

Post-election scenario

BITTER TRUTH



MD. ASADULLAH KHAN

The spillover effect of post election violence has spread to many parts of the country. Other than two people killed in Dinajpur and Noakhali, post-election fury and the clash between the titans at Dohar in the outskirts of Dhaka city have taken five lives.

IS it any wonder that most Bangladeshis are beginning to be weary of elections or contemporary politics? In the past days, elections evoked excitement. There was a festive quality about them with everyone sharing the thrill and drama. But judging by the lack of interest and the ennui, it's clear that things have changed for the worst. The remark most commonly heard from average voters was: "They are the same set of people. It makes no

difference who wins." Its ties with Jamaat and creates no obstacle to the ongoing war crimes trials. Government measures to take a hard line on BNP leaders leaving Jamaat at large might not yield the desired result. People feel that government must leave enough room for accommodation and create grounds for appeasement so that a dialogue can be fruitful. Paradoxically, that Sk. Hasina has taken the reins of administration at such a critical time makes us hopeful as well as apprehensive. If she cannot balance the situation, the government may have to face a catastrophic situation that it would find difficult to contain.

Khaleda Zia's phone call to Jamaat leaders to get their activists back in agitation has only helped flare up violence and killing spree. It is most unfortunate that the BNP chairperson, not having participated in the election, has fallen back to recklessness bordering on intolerance. Sadly, even though Khaleda Zia and her cohorts know that such instigation will lead to death and destruction, she has chosen the most destructive path in her bid to go to power.

The people have been shocked to learn that BNP Vice-Chairman Tarique Rahman wants to guide or incite the people of Bangladesh from London without ever realising the pain and sufferings they have been undergoing since November 26.

To our utter dismay, politics in the country continues to defy prognosis. The people, till before the election, were hoping that the dialogue going on with the stalwarts of the two mainstream political parties would be fruitful. Conventional wisdom held that politics had returned to its roots. It only took a few rounds of negotiation for that wisdom to be consigned to the dustbin because the rescue plan that newspaper editors and civil society members very skillfully prepared did not receive adequate response from either party, specifically from the top brass of two parties.

If politics is the art of compromise, as Khaleda Zia said in a press briefing, then why did she allow that chance to slip through? She needs to take measures to evolve a policy in the coming days for the country and the people instead of the destructive hate-filled nonsense we have been witnessing of late. Most importantly, the PM needs to take control of the political moves so that the country can go back to constructive things like making the 11th Parliamentary election free, fair, smooth and credible. Khaleda Zia, if she is still maintaining ties with Jamaat, must rein-in the Jamaat and Shibir activists by telling the Jamaat leaders to refrain from violence and atrocities unleashed in the form of burning and looting of houses of Hindu communities. Sadly true, minority communities, 43 years after the liberation of the country, are as vulnerable as they were in 1971.

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BIRTH ANNIVERSARY

Late Justice Murshed: An outstanding jurist

NAZIR AHMED

LATE Justice Syed Mahbub Murshed had an outstanding legal career and landmark judgments have made him known both within and outside the legal arena. His commitment to liberty, fairness and justice made him spiritually immortal. Hardly any person can go through a legal career in the Indian sub-continent without hearing the name of Justice Murshed.

Justice Syed Mahbub Murshed was born on January 11, 1911, in one of the most respected and distinguished families (both from the paternal and maternal sides) in the Muslim Bengal. His father was Syed Abdus Salek who joined the Bengal Civil Service and served as a District Magistrate. His mother was Afzalunnesa Begum, sister of Sher-e-Bangla A.K. Fazlul Haque.

Justice Murshed completed his matriculation in 1926 securing the first position in the Calcutta University Matriculation Examination from the Rajshai Division. He obtained BA (Hons) and MA from Presidency College of Calcutta in 1930 and 1932 respectively. He passed LLB Exams in 1933 from the University of Calcutta securing a First Class. Justice Murshed then went to the UK for higher legal education. He was called to the English Bar in 1939 and was placed first from the then British India.

Besides his studies, Justice Murshed was actively involved in extra-curricular activities. He had taken a keen interest in literature even in his childhood. Whilst at Presidency College in Calcutta, he once edited the college magazine. He published some articles on Palestine and Middle East issues in The Guardian of the UK. He successfully led the Debating Society of the Calcutta University. In student life he had keen interest in sports. He was one of the key organisers of Mohammadan Sporting Club in the 1930s.

Justice Murshed began his legal practice at the Calcutta High Court in the early 1940s. Instead of going to work as an assistant of his uncle Sher-e-Bangla A.K. Fazlul Haque, he acted as a junior of the then renowned lawyers Sorot Chandra Boshu and A.B. Khaitun. He made his mark at the Bar at an early age. After the partition of the sub-continent, he joined the then Dacca High Court. In early 1955, Justice Murshed was elevated to the Bench of the Dacca High Court. Some of his famous judgements, including the Minister's Case,

the Pan Case, the Basic Democracy Case, the Mahmood Case and the Convocation Case, were all landmarks in the constitutional history of Pakistan.

He also served as an Ad Hoc Justice of the Supreme Court of Pakistan in 1962. He served as the Chief Justice of East Pakistan from 1964 to 1976, during which he kept the banner of the rule of law aloft in the then Pakistan. Because of his bravery and bold judgements, the government felt threatened and nervous, and put pressure on him. However, Justice Murshed was a man of principle and conscience. When he thought that he could not be dictated by his conscience, he resigned from the post of the Chief Justice on November 16, 1967.

After resignation, Justice Murshed helped organise the defence of the Agartala Conspiracy Case. He took active part in the 'mass uprising' of 1969. In the roundtable conference called by President Ayub Khan, he advocated the 11 points of the students of the then Province of East Pakistan. Throughout his eventful career, Syed Murshed was associated with cultural societies and humanitarian activities. He was the founder President of Rotary Club, Lions, Club, Pak-China Friendship Association and Bangla-China Friendship Association.

He was a life member of Banlga Development Board and Bangla Academy. Justice Murshed was the President of Red Crescent Society in 1956. He established a legal assistance organisation called 'Legal Aid.' This was the first human rights organisation in Bangladesh. The famine of 1943 drew him to the Anjuman-e-Mufidul Islam, and the cyclones in the 1960s drew him to the Red Cross Society.

Justice Murshed was a living legend in the Indian sub-continent of the last century. He left us 34 years ago leaving behind a legacy for us. That legacy is of his firm commitment to the principles of liberty, justice, rule of law and ideals of liberalism. The firmness, boldness and strictness of Justice Murshed in ensuring justice and fairness is badly needed in contemporary Bangladesh where rule of law is being threatened, justice is being politicised and compromised, and liberties have become cheap commodities so easily to be taken away. Contemporary judges and lawyers have lot to learn from the shining and outstanding legal and judicial career of Justice Murshed.

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Justice Murshed

Parliamentary elections: Au revoir democracy

MAHMOOD HASAN

THE tenth national assembly elections are over. The ruling Awami League has won with an absolute majority and will form the new government soon.

There was no voting in 153 constituencies and extremely low turn-out in the remaining 147 constituencies. BNP-led opposition boycotted the elections and mounted violent agitation for a neutral government to supervise the elections. Several hundred lives were lost in the run-up to the elections and on election day. The new parliament will be constitutionally legal but morally null and void. Interestingly, there will be no opposition in the parliament. BNP leaders termed the election "farical."

Let us examine the reasons how and why Bangladesh politics, dominated by two political parties, arrived at this critical juncture. And also what the future holds after this election.

The two major political parties had taken intransigent positions possibly because they perceive that Bangladesh does not face any external national security threat. External threats normally spur political parties to be more responsible in reaching bipartisan consensus on major national issues, such as peaceful transfer of power, credible elections, economic policies, foreign policy, etc. Internally also there is no third political force to challenge these two parties.

The constitution has been brutalised repeatedly through amendments. The last amendment (15th) to the constitution was the beginning of the current political crisis. The molested charter has proved inadequate to preserve and promote democracy in this small land of 160 million people. There are now loud demands for a new constitution with provisions such as no more than two terms as prime minister for a leader, curbing the powers of the prime minister, more powers for the president, proportional representation, creating an upper house, banning religious parties from politics, etc.

The demographic composition of country has also contributed to the current catastrophe.



The sheer weight of 160 million people is more than enough to make the law and order situation dreadful. More than 61% of the population is in the 14-65 age group. Of this, a significant percentage is below 40 years, which is active politically and otherwise. With a density of 2,700 people per square mile people have become edgy, intolerant and bigoted. Under normal situations, not a week passes when violent quarrels do not break out among villagers in different parts of the country. The current political standoff has brought restive young people on to the streets to fight the law enforcers and each other. Sadly, homogeneous Bangladesh is now heterogeneous because of bad politics.

Given the spread of economic disparity the active population is tempted to align with one or the other party for economic opportunities. Consequently, when political loyalty promises more power and money, the young generation is easily divided and conflicts arise between them. In

the process many of these young people engage in criminal activities against the state. Will they ever give up what they have learnt during periods of political confrontation? Society will have to bear the curse of criminalisation in the days ahead.

The most significant factor of the current crisis is the absence of democracy within the political parties. There has been no change in the top leadership in the major parties for decades. Thus, when a party obtains majority in the parliament, the same leader becomes the head of government. Sycophancy and blind loyalty have denied the grooming of new, young, imaginative leaders in major political parties. What is distressing is that party leadership has become dynastic.

Now that the tenth Parliament has been elected, what will Awami League do with its brute majority? Once the ninth parliament is dissolved, BNP Chairperson Khaleda Zia will cease to be leader of the opposition, simply because she is not a member of parliament. That will no doubt weaken her position significantly. On the other

hand, Sheikh Hasina as prime minister will be more powerful and authoritarian. If at all there is any negotiation, it will be between unequals. The weaker party will have to agree to the terms of the stronger party.

Some senior AL ministers, before the elections, indicated that they will negotiate with BNP and hold eleventh parliamentary elections soon. That seems a long shot. The AL leaders will soon change their political discourse once Sheikh Hasina forms her new government.

Whatever negotiations are held will revolve around Jamaat-e-Islami and trial of the war criminals. One wonders why Jamaat has not yet been banned by the Awami League government.

Constitutionally speaking, the prime minister will have five years to negotiate with BNP. There will be no pressure on AL to negotiate. Using state apparatus, AL could employ all the techniques to constrict the maneuvering space of BNP. Repression of all kinds may be used to bring the opposition to its knees.

Internationally, the election has not been recognised, except by India. The statements appearing in Washington, London, Brussels, Tokyo, Beijing and the United Nations are indeed worrying. The AL government has been asked to arrange fresh polls. There are possibilities that Bangladesh will be ostracised in the comity of nations. The economic concessions that Bangladesh enjoys may be curtailed. That may cost the country dearly. The economy, already spiraling downwards, may not be able to sustain external onslaughts.

The tenth parliamentary elections have left the Awami League a big loser. It has lost morally authority to govern the country. More importantly, the people of Bangladesh lost "democracy." The current political upheaval was for credible elections to strengthen democracy -- that never happened. "Democracy," for which the people of this country had fought for in 1971, has been waved "au revoir."

Mahmood Hasan is former ambassador and secretary.

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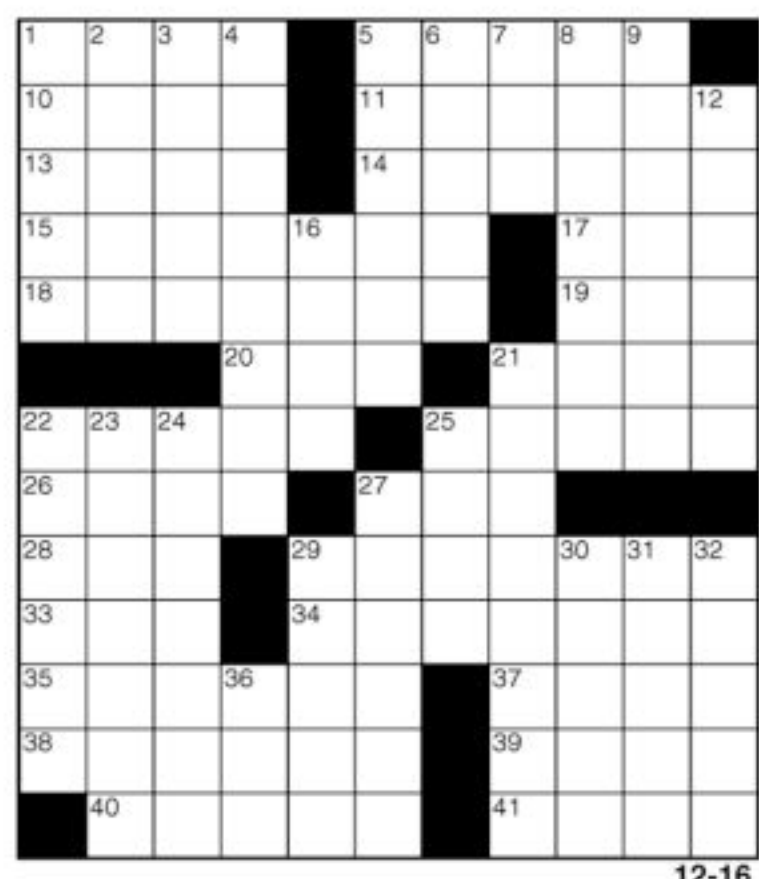
CROSSWORD by Thomas Joseph

ACROSS

- 1 Niger neighbor
- 5 River area
- 10 Estate recipient
- 11 "Lawrence of Arabia" star
- 13 Take apart
- 14 Sighed phrase
- 15 Hurdled explosive
- 17 Homer's neighbor
- 18 Motorcycle add-on
- 19 Wisdom bringer
- 20 Comic Caesar
- 21 Stadium section
- 22 Hen's group
- 25 Coats with precious metal
- 26 Diving bird
- 27 Unruly crowd
- 28 Tough wood
- 29 Article supplement
- 33 Singer Tillis
- 34 Yet to come
- 35 Made blank
- 37 Impresses
- 38 Experience anew
- 39 Three squared
- 40 Out of style
- 41 Pants part

DOWN

- 1 Gulps down
- 2 Painter Matisse
- 3 Helped
- 4 Talks monotonously
- 5 Gizmo
- 6 Old anesthetic
- 7 Sad
- 8 Pedicure target
- 9 Stated without proof
- 12 Church leaders
- 16 Corrosive stuff
- 21 Lhasa natives
- 22 Finger pointer
- 23 Snow White's sister
- 24 "Hubba hubba!"
- 25 Olympus group
- 27 Cared about
- 29 Colander's cousin
- 30 Rocker David
- 31 Sports spot
- 32 Stopwatch button
- 36 Use a chair



Yesterday's answer

SCOOPS DIBS
TURNUP OSLO
ALBANY NOON
SPITS GOTON
HATE CHROME
AGRA PET
MTRAI NIER
FAR MEAN
ANODES JAMS
VALES MONET
OGLE MIKADO
RUED ONECAR
SAYS PESTLE

CRYPTOQUOTE

O MVRTD SG WYSFSLHYM RMROBBD
ZWAOWBM VNOV VNW IWMV VHLW
VS IRD OFDVNHFE HM BOMVDWOZ.
-- LOZVD OBBWF

Yesterday's CRYPTOQUOTE:

Knowledge is knowing the tomato is a fruit; wisdom is not putting it in a fruit salad.
-- Miles Kington

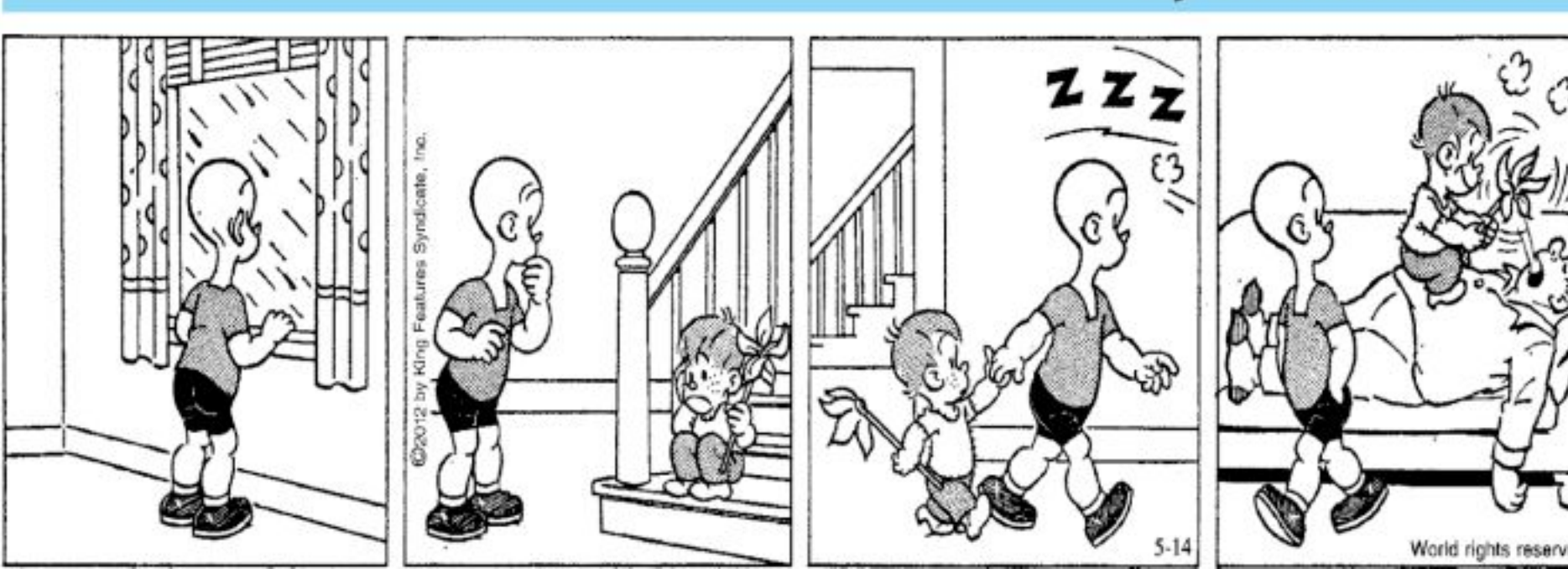
BEETLE BAILEY

by Mort Walker



HENRY

by Don Trachte



Peace is not merely a distant goal that we seek, but a means by which we arrive at that goal.

Martin Luther King, Jr.