

# State of emergency or urgency?

SHAKHAWAT LITON

In her brief visit to Dhaka last week, Indian Foreign Secretary Sujatha Singh said India wanted the participation of a "maximum" number of parties in a peaceful and violence-free election in Bangladesh. She did not explain how many parties participation in the polls slated for January 5 will meet Indian expectation. But two days before her arrival in Dhaka, it had become crystal clear that maximum political parties would not contest the January 5 polls. The door for the BNP-led opposition alliance to join the polls closed with the time to submit nomination papers expiring on December 2. According to the Election Commission's document, leaders of only 20 out of 41 registered political parties filed their nomination papers.

The number has already decreased to 19 as the lone candidacy filed by Muslim League was not found valid by the returning officer. The number may be decreased further as Jatiya Party announced it would quit the race and two or three Islamic parties have claimed they did not nominate candidates, but somebody filed applications seeking candidacy using their names. Even the name of Bangladesh Jatiya Party, a component of BNP-led alliance, appeared in the list of 20 parties.

So the election slated for January 5 will no way be a participatory one with participation of "maximum" number of political parties. India's expectation seems to have fall flat. Now, the efforts of the UN and countries including USA, UK and China, which want an "inclusive" election with participation of all political parties, will draw much attention. It will be interesting to observe how they open the window for the opposition parties to join the general election amid deepening political crisis and escalation of violence.

There is a strong speculation over declaration of a state of emergency to contain the deteriorating law and order situation. A number of newspapers reports even say a state of emergency may be declared after the Jatiya Party finally withdraws from the January 5 election. The crucial question

is, will declaration of state of emergency provide the government any relief? Will it be able to prevent BNP-led opposition parties from enforcing blockade and other agitation programmes to foil the election? How will the army, once they are deployed to enforce the state of emergency, deal with the situation? Will the election be held amid the state of emergency? Or will the state of emergency delay the election?

The 15th Amendment to the constitution that abolished the caretaker government system has restricted the state of emergency to a maximum of 120 days from its proclamation. The amendment brought to the constitution on June 30, 2011 has also curtailed parliament's authority to lengthen the period. Before the amendment, the president could proclaim a state of emergency without specifying any timeframe. Parliament could decide within 120 days of proclamation if the emergency period would be stretched further. Then there was ample scope to extend emergency if the proclamation was made in absence of parliament or parliament got dissolved during the 120 days. In that case, the next parliament would decide within 30 days since its first sitting about continuation of emergency. If the House opted not to extend the period, emergency would cease to operate after expiry of the 30 days. The current provision says if the state of emergency is not revoked by a subsequent proclamation by the president, it shall cease to be in force after 120 days. If the government wants to continue emergency beyond 120 days, it will have to proclaim it afresh.

Declaration of a state of emergency will not be able to delay the election by extending the tenure of the parliament, because our constitution does not have any such provision like the one the Indian constitution has in this regard. According to Article 83 (2) of the Indian Constitution, Lok Sabha, the House of People, unless sooner dissolved, shall continue for five years from the date appointed for its first meeting and no longer, and the expiration of the said period of five years shall operate as dissolution. "Provided that the said period may, while a Proclamation of Emergency

is in operation, be extended by Parliament by law for a period not exceeding one year at a time and not extending in any case beyond a period of six months after the Proclamation has ceased to operate," reads the Indian constitution.

Amid a violent political situation between December 2006 and January 2007, then President Iajuddin Ahmed resigned as the chief advisor of the then caretaker government and declared a state of emergency on January 11, 2007. Then a new caretaker government was installed with Fakhruddin Ahmed as its chief advisor. The changeover took place a few days before expiry of the stipulated 90-day tenure of the caretaker government. But the emergency remained enforced till the middle of December 2008 without any break.

This time around the situation is different. The constitution does not have the caretaker government system. So declaration of a state of emergency may contain deterioration of the law and order situation for the time being. But the government will have to go ahead with the elections. The constitution does not allow installation of any makeshift election time cabinet. The constitution allows Prime Minister Sheikh Hasina to remain in office until her successor assumes the office by forming a government through a general election. But the BNP-led opposition alliance does not want to allow her to remain in office during the election. Remaining rigid to their stance, they refrained from filing candidacies in the January 5 polls. They have been enforcing mindless countrywide road blockades, paralysing the country and its economy and causing untold sufferings of people.

The ongoing situation can not be allowed to linger on. It must be stopped right now. An amicable solution must be found without delay. We are now in a state of urgency. Failure to arrive at a solution to the crisis will invite the doctrine of necessity, which knows no law and will find a solution on its own way.

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# Shut downs: For a cause or for self-glorification?

GOPAL SENGUPTA

A woman and her daughter died as shutdown and blockade supporters threw Molotov cocktails at a covered van in Gazipur last Tuesday. Political violence during opposition protests for postponing the polls continues unabated, claiming sixty lives so far.

Such shutdowns serve nobody's cause except that of the wily politician. The devastation and suffering of the general public due to a shutdown are at times more severe and widespread than the cause for which they are enforced. The 'success' of a shutdown is proportionate to the quantum of fear its organisers generate. Hence, 'success' does not really demonstrate sympathy for its cause, nor is 'failure' indicative of the absence of sympathy.

The frequency with which shutdowns are declared in Bangladesh does not so much signify concern of political actors with the stated issue, as much as a way of displaying a whole lot of emotions. They are meant to convey the impression of sympathy when they are actually a stratagem for self-glorification.

A shutdown is presumably called when a political organisation wants to draw attention to a long-standing grievance, but the protagonists of a shutdown are only interested in displaying how concerned they are instead of buckling down and doing something which is useful in the situation. An adequate institutional response would be to look after the victims and their families, and to trace out and arrest the perpetrators. But the shutdown activists had none of this on their minds. The 18 party combine declared that the shutdown was a success in large parts of Bangladesh. Success in this case was measured by the number of shops that were forced to close down, by the number of buses that were damaged, and by the number of trains that were stalled by agitators.

In none of these demonstrations of political power were the victims even remotely taken into consideration. In not one instance of stoning of trains, damaging of transport vehicles, or forcing commercial activities to close, did we get any closer to tracking down the terrorists. It is hard work indeed to apply the healing anodyne in a constructive and caring fashion such that the victims and their families are actually rehabilitated. It is also very hard work to track down the terrorists and seal off all reservoirs of sympathy that they may have among the population. This is a job that the security and the paramilitary force cannot accomplish alone. They need the support of all political parties and the citizens.

In fact, there should be a political taboo on shutdowns. If people have time and energy on their hands they should help relieve public distress without adding to the strain on national resources. Unfortunately, wasteful activism of the shutdown kind has been condoned for all these years because the public too is largely uncaring when a tragedy occurs that affects other people. This is why the enormity of the cynicism with which shutdown operators carry out their exercises goes politically uncensored.

When shutdowns are called in times of national crisis, they are hatched by people who are supremely callous of what citizens really need. This leads one to wonder why our political system tolerates such behaviour time and time again.

What we must realise as concerned citizens is that political demonstrations of grief are often a smokescreen to avoid performing public responsibilities. As citizens, then, we must also let our political classes know that we have seen through their game.

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# What was Sujatha Singh's message?

MAHMOOD HASAN

Deep-rooted distrust between the two parties has split the nation, leading to total chaos. Confrontation between the government and the main opposition has led to violence in the streets and caused several dozen lives to be lost already. Serious disruption to communication has cut off Dhaka from the rest of the country, throwing the economy into a downward spin.

We all are aware of the background that has led us to this shameful situation. All the trouble is related to the next general elections. As it stands now the BNP-led opposition has not agreed to take part in the elections. Ershad's JP has also opted out. That leaves the AL and a few name-only parties contesting the elections.

International worries have been mounting as violence spread across the country, resulting in complete breakdown of law and order since October. United Nations Secretary General Ban Ki-Moon, US Secretary of State John Kerry, the European Union, China, Japan, United Kingdom and above all neighbouring India have been involved in trying to defuse the situation.

UN Under-Secretary General Oscar Fernandez Taranco has spent six days (December 6-11) trying to bring the government and the opposition to the table for talks. This is Taranco's third visit to Dhaka. There are apparent signs that the two sides have agreed to resolve the crisis. British Senior Minister of State for Foreign and Commonwealth Affairs Sayeeda Hussain Warsi is scheduled to visit Dhaka on December 12 to speak to Bangladesh leaders.

The other recent attempt was made by the Indian Foreign Secretary Sujatha Singh. One wonders why a senior diplomat (government functionary) was dispatched to Dhaka instead of a senior politician. Earlier, Washington had sent Nisha Desai Biswal, Under Secretary for South and Central Asia in mid-November to mediate between the bickering parties. Nisha Biswal is a politician in President Obama's cabinet.

The reason why Delhi sent Sujatha Singh is not far to seek. Indian foreign policy is actually not

decided by politicians. It is framed and implemented by the officers of the Indian External Affairs Ministry. Politicians only acquiesce to it.

Sujatha visited Dhaka (December 4-5) and met Prime Minister Sheikh Hasina with her delegation. What was significant was that she also had a one-to-one meeting with Hasina. Later, she called on the leader of the opposition Khaleda Zia and met Jatiya Party (JP) Chief H.M. Ershad. What she told the interlocutors is not known. But two statements made by her are rather unclear and worrying.

Ershad, after meeting Sujatha Singh, told the press that she apparently expressed concern that if he did not go to polls the fundamentalist Jamaat-Shibir would rise and come to power. The other direct statement she made to the press is that India would like to see "maximum" number of parties taking part in the elections, under the provisions of the constitution. She is reported to

ments cleverly obscured India's position.

Sujatha assured Bangladesh leaders that India was sincere about ratifying the Land Boundary Agreement and signing the Teesta water sharing agreement. On December 5, the Lok Sabha went into its winter session but there is no sign of the LBA being tabled for vote. Surely, India will wait and see who actually forms the next government in Dhaka after the elections and then decide on the LBA ratification and Teesta treaty. Besides, the Congress-led UPA government is already on the back foot as the Lok Sabha polls are coming up in May 2014. Last week, five state legislative elections were held in India. Congress has lost four states to the BJP.

India's worries actually stem from its security concerns in the North Eastern states, where different insurgent groups have been operating for decades. India fears that if BNP comes to power in the next elections NE insurgents will again use Bangladesh as their springboard. In her meeting with Foreign Minister A.H. Mahmood Ali, Sujatha expressed gratefulness for Bangladesh's support for India's security and hoped for Bangladesh's continued cooperation.

Since the hartal and oborodh began, Indian newspapers began reporting that people from Bangladesh have already started crossing over to India fearing more polls related violence. Delhi is surely worried over these reports of border crossings from Bangladesh.

Interestingly, a section of the Indian print media has been openly calling upon Delhi to support Awami League in the elections.

What was surprising was the breach of protocol that Bangladesh committed while handling Sujatha Singh. She was treated like a visiting minister, not an Indian government official. In the past also Indian foreign secretaries visiting Bangladesh have been treated differently, allowing them to hold meetings at the highest levels. Such breach of protocol demeans Bangladesh.

Sujatha Singh's whirlwind visit to Dhaka was not to mediate but to pass a message to the leaders of the feuding political parties. What that message was, no one will know. We leave it to the readers to draw their own conclusions.

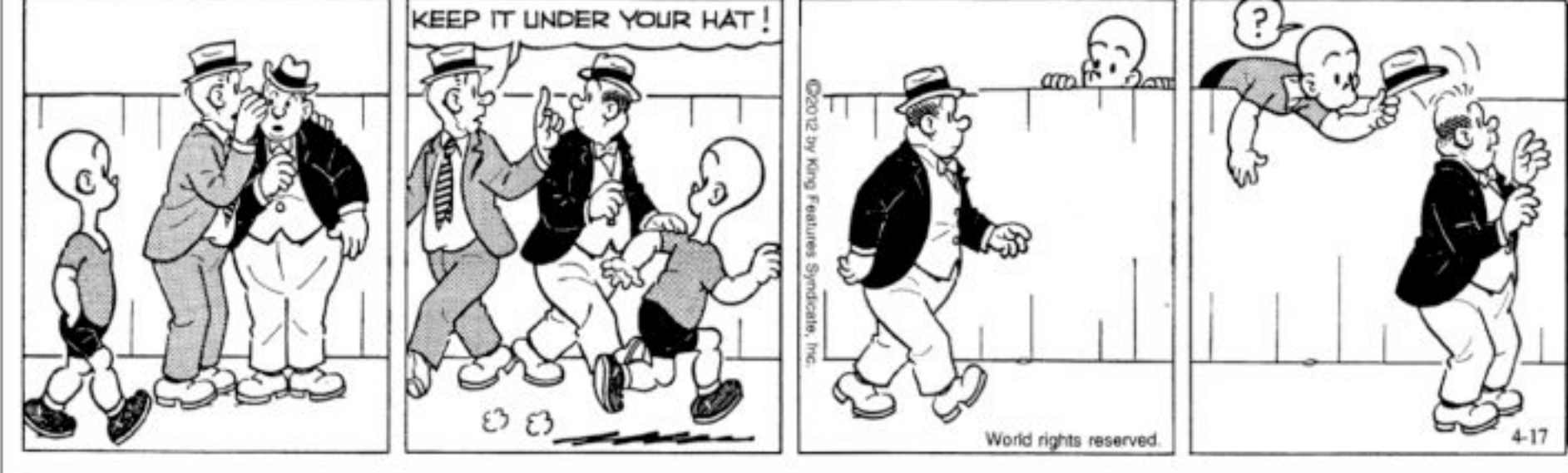
The writer is a former ambassador and secretary.



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**By THOMAS JOSEPH**

**ACROSS**

- 1 Concerning
- 6 "Twilight" character
- 11 Audacity
- 12 Feltish tray
- 13 Online message
- 14 Recorded
- 15 Makes law
- 17 Course number
- 19 Arthur's foster brother
- 20 Crash into
- 23 Feltish tray items
- 25 Opera set in Egypt
- 26 Supervises closely
- 28 Leg bend
- 29 Hospital worker
- 30 Word of accord
- 31 According to
- 32 Squid's home
- 33 Major banking center
- 35 "Gigi" star
- 38 Rather
- 41 Deal maker
- 42 Pushy person
- 43 Goes about
- 44 Old anesthetic

**DOWN**

- 1 Colony member
- 2 Put in stitches
- 3 Fare-bearers get them
- 4 Kitchen sight
- 5 Photographs again
- 6 Pier
- 7 Weary word
- 8 Recipe amount
- 9 Keats creation
- 10 Flower spot
- 16 Store employee
- 17 Animated pig
- 18 Flared dress
- 20 Has
- 21 Cherish
- 22 Divine nourishment
- 24 Neck-line shape
- 25 Cunning
- 27 Singer Iglesias
- 31 Fourth-down plays
- 33 Map region
- 34 Far from wordy
- 35 Truck part
- 36 In the past
- 37 Mystery writer
- 38 Stout
- 39 Kickoff aid
- 40 Mess up

**Yesterday's answer**

**II-7 CRYPTOQUOTE**

NXAF BZWNKIZ NKW ANPD  
HXQ VWTDXQGZTR JHX UD  
JWDHBD BZD TAAKGTNX VNW  
BZD ONODXB BZHB UD'WD XNB  
HANXD. — NwGNX UDAADG

**Yesterday's Cryptoquote:**  
WARMTH IS THE VITAL ELEMENT FOR THE GROWING PLANT AND FOR THE SOUL OF THE CHILD.  
- CARL JUNG

**A XYDLBAAXR is LONGFELLOW**

**QUOTABLE Quote**

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.

"It is the spirit and not the form of law that keeps justice alive."  
**Earl Warren**