guilty of war crimes in 1971 or to even have an honest accounting of their crimes is our original sin as an independent nation, and that as long as this historical injustice is not righted that the nation will never fully heal and evolve from the trauma of the liberation war.

It is sometimes hard to explain to others how this foundational injustice has blighted the national psyche, but I would suggest that it is a very easy concept for most Bangladeshis to grasp. We sense the crippling effect that this compromise has had on our souls and instinctively understand the need to free ourselves of the shame of our inaction.

This is why polls consistently show that there is strong support for war crimes trials even among those who were not even alive in 1971. If anything, support for trials is even more pronounced among the younger generation, who seem to have no trouble making the connection between the

original sin of not bringing the guilty to book and the cancers that continue to corrode our society.

It is a question of simple justice. The message that was transmitted through our failure to hold war crimes trials was as simple as it was chilling.

This was a country without rule of law. This was a country where the powerful would never be called to account for their crimes. This was a country where there could be impunity even for the gravest and most heinous crimes, if you had the right kind of political protection.

If not even crimes of the magnitude of murder and rape and running death squads merited punishment, then what did this say to the common man and woman in Bangladesh?

If those who had opposed the very independence of the country, and had committed acts of appalling cruelty and brutality during the course of this opposition, could not only escape punishment for their crimes, but be given pride of place in independent Bangladesh, then what did this say about the country we had built?

Who could believe that this was a nation of justice and honour and decency in the face of such overwhelming evidence to the contrary? The question therefore should not be whether these trials are right or wrong, they are self-evidently right, but why it has taken us so long.

Nor is this a question solely about justice. For the past four decades, not only has justice not been done, but history has been rewritten and the entire narrative of libera-

tion has been perverted, in no small part as a direct consequence of our failure to hold war crimes trials.

The consequences to our society have been devastating. Everything has been corrupted by the big lie that stands at the heart of the revisionist historiography that has white-washed the sins of the Jamaat during 1971.

Will the trials be perfect? 39 years after the fact, this is too much too hope for. Will the trials be complete and comprehensive? Of course, not. Will many injustices remain uncorrected? Sadly, this is unavoidable.

But will the trials be fair and will they provide a sufficiency of justice? The careful, sedate pace at which the prosecution is progressing gives every indication that they will be.

Most importantly, the trials will allow us to close the door, once and for all, on this contentious chapter of Bangladesh's history, so that we are not forever fighting the battles of the past, but can turn our face to the future and build the country that our founding fathers and mothers dreamed of.

Let us make no mistake about it. The war crimes trials will fundamentally change Bangladesh, and for the better. It is about time that we restored our battered national pride and sense of honour and common decency as a society.

Ultimately, that is what is at stake here, the very soul of the country. Nothing more and nothing less.

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The slot machine philosophy

In this country we have the peasants, affluents and their middlemen, and all of them are getting their philosophies aligned. None of them is willing to stay close to their land. Wealth, want and wisdom, three conditions of life are rolled in one. Everybody wants money from his or her own vantage point.

MOHAMMAD BADRUL AHSAN

IT is said that rural people share an old system of beliefs among them, which is rooted to the land, drawing their sense of pride and purpose from hard physical work. That being what it is, it translates into what is largely known as the Peasant Philosophy. By and large, a peasant expects his son to grow up to be a peasant and stay close to his land.

Doesn't that also apply to urban people in a different context? Rich folks want their children to be rich, their values rooted to the money, drawing their sense of pride and purpose from luxury and comfort. They expect their children to grow up to be affluent and stay close to the money. What do we call it? Affluent Philosophy, perhaps?

In-between comes the dynamics of fate. A peasant crashes over his condition, whereas a rich man's fortune often crumbles. In the shifting sands of life, today's prince is tomorrow's pauper. Also true the other way around. Change is the only thing constant in life, upside down or downside up.

The history of mankind can be squeezed into a single sentence. It is a register of conflict between change and constant. Kings have ruled for generations, while others have been ruled. Human society has evolved so much in the change of constancy as constancy of change. Two things emerged from that evolution: struggle for power and scramble for fortune.

That tension explains why battles are fought, murders are committed and oppression and exploitation persist in the world. Many centuries ago Aristotle said: "Poverty is the parent of revolution and crime." He meant to say that poor people suffer from privation, which forces them to steal or snatch, even fight against those who have too much more than them.

The world was before and it is still now divided into the haves and the have-nots. Each side has its philosophy fired by its own condition. The haves can never think like the have-nots, and it is equally true the other way around. Many revolutions, many battles, Reformation, Renaissance and all the enlightenment that has come to man-

kind, the divider has often been shifted but not quite lifted. Most people remain poor, while a few wallow in abundance.

If anything, the human pursuit of being healthy, wealthy and wise only tells us about an aspiration to have the best of both worlds. If the hardworking peasant could have wealth, and if the luxuriating rich were to work hard for money, would that have dissolved the wall that stands between them? Probably not. The battle of wisdom would still be waged.

It boils down to the Armageddon that is fought everyday in the minds of the rich and the poor. In certain societies, there are specialised people who pick up this fight on behalf of one side or another. These knights in the shining armour of their glib tongue offer their services out of intellectual obligation, or in exchange of social privilege and/or monetary reward.

In this country, these knights have switched gear. Once they used to speak up of the language movement, autonomy of East Pakistan, liberation of Bangladesh, communism, socialism, adult franchise, end of military rule, and fall of dictators.

Now they talk about democracy, good governance, elections, transit, public private partnership, energy crisis and environment. From broader issues these intellectual minds have gradually narrowed down to more specific concerns. The wholesalers of enlightenment have gone retail. The explorers of the intellectual universe have turned into mere tour guides.

Different people inhabit different worlds. Time has changed, so has temperament. The peasant is now eager to overcome his plight. He wants more money, even if he has to sell his land. The rich man is more focused on money than ever before. He will do anything to make more of it and keep it as well.

When philosophy is in flux, how can ideology relax? The idealistic minds also underwent transformation. The reality is no longer the creation of mind; rather the mind is the creation of reality. Idealism has ceded place to realism, and here too money has hoisted its flag.

That puts all the philosophies in a melting pot, where everything done and everything said is calculated in money terms. Man has been taken out of his context and placed on auction in the marketplace. The world's oldest profession is a household cult.

In this country we have the peasants, affluents and their middlemen, and all of them are getting their philosophies aligned. None of them is willing to stay close to their land. Wealth, want and wisdom, three conditions of life are rolled in one. Everybody wants money from his or her own vantage point.

What do we call it? Slot Machine Philosophy! Insert a coin to see any of us in action!

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