

BARE FACTS

Election before dissolution of parliament



M ABDUL LATIF MONDAL

THE much-talked-about 15th amendment to the constitution provides, inter alia, that the general elections of members of parliament (MPs) will be held within ninety days prior to the parliament's dissolution. During these ninety days, the parliament will remain, but it will not have any activity as the amendment has limited its power and functions for that period. As a result, the next parliamentary election will be held under the Awami League-led government.

The aforesaid provision is largely the replication of what existed in the constitution adopted on November 4, 1972. Article 123 (3) of the constitution provided that a general election of MPs shall be held within ninety days before dissolution of parliament by reason of the expiration of its term, and within ninety days after dissolution of parliament by reason other than the expiration of its term. In the fourth amendment to the constitution, the words "ninety days" were replaced by the words "one hundred and eighty days" in both places. The thirteenth amendment that led to the introduction of non-party caretaker government system (now defunct) in amended the provision. The substituted provision said that a general election of MPs shall be held within ninety days after parliament is dissolved,

whether by reason of the expiration of its term or otherwise than by reason of such expiration. This provision had existed before the parliament passed the 15th amendment to the constitution on June 30.

Bangladesh follows Westminster-style parliamentary democracy. The provision of holding a general election of MPs during the life-time of a parliament appears to have no parallel in Westminster-style parliamentary democracy.

India is the largest parliamentary democracy in the world. Each Lok Sabha of India is formed for a five-year term, after which it is automatically dissolved. It can also be dissolved earlier. "When the term dissolution of Parliament is used, it only means the Lok Sabha, the Lower House of Parliament" -- says an analyst. After the Lok Sabha is dissolved, elections are held to constitute the next Lok Sabha. The prerogative of announcing the dates and conducting the elections belongs to the election commission.

In Britain, the life of the House of Commons, which has always been a purely elective body, is for five years unless previously dissolved. A general election is called following the dissolution of House of Commons to elect MPs for the next house.

In Canada, the duration of a parliament is limited to five years, except in the event of "war, invasion or insurrection." In the

absence of dissolution, the parliament would simply "expire." In practice, parliament has always been dissolved, even if this is done only a few days before the five years have passed. Dissolution of parliament is followed by a general election to elect MPs.

In Australia, the House of Representatives, also called the "people's house" or the "house of government"

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expires three years after its first meeting if not earlier dissolved, after which general election for a new house must be held.

In New Zealand, a general election of members of House of Representatives, commonly called parliament, occurs every three years, unless a major crisis arises or the prime minister loses ability to command a majority in the parliament. Dissolution of parliament leads to a nationwide general election for electing members of the next house.

We have seen how general elections were held in our country prior to the introduction of CTG system (here caretaker government also includes the government of Justice Shahabuddin Ahmed who, as nomi-

nee of the combined opposition, assumed the state power following resignation by the Jatiya Party government of HM Ershad on December 6, 1990).

Elections held prior to 1991 were blatantly rigged, often marked by violence, intimidation, booth capturing, ballot box snatching, vote buying, political interference and manipulation of results. "In the period since independence, there was, however, a gradual public alienation from the election process owing to alleged electoral malpractices. As such, election results were always a foregone conclusion rendering no positive effects on the political process. The crisis of people's confidence in the stage-managed election system reached the peak during the rule of General Ershad. Restoration of democracy through fair polls was ultimately transformed into a united anti-Ershad movement by the combined opposition parties with a forceful demand for a neutral caretaker government." -- says BANGLAPEDIA.

It is not that there were no incidents of malpractices in elections held during the CTG system. But it has been acknowledged nationally and internationally that elections held during the caretaker government system were generally free, fair and impartial. This was possible mainly due to two factors: (1) combined efforts of CTG, election com-

mission and the administration for holding peaceful and fair elections; and (2) existence of a level playing field for all candidates in the elections.

Question may arise as to why we are making provision for holding general elections during the life-time of a parliament when the countries practising Westminster-style parliamentary democracy hold general elections after the dissolution of their parliaments.

We know how the Upazila Parishad Act-2008 has not only made an MP from a constituency an adviser to UZP but has also given him power to control decisions of the UZP. In fact, he has the last say in all matters, whether developmental or otherwise, in the upazila. When a sitting MP, particularly an MP from the party in power, contests in a parliamentary election, the existence of a level playing field for all candidates in that constituency becomes an impossibility.

To conclude, in the interest of holding general elections of members of parliament peacefully, fairly and impartially, they should be held after dissolution of parliament, whether by reason of the expiration of its term or by reason other than the expiration of its term. This will be in consonance with the system of holding general elections of members of parliament in other countries that practise Westminster-style parliamentary democracy.

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The New York Times EXCLUSIVE

Let's not linger in Afghanistan

JEFF MERKLEY, RAND PAUL AND TOM UDALL

LAST month President Obama announced plans for withdrawing by next summer the approximately 30,000 American troops sent to Afghanistan as part of the 2009 surge.

We commend the president for sticking to the July date he had outlined for beginning the withdrawal. However, his plan would not remove all regular combat troops until 2014. We believe the United States is capable of achieving this goal by the end of 2012. America would be more secure and stronger economically if we recognized that we have largely achieved our objectives in Afghanistan and moved aggressively to bring our troops and tax dollars home.

After al-Qaida attacked the United States on Sept. 11, 2001, we rightly sought to bring to justice those who attacked us, to eliminate al-Qaida's safe havens and training camps in Afghanistan, and to remove the terrorist-allied Taliban government. With hard work and sacrifice, our troops, intelligence personnel and diplomatic corps have skillfully achieved these objectives, culminating in the death of Osama bin Laden.

But over the past 10 years, our mission expanded to include a fourth goal: nation-building. That is what we are bogged down in now: a prolonged effort to create a strong central government, a national police force and an army, and civic institutions in a nation that never had any to begin with. Let's not forget that Afghanistan has been a tribal society for millenniums.

Nineteen months ago the president announced the surge strategy in hopes of stabilizing Afghanistan and strengthening its military and police forces. Today, despite vast investment in training and equipping Afghan forces, the country's deep-seated instability, rampant corruption and, in some cases, compromised loyalties endure. Extending our commitment of combat troops will not remedy that situation.

Sometimes our national security warrants extreme sacrifices, and our troops are prepared to make them when asked. In this case, however, there is little reason to believe that the continuing commitment of tens of thousands of troops on a sprawling nation-building mission in Afghanistan will make America safer.

National security experts, including the former CIA director Leon E. Panetta, have noted that al-Qaida's presence in Afghanistan has been greatly diminished. Today there are probably fewer than 100 low-level Qaida operatives in Afghanistan. Al-Qaida has a much larger pres-



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ence in a number of other nations.

Our focus shouldn't be establishing new institutions in Afghanistan, but concentrating on terrorist organizations with global reach. And our military and intelligence organizations have proved repeatedly that they can take the fight to the terrorists without a huge military footprint.

We have urgent needs at home: high unemployment and a flood of foreclosures, a record deficit and a debt that is over \$14 trillion and growing. We are spending \$10 billion a month in Afghanistan. We need to change course.

A week before the president's speech, 24 of our Senate colleagues joined us by signing onto a bipartisan letter urging the president to announce a sustained and sizable drawdown from Afghanistan with the goal of removing regu-

lar combat troops. This group includes progressives, moderates and conservatives united behind one conclusion: we've accomplished what we set out to accomplish in Afghanistan, and we can no longer afford the lives and money it is taking to pursue an ambitious open-ended nation-building mission.

It is not too late to change course in what has become the longest American war in history. In light of our considerable national needs, both security and domestic, we urge the president to bring our troops home at last.

Jeff Merkley, Democrat of Oregon, Rand Paul, Republican of Kentucky, and Tom Udall, Democrat of New Mexico, are United States senators.

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LEST WE FORGET A tribute to Sister Marian Teresa

RUBAIYA MURSHED

THOSE of us, who share the blessing of having been a part of the family of Holy Cross College, have had the fortune of observing closely the lives of two such great teachers like Sister Marian Teresa and Sister Joseph Mary. Anybody who has ever got to know these two women surely will never be able to forget them. They have touched the lives of all students and made them better human being.



Being a very recent Holy Cross college graduate it is a matter of tremendous grief that today I am writing about one of these extraordinary women and she won't be able to read it. None of us ever imagined that we would have to look back upon her life so soon. It came as a sudden shock to all of us when we heard the news of the sudden death of our beloved Sister Marian Teresa a few week back, on June 25, 2011, who most of us Crossians have known as a teacher and principal during our student years.

Sister Marian Teresa was a missionary and visionary in the education sector of Bangladesh and played a vital role in shaping the lives of thousands of girls passing through Holy Cross College on their journey to womanhood. Being born at Golla parish of Dhaka, Sister Marian Teresa went on to become the first local nun for the 'Holy Cross' congregation which she entered in 1965. As a nun, she served twice in the post of area coordinator for the Holy Cross nuns in Bangladesh and in 1950 she was appointed the first principal of the popular Holy Cross College for girls in Dhaka. She joined Holy Cross College as a principal in 1972 and spread the light of her knowledge and undaunted leadership around into the souls of her students and all around her till recently in 2010.

We will always have the memory of going to college and seeing sister there to greet us at the entrance, ready to make sure that we were being the disciplined Holy Cross girls she wanted us to be. Whenever each of us walks past her room we will have flashbacks of sister silently sitting at her desk, writing away at her important work. In every function yet to be held on the stage of our Holy Cross auditorium, we will recall sister gently walking up the stairs to give her speech- to share her always soft-spoken words to us. We will remember, always.

Sister Marian Teresa had a soft-spoken, gentle disposition and the things about her characteristics that caught anybody's eyes were qualities that people yearn to personalise all their lives but fail. She had the rare and unique special quality of treating everyone with equality and giving attention to the little things in life that most people tend to ignore and neglect. Gracefully having to pull of the demanding job of a principal in the charming way she did.

In life, few people are able to touch the lives of millions. As an educator, Sister Marian Teresa not only left us impregnated with her memories but also left us hopes and dreams of the women and pioneers she was pushing each of us to become.

Sometimes 'good-bye' is just not an option. We cannot bid farewell to you, sister. Not now, not ever.