

Land of promise turned hell house of human stories



PLEASURE IS ALL MINE

BANGLADESH is having more of its share of martyrs. And, incrementally at that, so we are losing count of them. They are not even entombed, many would have died unnoticed, unsung and as non-descripts. None but their near and dear ones will mourn them and the occasional visits to their hospital beds in the glare of publicity by politicians will be pulling a cruel joke on them.

Nobody will apologise to the bereaved, no contrition will be expressed by the perpetrators, or their masterminds, or indeed, those who called the shots from leadership positions. Try as they might to save their conscience by explaining the murder as part of political gamesmanship, people consider it as a patent betrayal of trust.

What a contrast this is to the Latvian PM Valdis Dombrovskis taking 'political responsibility' for the supermarket roof collapse that killed 54 people in what was termed an outright murder! Basically, a moral obligation was owned up as a political failure at the highest level. The outgoing Latvian PM had no hand in what would have passed for an accident in many countries, and yet he felt the guilt for it. Seen in this perspective, over the two decades we have had many resignations falling due through various debacles unsettling the lives of people that never took place.

There was no stay-put-in option for the ordinary souls, nor any option for evacuation to shelters in the face of the raging manmade storm. For they have to come out to earn their bread braving an imposed hartal or countrywide blockades unleashing all sorts of saboteurs. A sliver of Jim Jones's cult at play with his final words ringing to his blind followers: "It is no fear, it's friendly" -- the cyanide laced drink -- that consumed the lives of 900 of his hypnotised disciples in a lethal embrace.

The perfect imagery of a blockade victim was a small boy who refused to see the burnt face of his father, a three-wheeler driver who braved it out on the street so his dependants would have their morsels of food at the day's end. Then the boy tiptoes with his mother to close in on the side of the prostrate father and from a corner of his eye nervously takes a peek at the face of a father rendered unfamiliar to him.

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Even a stonehearted person would have a crevice oozing compassion for the small boy! Wouldn't he, wouldn't you, a normal human being? The story can be multiplied in the backdrop of four-day countrywide blockade ending today.

If conscience is the quiet voice that warns you not to leave your fingerprints, as Alberto Sordi said, he has been disproved hands down by the news that certain Jamaat-Shibir elements handed in a documentary to the police picturing their acts of vandalism to dare the law enforcers to catch them.

Indeed, there are no qualms, prick of conscience or compunction for the hardboiled terrorist elements and those behind the scene operatives. They are hirelings doing the bidding of their masters.

Reports suggest that picket attacks claimed more lives than accidents occurring through cocktail blasts or torching of vehicles.

Chief Election Commissioner Kazi Rakibuddin Ahmad is an abiding bureaucrat but his statutory job requires something beyond going by the book. He has to combine in himself the roles of a confidence-builder, negotiator and conductor of a symphony called the general election. He reaches out to political parties with a neutral, trustworthy image to deliver a credible poll through participation of all stakeholders.

The CEC has to be a force, his own master, exercising a freedom of action when the situation demands. Does he appear to be in control of things though? Hardly, if you consider his sidestepping a norm requiring announcement of election schedule

through a consultation with all the political parties. But the CEC says now that if a consensus is reached between major political parties enabling participation of the opposition then the schedule could be changed. In fact, he has left enough room for maneuvering on this score. But the issue is why do you have to announce the schedules in such a harried and hurried fashion inviting a predictably wrathful reaction from the opposition? Moreover, the so-called pressure tactics definitely set back the process of understanding that had been flagged off, what if under the wraps of secrecy although an upfront effort would have exposed the less sincere side.

A precedent alluded to former Election Commissioner Shamsul Huda has it that he had rescheduled the last date for submission of nomination papers four times and the poll dates three times during his time. He recalled to me the instance of a reflexive action he took on hearing the news over television on November 20, 2008 that Hossain Zillur Rahman's party to bring BNP over to the election had failed. Without losing any time he dictated to a TV journalist a news item shifting last date for submission of nomination papers from November 20 to 23. He used the respite to persuade the BNP to participate in the polls and in accord with their opinion deferred the date even to November 30.

Once the election schedule is declared the CEC is all in all in matters relating to holding of the election. There is no mistaking that authority of his. Shamsul Huda applied his discretion changing the election schedule quite a few times driven by the motive of ensuring participation of all political parties in the election. And he succeeded. Although in the present context, building a consensus in the main centres around an understanding on poll time government, it is within the CEC's remit to approach all political parties to take them on board on finalising the election schedule so as to make the polls fully participatory.

We are not exactly looking for the likes of Indian CEC Sheshan of 1990s who dusted off election rules, enforced them vigorously and instilled awe in the minds of violators of electoral rules about the authority of the EC. The institution he left behind has worked wonderfully through a series of precedents that constitute a well-established legacy.

A final point -- why must we dance around on the tiny pinhead of a constitutional technicality not to clear the deck for a peaceful transition of power?

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Bangladesh: Crisis and way out

ABDUR RAZZAQ

TODAY'S crisis has two origins: one judgment and one amendment. The judgment is the May 2011 Supreme Court judgment which declared elections under a caretaker government unconstitutional. The amendment is the June 2011 fifteenth amendment to the Constitution which abolished elections under a caretaker government.

On June 11, 2011, I wrote in *The Daily Star* expressing concern about the future of democracy. Citing the disastrous consequences of the 1857 American Supreme Court judgment declaring slavery lawful, and the 1955 Pakistan Supreme Court judgment declaring the dissolution of the Constituent Assembly lawful, I argued that the judgment declaring the caretaker system unlawful was wrong. I wrote: "We have to wait for the verdict of history." While history is yet to pronounce its final verdict, the amendment which abolished the caretaker government -- by using the Supreme Court judgment as a basis -- has already created a political deadlock. Urging the opposition to attend Parliament to oppose the bill for caretaker government abolition, I also wrote: "The country is on the verge of a political turmoil."

Constitution making is a Herculean task. It should reflect people's will and be legally sound. It took almost 11 years to frame the American Constitution, 9 years to frame Pakistan's first Constitution, 3 years to frame the Indian Constitution, and 2 years to frame the French Constitution. Amendment to the Constitution is nearly as difficult as its framing.

In July 2010, on the prime minister's proposal, a 15-member parliamentary committee was formed to amend the Constitution. Over a period of 8 months, the committee, consisting of all the front ranking leaders of the ruling alliance, consulted former chief justices, members of the legal profession, members of the civil society, representatives of political parties, and came to a unanimous decision to keep the caretaker system intact. In a meeting of the committee held in April 2011, the prime minister opined that the life-time of the caretaker government should be limited; but she did not ask for its abolition.

On May 29, the committee proposed to limit the life-time of the caretaker government to a maximum of 90 days. A day later, on May 30, the committee met the prime minister and made a U-turn, and decided to abolish the caretaker system. The only reason cited by the ruling party for this 'historic' U-turn is the Supreme Court's judgment of early May, which declared the caretaker system unconstitutional, although the same judgment permitted the government to hold the next two elections under a caretaker



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government. The truth of the matter is that it was the wish of the prime minister to abolish the caretaker system.

Very hurriedly, a bill was drafted, which the cabinet approved on June 20 and placed before Parliament on June 25. On June 30, Parliament passed it by 299 votes in favour and 1 against. The speed with which the fifteenth amendment -- which amended a number of provisions of the Constitution -- was passed was unprecedented in the history of constitutional amendments of any civilised country. However, one thing is certain: in bringing the amendment the prime minister wielded "an authority that a Roman Emperor might envy."

Two thirds majority in Parliament is not always conducive to democracy. In 1983, during her second term, British Prime Minister Margaret Thatcher obtained a huge majority in parliament. Francis Pym, a senior member of her conservative party, expressed concern that such a huge majority might not be good for Britain. In 1971, Prime Minister Indira Gandhi's Congress party obtained 352 seats out of total 518. In 1975 she declared emergency and ultimately lost the 1977 elections. In Bangladesh, in 1975, if the ruling party did not have two thirds majority, Baksal could not have been formed and our political history perhaps would have been different. In Turkey, in 2011, The Economist urged the Turkish electorate not to give Prime Minister Erdogan's AK party a two third majority because that would be bad for Turkish democracy.

In Bangladesh, by dint of a two-thirds majority, the fifteenth amendment has made so many changes to the Constitution (including making certain provisions un-amendable), that it surprised both the constitution experts and the constitution framers. On a different note, an argument is now being advanced that the Constitution, in certain respects, has become

unworkable. An all powerful prime minister now reigns supreme. The head of the state, the president, has very little role to play in the affairs of the state. Once an election is held, the winner takes all. It is argued that to bring a balance, the president should be given more powers, and proportional representation, in a limited way, should be introduced to bring some checks and balances in parliament.

Bangladesh has not only come out of the sad days of a 'basket case country' but has, in many respects, according to the London based Legatum Institute, outdone its 'BRICK-branded' big neighbour India. Sadly, it is only our sick politics which is pulling us down.

On the caretaker issue, a problem has been created wholly unnecessarily. More than one opinion poll suggests that 90% of the people support a neutral non-party government during the elections. If the ruling party is in doubt it can go for referendum on this issue as is done in mature democracies. In 1975, Britain went to referendum on the issue of its entry into the European Community. Four decades on, by the end of 2017 -- if not earlier -- it will again go for a referendum on the issue of its exit from the European Union. In September next year, Scotland will go for a referendum to decide whether to remain within Britain or be independent. Bangladesh will have sufficient time to go for a referendum and amend the Constitution before the elections and, if necessary, ways and means can be found to postpone the election legally beyond January 24. It is for this government to find a way out of this crisis. Non-participatory elections will not solve, rather it will deepen, the crisis.

The duty of a politician is to avert crisis, not to create one. The world will remember President John Kennedy for averting a nuclear war in October 1962 with the Soviet Union during the Cuban missile crisis despite contrary advice given by his advisers. Nelson Mandela saved his country from a blood-bath by compromising with his arch-enemy.

Today's politics with all its violence -- the shutdowns, the burnings, the killings and maiming -- are nothing but a repetition of the politics of two decades past. The 160 million people deserve better. Of late, Bangladesh has been on the international radar. Particularly, the recent New York Times editorial was very critical of the government and spoke of international sanctions. The country on the eve of its 43rd birthday is facing a sea of uncertainty. Tragedies similar to Shakespeare's Macbeth have taken place more than once in Bangladesh. The country cannot afford a repetition of those tragedies.

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A XYDLBAAXR is LONGFELLOW

On letter stands for another. In this sample, A is used for the three L's, X for the two O's etc. Single letters, apostrophes, the length and formation of the words are all hints. Each day the code letters are different.

10-25 CRYPTOQUOTE

Q G BEHUCGEHT CE VPP, QHC
NO C N K V C G J N C Y X G J, V O M
P G C C Y E T G X G J Q G J G P P
C U N G M Q G X E U G F E H W N S G
C Y G K F E H U B E O X N M G O B G.

— W G E U W G J V T Y N O W C E O

Yesterday's Cryptoquote:

IF YOU SPEND YOUR WHOLE LIFE WAITING FOR THE STORM, YOU'LL NEVER ENJOY THE SUNSHINE.

MORRIS WEST

Yesterday's answer

1 Across

2 Down

3 Across

4 Across

5 Across

6 Across

7 Across

8 Across

9 Across

10 Across

11 Across

12 Across

13 Across

14 Across

15 Across

16 Across

17 Across

18 Across

19 Across

20 Across

21 Across

22 Across

23 Across

24 Across

25 Across

26 Across

27 Across

28 Across

29 Across

30 Across

31 Across

32 Across

33 Across

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