

# Making the CG fool-proof

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THE reprinted (draft) Constitution of Bangladesh is being scrutinised by a Parliamentary committee. It is largely expected that this document of the supreme laws of the land will undergo the formal 15th Amendment sooner or later during the tenure of the present parliament.

A consensus, but unconstitutional, "Caretaker Government" (CG) was formed in December, 1990, which helped conduct an impartial general election in February, 1991. Later the 13th Amendment (1996) made this unusual CG provision constitutional. Why was such a system

incumbent elected government, manipulating the appointment system of the chief justice (CJ) having potential of being the chief adviser (CA). However, on assuming the post of CA, Justice Latifur Rahman was able to clear the partisan administration. Thus, the second constitutional CG somehow regained its status.

The formation of the third constitutional CG in 2006 was so badly manipulated that the president became his own CA. A military-backed interim government (structured as the CG) had to assume office. Its long two-year stay in power created more problems than it could solve, with the single benefit of producing an acceptable voter list (and national identity cards).

becomes fool-proof and functional. I propose the following amendments on CG for consolidating some provisions of the 13th Amendment that was done overnight and thus contains a number of loopholes.

#### Appoint a consensus CA

The aim of the CG provision is holding a free and fair election to the Parliament. The 6th Parliament included a provision for appointing the last retired CJ of the Supreme Court (SC) as the CA. We had noticed how the political governments tried to use the provision for their "accession to the throne" for the second consecutive term.

There are four provisions for appointing the CA: (i) The last CJ or

retired CJ as CA. It is now clear that a political consensus is needed even in considering the last retired CJ; so why not try from the qualified citizenry first! This provision will elevate the morality of our high profile citizens having aspiration for governing the country well -- even for a short period. All the retired CJs have to be considered serially before opting for the other SC judges. The president's candidature as CA can come only after all the other three provisions (after amendment) -- (i) Consensus candidate, (ii) all living retired CJs, and (iii) all living retired SC Judges (other than CJs) -- were exhausted. It is understood that "a consensus CA candidate" (the first provision in the amended Constitution) would be enough and the other three provisions would be unnecessary.

#### Make CG's tenure a full year

About a year back, LGRD Minister Syed Ashraful Islam advocated for a 4-year parliament in place of the present 5-year one. I support his view whole-heartedly. The 3-month tenure of CG to deal with huge backlogs created by our so-called pro-people politicians has proved utterly inadequate. The CG must deal with renewing the voter list, clearing the politicised administration and bringing the corrupt politicians to book. On the other hand, an interim government, having power source elsewhere, governing the country for about 2 years is also not feasible.

Therefore, until our politicians "reform their character," let's ask them to amend Articles 58B, 72(3) and 123(3). On the tenure of CG, Article 58B says: "Till the date on which a new prime minister enters upon his office." This can be replaced with "Till finishing one year in office" or "till the date on which a new prime minister enters upon his office -- whichever comes later."

On the tenure of a parliament, "five years" in Article 72(3) can be replaced with "four years." In Article 123(3) on general election, "ninety days" can be replaced with "a year or 365 days," but for by-election, "ninety days" [Article 123(4)] can stay as it is.

A by-product benefit of such a provision can be relief for the people from anarchy of the "elected" governments and also of the "ignited" opposition. Besides, election can be held after 5 years in winter (to avoid monsoon flood period) since the election to the 9th Parliament was held in winter (December, 2008).

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## গণপ্রজাতন্ত্রী বাংলাদেশের সংবিধান

***It is imperative that we make better constitutional provisions for forming the CG so that it becomes fool-proof and functional.***

required for a short period when the nation could go back to "democracy"?

The answer is that it resulted from a realisation within our politicians that they were unable to hold a fair general election to the parliament. So it was the "discovery" of our politicians' incapacity, and most people appreciated the "invention" of CG.

However, since the second constitutional CG in 2001, the system was made controversial by the

Some influential insiders of the present government want to do away with CG system on the plea that it was made controversial and also that the time was ripe to hold general election under the elected government. However, people are not yet convinced that our politicians, especially while in power, can conduct an impartial and fair general election.

Therefore, it is imperative that we make better constitutional provisions for forming the CG so that it

any CJ retired before him [Article 58C(3)], (ii) The last retired judge of the Appellate Division or any one retired before him [Article 58C(4)], (iii) A qualified citizen based on political consensus ([Article 58C(5)] and (iv) The president himself in case all the prior three provisions exhausted and failed [Article 58C(6)].

I propose bringing the 3rd provision to the 1st position to avoid mishandling with the singular first provision of appointing the last

### Metternich's World

## The gluttony of power

**L**AURENT Gbagbo refuses to let go of power. So does Muammar Gaddafi. So does Ali Abdullah Saleh. So does the ruler of Bahrain. There is always something about power which convinces those clinging to it that they can defy public opinion, can ignore the ridicule of their people and hang on. Right till the end, Hosni Mubarak thought he could trick Egyptians into staying on and making the future safe for his son. His indignant nation proved to be a step ahead of him.

Today, the ruling houses of Saudi Arabia and Kuwait remain in a state of misplaced dreams. They think they can carry on and on nothing will touch them. The Saudis, who are not even willing to let their women drive cars, have even committed the outrage of sending their soldiers into Bahrain to help its rulers fight off the challenge from their subjects.

Power, if Metternich is permitted to use the cliché, corrupts and corrupts absolutely. Lord Acton was right. But maybe he never guessed that power could also become something of a gluttonous affair. In nearly every part of the

under-developed world you observe, men and women are simply eating out of the plate called power. It does not matter that they might suffer from indigestion from an excess of the food.

It is of little consequence that this orgy of consumption on their part tends to leave their peoples undernourished and underfed. Men and women in power rarely, if ever, go through the pangs brought on by bulimia. They keep eating. And then do not forget that other important component of power enjoyment. It is the disgust their people, those very citizens in whose name they profess to rule, that comes to attend all this embarrassing demonstration of power.

There was a time not many years ago when people thought Meles Zenawi was the man Ethiopia was in need of. He replaced the stone-faced junta called the Dergue led by Mengistu Haile Mariam and was widely expected to guide his country to proper democracy. He even agreed to have Eritrea go its own separate way as a country. Over the past twenty years or so, however, the idealism Zenawi once personi-

fied has dwindled into a leadership based on intolerance of dissent. Hundreds of political elements are in prison in Addis Ababa. And Zenawi does not go because the West keeps believing that he is the man in whose hands Ethiopia's future -- and its vested interests -- remain secure. It is just like the old days when western nations saw in the autocratic rulers of poorer nations a chance for the preservation and advancement of their economic and political interests.

The interests lasted as long as they did, until a time came for the West to dump its favourite rulers. The Shah of Iran, reviled at home and feted in Europe and America, could not find a home after his fall in 1979.

And so Meles Zenawi, like Robert Mugabe in Zimbabwe, hangs on to power. The story is much the same with Syria's Bashar Assad, who has just rejected calls for reform in a country now brimming over with intelligence agents and government minders as a way of keeping people in line. Syria's fortune has been to go through the tortuous decades of Hafez Assad and then fall into the hands of his son.

But if you think of Eritrea, where Issaias Afewerki once was admired for the clean, decent and egalitarian way in which he ran his tortured country, you will have cause anew for heartbreak. Afewerki and his fellow former guerrillas have no intention of holding elections because they think they are good enough to do the job. That attitude is self-defeating for any ruler. It is dangerous for the society such rulers preside over.

Countries atrophy when long-serving leaders outstay their welcome. North Korea is a good example. But your despair goes up many notches when you realise the Kims are not yet done with ruling. Kim Jong-il has already served notice on his people that his young son is there to take over.

Maybe you did not know that even communists have their distinctive dynasties? For that matter, have you ever wondered how an unending line of royal lords it over a land where the beauty that is Islam once took birth? We speak of Saudi Arabia. Since when did Islam and monarchies go together?

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### SHIFTING IMAGES

## Timeless traveler's dream



MILIA ALI

**N**INE-eleven (9/11) changed the world in more ways than one. Perhaps the most significant impact is felt in the sphere of air travel. Excruciating security standards have transformed pre-departure arrangements into a nerve-wracking experience. Once on board, one feels an absence of bonhomie since most co-travelers tend to be aloof, edgy and suspicious at the slightest deviant behaviour! Finally, on reaching

the destination passengers are subjected to a virtual inquisition by over-cautious customs and immigration staff.

I often feel nostalgic about past air journeys when one could look forward to a chance meeting with an interesting person. I have had the privilege of travelling with many notable personalities like Sophia Loren, Asha Bhonsle and Ravi Shankar. On each occasion I greeted them, exchanged niceties and for a brief moment enjoyed a sense of reflected glory.

Once, on a flight from London to Delhi, I recall sitting next to Priyanka Gandhi and sharing our perspectives on the Bangladesh Liberation War! Those were the good old days when there was considerable potential for social interaction on a long flight. Today, even an innocent walk in the aisle to exercise cramping knees can trigger a security concern!

Two amusing anecdotes may help illustrate the prevailing level of paranoia related to air travel. Not too long ago, on a domestic flight in the US, a man was pinned down to the floor of the plane by security guards because he was acting "oddly." The man, a Muslim, was noticed bending forward several times purportedly looking for something. On investigation it transpired that he was, in fact, performing the rituals of the Muslim prayer. The act of frequent prostration was misconstrued as searching for an explosive hidden underneath the seat!

Another incident occurred on a long flight that I took to Washington. There was a commotion when someone was inside the toilet for an "unusually" long time. Passengers became suspicious and raised an alarm, which prompted the in-flight security to go into action. After several loud knocks, the door was forced open to reveal an old South Asian lady, who was simply unable to operate the door lock from inside. The petrified, sobbing woman was let out and calm returned to the cabin!

For many frequent travelers, the saga commences at departure, with long snaking lines, pat downs, and the likelihood of being put through the controversial body scanners, known as Smartcheck. However, the stress heightens at the disembarkation point where the grilling begins by forbidding looking immigration and customs officials.

Questions may range from the sublime to the ridiculous. One can handle mundane queries like "what is the purpose of your visit?" "how long was your trip?" "which countries did you visit this time?" and "how much money are you carrying?" But occasionally there is that odd question "I see you work for the World Bank, what exactly do you do there?" I am usually not at a loss for words, but to encapsulate my job description in a precise sentence with a long and agitated line of passengers waiting behind me can be challenging, to say the least!

So far, I have been lucky with my US entries and have not been taken in for "secondary" questioning -- the special arrangement created for people who need detailed interrogation and background check before they enter the United States. No one knows what criteria are used to single out people for the secondary. But a last name like Ali or Husain could easily qualify one for "random selection!" In the backdrop of post 9/11 religious profiling this is not surprising. However, I must confess that for a nervous person like me the possibility of being selected for any kind of "special treatment" generates tremendous anxiety.

Emotions aside and reflecting on a more rational plane, I fully understand why it's necessary to take security precautions. An airline staff explained: "All this is for your safety and security." Again, there is always that rare positive experience, like a recent interaction with an US immigration officer, which gives me cause for hope and optimism.

I was returning from a trip to Bangladesh and the officer posed the routine question: "Where are you coming from?" When I answered Bangladesh he smiled and remarked: "Oh! The country of Mohammad Yunus -- the guy who gives loans to the poor!" I felt a sense of elation and joy. True, I am now a resident of the US, but the umbilical cord that ties me to the country of my origin will never be completely severed, and whenever Bangladesh wins a laurel my heart overflows with pride and nostalgia!

The seemingly small but pleasant experience with US immigration set forth an interesting train of thought in my mind: Is there any way we can re-establish trust and cooperation among people of different races and religions? Rather than search for differences, can we focus on the basic aspirations that are common to most human beings: the desire of each person to lead a dignified life and ensure a secure future for the next generation? Is this goal very difficult to attain?

I derive hope from the raised awareness and heightened expectations amongst the common people around the world, as is evident in the sudden surge of "people's power" in the Middle East. Maybe this will bring a sweeping tide of change and help break the artificial barriers between nations and races that we have created over ages.

I am not sure if we will see a different world in our lifetime, but we can start with a vision and a dream like John Lennon:

"Imagine all the people  
Sharing all the world....  
I hope someday you will join us  
And the world will be as one."

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