

10<sup>TH</sup> PARLIAMENT ELECTION 2014



PHOTO: DARSHAN CHAKMA

A farce!

ENAM AHMED CHOWDHURY

BY no stretch of imagination can the just concluded voting exercise in the country be called a general election, on the basis of which a government can be formed that would be credible, ethical, effective or legitimate. Many legal experts tend to hold the electoral process invalid, and the outcome illegal.

To begin with, the Election Commission by its sheer inefficiency and incompetence, and its loyalty to the political party in power (even on election day the chief election commissioner conferred with important AL leaders), completely discredited itself.

It would have been of some effective help to the government in its efforts to show the election process to be somewhat acceptable, but by failing to maintain the minimum level of impartiality and ability, and by destroying its own power and image, it has become a big liability itself. This Election Commission must go if at all we think about holding a free and fair election in Bangladesh.

The government's insistence on being in power at the time of election instead of a non-partisan government has led us to a situation where 153 candidates (which form a majority in the parliament) were declared uncontested. This meant that 4, 80, 27039 voters, out of a total of 9, 19, 65,977 voters, could not get an opportunity to exercise their right to vote. Even in the other 147 seats, there wasn't any credible contest because there were no candidates from BNP, and not even from Ershad's Jatiya Party.

Naturally, the voters in the constituencies where voting took place hardly had any enthusiasm. Then again, polling day was marked by violence, conflict, shooting, kidnapping, snatching of ballot boxes, burning down of polling booths and many such incidents which prevented the voters from exercising their voting right freely and fearlessly.

In other words, the government, with the full support and active cooperation of all law-enforcing agencies and army, failed to provide an atmosphere to the voters which they can rightfully demand on a voting day. There has been complete lawlessness due to the wrong, harsh, unimaginative and coercive policy followed by the governmental authority and the

*Now the only alternative left for us is to urgently devise ways and means as to how, by cancelling this so-called election, arrangements can be made to hold acceptable general elections.*

ineffective Election Commission.

Before setting up the polling process, the government should have reached an understanding with the leading political parties to ensure ways and means for holding a peaceful, participatory election. The so-called election has been the bloodiest ever; with minimum number of voters, candidates and political parties. Among the many killings, even an independent candidate was ruthlessly butchered.

The government should have realised that this was going to be an unfortunate exercise in total futility. The loss to the economy has been incalculable, hardship to the people immeasurable, and damages to properties immense.

Budget allocation for this counterproductive foolish act of the government has been as much as Tk.225 crores. What a waste!

What is the government party going to achieve by this mad venture? There is no doubt that no credible or acceptable government can be formed through this farcical show of election. There have been one-sided polls earlier in our history. On March 3, 1988 only 51.8%, and in February 15, 1996, only 26.5% voters turned up. This time the percentage, in any case, is bound to be much lower. 52% of the votes have already been made to abstain. Out of the remaining 48% voters, even if 30% turned up (which, from the reports, seems to be extremely unlikely) the percentage of total votes cast as against the total number of voters would be less than perhaps 15%.

There are polling stations where not a single

voter turned up. What a dismal and disorganised scene. The Election Commission, in a foolhardy manner, may try to hold elections in centres (and these may be hundreds of them) where voting could not take place or where voting was disturbed or interrupted.

But what will be the outcome?

That would be another mindless and meaningless exercise. The government, the ruling party AL and the Election Commission should now realise that there cannot be any general election without the participation of major political parties. In spite of all efforts, the government agencies have miserably failed to hold peaceful and credible elections. Mainly, because they didn't want to make it participatory.

There is an interpretation of the government's parties attitude suggesting that even now, and even with the miserable show of a farcical voting exercise, the ruling party may try to form a government and, with the nucleus political support it has, try to run the government in a fascist style. History tells us that the fascist parties rose in Europe in the '30's of the last century almost in the same manner as the present Awami League is trying to operate.

Salient features of such efforts are organisation of party based cadre, hate campaign, assumption of control of all governmental machinery, and authoritative rule. Conscious citizens of Bangladesh should perhaps be aware of this.

However, the prediction that the 10th Parliament election could not be held by the party in power in a credible and acceptable manner has been fully and convincingly proved, albeit at a heavy cost. Now the only alternative left for us is to urgently devise ways and means as to how, by cancelling this so-called election, arrangements can be made to hold acceptable general elections. Cannot the Honourable President call the Honourable Prime minister and the Honourable Leader of the Opposition to immediately set the process going?

In the meantime the Supreme Court or the jurists may suggest as to how the vacuum could be filled up.

The writer is adviser to the chairperson of the opposition party BNP, and former international civil servant.

Time to look forward

ABDUL MANNAN

THE much discussed election to the 10th Jatiyo Sangsad (JS) will be over by the time this commentary reaches the readers. Excepting the election of 1970 no election was spared of some kind of criticism, most of them about rigging or manipulation. However, the election to the 10th JS has been in the news in the last few months for absolutely different reasons.

The main opposition party in the parliament, BNP, declared that it would not participate in the election if the scrapped 13th Amendment to the Constitution, i.e., holding election under an unelected caretaker government (CTG), was not

tried by the International Crimes Tribunal, rather than for restoration of the CTG system as Jamaat can hardly muster more than 3% support of the voters during any national election. However, their ability to create a reign of terror on any pretext is unparalleled.

When BNP and its allies could not come up with any valid reason for restoring the scrapped CTG system, or could not even give any alternative to the system, it went out of the way to demand holding of the election without Sheikh Hasina as the prime minister, which is not supported by the constitution. To break the deadlock, the government proposed an all-party interim government for a period of ninety days before holding the national election, which the BNP did not accept.

The government even offered the post of the home minister to BNP and said they could take charge of any number of ministries, but to let the continuity of the constitution and democratic system prevail. However, BNP stubbornly remained unmoved, not realising that under any circumstances they usually have a support of about 30% of the electorate. Many are of the opinion that BNP leadership was under the spell of Jamaat.

Some civil society members, foreign diplomats and in the end a representative of the Secretary General of UN, appealed to all for an all-party participatory election. But in the end, not only did good sense not prevail Jamaat let loose a wave of terror across the country to thwart the election. BNP announced it would boycott the election and also resist it. However, the government stood firm, and the cost paid to protect the constitution was very quite high. More than 150 lives were lost since the declaration of the election schedule as pressure mounted on all parties to reconcile their differences, but to no avail.

The nation's economy was bleeding and no solution was in sight. The peace brokers again came out with the formula of deferring the election for another 90 days after January 24, but could not ensure creation of an environment where the boycotting parties would participate in the election. If they did not then there would be a constitutional vacuum which could create space for an unconstitutional force to step in.

The eve of the election saw the escalation of widespread violence in the name of resisting the election, the worst part being torching of around 140 local schools, the usual polling centres. Returning officers and members of the law enforcing agencies were beaten to death. The mayhem was spear-headed by Jamaati goons. Now it is time for BNP and its allies, sans Jamaat, to review the entire scenario of the last few months and assess their losses and gains.

AL and its allies will have to appreciate the fact that not only has the country paid a heavy price to uphold the spirit of the constitution, many lost their lives and property to do so. The ethics of holding the election to 10th JS may be questioned but on no ground can the legality be challenged. The prime minister and many senior leaders said in clear terms they are willing to talk about holding an early election for the 11th JS within the framework of the constitution. The general peace loving people would like to see this followed in letter and spirit. Let us uphold the spirit of 1971 and democracy. Let Bangladesh march ahead on the road to development.

The writer is former vice-chancellor, University of Chittagong.

*The ethics of holding the election to 10th JS may be questioned but on no ground can the legality be challenged.*

reinstated, notwithstanding the fact that the system was declared ultra vires to constitution.

The writ that was being decided during the judgment on the 13th Amendment was whether CTG system was ultra vires to the constitution. The judgment in May 2010 declared that it was ultra vires. However, there were a few observations (not part of judgment). One of them said that if the JS wishes it can decide to have election under a CTG for the next two terms, but preferably it should be formed with the elected representatives of the people.

Immediately after the judgment was delivered the entire system of holding the election reverted to the system embodied in the 1972 constitution. The 15th Amendment just formally incorporated it in the constitution without considering the observation part of the judgment. Legally this was perfectly right, as a temporary provision should not be part of the constitution. Since then the debate began as to whether it was judicious to scrap the CTG system.

The election of February 15, 1996 was held under the 1972 constitution and was boycotted by all the major political parties. AL and all other parties demanded formation of a CTG after the then ruling party BNP massively rigged the by-elections of Magura and Dhaka-10 in 1995. It was felt that fair and acceptable election would not be possible under the BNP government. Due to countrywide movement that was organised by AL and the other parties BNP yielded to the pressure and adopted the amendment.

After the current government took over about 6,000 elections were held, which included by-elections and local government elections, but there was no reported case of any irregularity. Moreover, in most of these elections the opposition candidates won and the defeated candidates accepted the result. However, the BNP and its allies were not convinced and wanted the scrapped 13<sup>th</sup> Amendment restored, though without any valid reason.

To press home their demand they began a movement and found a willing ally, Jamaat-e-Islam. BNP is blamed for rehabilitating Jamaat after 1975. However, this time the primary reason for Jamaat supporting BNP was saving their senior leaders, now being

Lessons learnt

M. SAKHAWAT HUSSAIN

LEGITIMACY in any elections is subject to a few conditions in which the process has to be legally, morally and socially acceptable. An election may be legally proper but if it lacks moral and social acceptability then the entire process losses credibility. In that measure, the just concluded 10th Parliament election, boycotted by the major opposition and majority of the registered political parties may not be acceptable. Question of moral acceptance would remain subject to the social debate as 153 out of 300 members of the Parliament have been elected unopposed. That means more

than 50 percent of the voters out of 9 crore 19 lacs have been deprived of the chance to chose their representative. In simple terms, that would weaken the government formed subsequently and it would not be able to emphatically claim the majority support of the people.

What the country witnessed in the pre-election days does not augur well for Bangladesh's politics. Many may attribute the blame for creation of such bloody pre, during and post election violence on government's actions, but the opposition alliance has to share the blame equally if not more. There were some opportunities offered by the government of Sheikh Hasina but what

is now evident is that the opposition had missed those opportunities. Perhaps the opposition had underestimated the tenacity of the government and overestimated their own street power. One may surmise that the politicians on both sides had underestimated the other's capability of holding a fairly acceptable election or negating the process completely. However, the opposition may take solace from the fact that the ruling party failed to manage a minimum presentable election to the people and the world.

The just concluded election can by no means be termed as representative as hardly 25 per cent, though the figure remains disputed, of the remaining

electorate voted for their candidates in 147 constituencies. That means that only a little over 1 crore voters, out of over 9 crore, had cast their votes. Thus on numbers alone the new government cannot claim to be representative apart from the fact that less than 40 percent registered political parties had participated.

This election and its result would remain as an inglorious chapter in the glorious history of Bangladesh Awami League. Therefore, it must take immediate step to rectify the folly it has made by calling for an inclusive 11th Parliament if not annulling the result of this questionable election. In fact no one could claim to be gainer out of this

election; rather the biggest loser is democracy. The other loser, perhaps a bigger one, is the Bangladesh Election Commission.

But one may still find some positives out of this exercise. First and foremost is the people's wish for a representative democratic system in which every voter is eager to participate. Second, we need to find a permanent solution to the disputed issue of election time government. Third, it is time to strengthen our democratic institutions and that needs national consensus. Let us not look back but take positive lessons out of the past follies for future redemption.

The writer is former election commissioner

QUOTABLE Quote

Good leadership consists of showing average people how to do the work of superior people.

John D. Rockefeller

CROSSWORD by Thomas Joseph

ACROSS

1 Cardiff setting

6 Paper piece

11 Ridiculous

12 Singer Lena

13 Metropolis sites

15 Building wing

16 Cleaning cloth

17 Rollaway bed

18 Book buyers

20 Soaking spot

21 Had lunch

22 Letter after alpha

23 Police matter

26 "The Age of Anxiety" poet

27 Hip-hop songs

28 Knight's title

29 Lupino of films

30 Oma-mental molding

34 Light metal

35 Thanks-giving veggie

36 Free (of)

37 Windshield clearers

40 Caravan creature

41 Following

42 Black-board material

43 Sword metal

DOWN

1 Less foolish

2 Tibia's end

3 Eric Clapton hit

4 Print units

5 Produce, as a hormone

6 Some carpets

7 Bunny move

8 Built

9 In transit

10 Nuclear agreement item

14 Quite uncommon

19 River stoppers

22 Overcook

23 Review writers

24 Extreme

25 Beach in a 1964 song

26 Front feature

28 Fly high

30 Business phase

31 Singer Cara

32 Sorceress of myth

33 Bygone auto

38 Filming site

39 Peach center

Yesterday's CRYPTOQUOTE: If man is to be liberated to enjoy more leisure, he must also be prepared to enjoy this leisure fully and creatively.

BEK W LJFWIBDMO IJ LER, EMC LER DI EL YGWEAGR EL RJV YEM. IBEI DL IBW JMGRLWYAWI JH LIRGW.

- FEIIBWX EAMJGC

Yesterday's answer

CRI BS FRED HURON LOCAL IN AWE AZURE NUT ER ALA SPEAR HEADED REO LONE ASTER SORER CORN SCH CLEAR HEADED EVE AYN IRA DETAT TIGER ERODE EVICT SPED DENTS

A XYDLBAAXR IS LONGFELLOW

One 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.

BEETLE BAILEY by Mort Walker

I HATE THESE LONG, HOT HIKES! JUST IMAGINE THIS IS A BEACH AND YOU'RE LYING IN THE SUN

BEETLE HAS A WONDERFUL IMAGINATION

HENRY by Don Trachte