

Shelly Bhai: An epitome of greatness in simplicity

ABDUL MATIN

TO many of us, Justice Muhammad Habibur Rahman was simply Shelly Bhai. I first heard about him from my brother, Abdul Momin, who had been his classmate at Presidency College, Kolkata and also at the University of Dhaka. At that time Shelly Bhai was known as a brilliant student. I first met him at my brother's house in Azimpur in 1965. He was then practi-



ing law at the High Court of Dhaka. I hardly met Shelly Bhai since then until 1991. As we lived around Moghbazar, occasionally we crossed each other while walking in the morning. At that time, he hardly talked to me. He became friendlier to me after his retirement in 1995. Often, we used to walk together in the morning and say juma prayers together. We continued to do so after both of us had moved to Gulshan. I was beside him during his last juma prayer at the

Gulshan Azad Mosque. Shelly Bhai told me that while his friends at Presidency College used to be very smartly dressed, he wore very ordinary clothes. He maintained this simplicity all along his life. As the chief justice or chief adviser of the caretaker government, he lived in a simple building at Minto Road with no fancy furniture. Only noticeable items in his house were stacks of books and a writing table with haphazardly placed pieces of papers and reading materials.

I was, however, amazed to see how much time and energy he used to spend in reading and writing. He went into the depth of any topic when he wrote an article or prepared a speech. Even though he had a large collection of books, he ran to different sources for collection of materials. He used to call me if he needed any information on science and technology. He did not hesitate to discuss any topic with anybody. He even talked to ordinary people like day labourers, street vendors and rickshaw pullers to collect information. He could feel the pulse of the nation through conversation with them. Often, he talked to my school going daughters before writing speeches for important occasions. He enjoyed sharing knowledge with the young generation and valued their opinion.

Shelly Bhai struggled hard during his early life but he never grumbled for anything. His needs were very few. He was always satisfied with what he had. He used to say: "I have got more than I ever wished for. I have no reason to complain." If I enquired to know how he was, he often replied, "Top of the world!" He seemed to be satisfied with his health and used to say: "What else could I expect at my age?"

I cannot resist the temptation of

describing an incident that brought Shelly Bhai closer to me. Just a couple of days before he took oath as the chief adviser of the caretaker government in 1996, I was taken by surprise when he suddenly invited me to join his cabinet as an adviser. He was equally surprised when I declined with thanks. He wanted to know the reason. I explained to him that even though I was not involved in politics, there could be questions from some quarters about the neutrality of his cabinet because of my brother's involvement in politics. He fully understood and appreciated my reason. He was kind enough to record this incident in his book, Tattabadhayak Sarkarer Daibhar (Page 13).

After the election was over, Shelly Bhai began to meet me more frequently. He often invited me to watch cinemas, attend cultural or musical functions and other events with him. I used to oblige him as much as I could.

Shelly Bhai was a Bengali at heart and soul. 'Joy Bangla' was his most favourite slogan. Recently, he used to utter this slogan very often, even during normal discussions, while walking or shopping. I often interrupted him while he was about to utter the slogan inadvertently at odd places! He told me that no other slogan inspired him more than 'Joy Bangla'. According to him, the slogan has a living soul.

Volumes will be written on his achievements as a teacher, legal expert, judge, administrator, literary giant, patriot and above all, a guardian of the nation. I have only cited few examples from my personal observations to show how the greatness in him remained hidden in his simplicity.

The writer is a former chief engineer of Bangladesh Atomic Energy Commission.

RESPONSE TO GOWHER RIZVI Plenty of room for confusion

SHAKHAWAT LITON

THE 10th parliamentary election was held on January 5 before expiry of the 9th Parliament. This has happened for the first time in Bangladesh. Our original constitution of 1972 had introduced such a provision for holding general election in the case of dissolution of a parliament by the reason of expiration of its term within the period of 90 days preceding such dissolution. In case of dissolution otherwise than by reason of such expiration, the election will be held within 90 days after such dissolution. The provision for holding general election within 90 days before dissolution of parliament existed without any break until introduction of the caretaker government system in 1996. But this provision was never exercised before.

The 13th Amendment to the constitution, which introduced the CG system, had repealed this provision. But it was restored by the constitution's 15th Amendment in June 2011, which simultaneously scrapped the CG system. With restoration of this provision, a related proviso of the original constitution was also brought back. According to the restored proviso of the Article 123 (3) (a) persons elected at the general election shall not assume office as members of parliament except after the expiration of the term of the parliament that exists during their election.

Justice Abdul Wahhab Miah, a judge of Appellate Division of the Supreme Court, in the verdict on the constitution's 13th Amendment case says: "So, if the election of members of Parliament is held before the expiry of the said period of five years as contemplated in the Article 123 (3) (a) [of the constitution] naturally the right of the sitting members of Parliament shall continue till the period of five years expires."

So, persons elected in the 10th parliamentary election can no way assume their office as MPs before expiry of the term of the 9th Parliament after January 24. But newly elected MPs did not wait for expiry of the 9th Parliament. They took oath on January 9, triggering constitutional controversy. Undoubtedly, two parliaments -- 9th and 10th -- now exist simultaneously, which is unprecedented in the contemporary world history of parliamentary democracy.

Amid such a situation Gowher Rizvi, an advisor to the prime minister, in an article styled "Oath of MPs-elect: No room for confusion," published in some newspapers including The Daily Star on Sunday came up with his interpretation to brush aside the debate.

Let us take his interpretation one by one for examination. He did not find anything wrong with MPs taking oath, keeping the 9th Parliament in force and argued that "there is no question of two parliaments -- 9th and 10th Parliaments -- existing at the same time." In his view, the 10th Parliament will come to life when convened by the president on January 25, or as soon as possible after that date.

His claim is curious. Why? The first function of a parliament in the parliamentary democracy is to provide a government. The 10th Parliament constituted through MPs taking oath has already accomplished this job. Immediately after their swearing in, MPs belonging to the AL, that won three-fourth majority in the polls, elected Sheikh Hasina as the leader of the majority party at a meeting of ALPP. And according to the constitution, President Abdul Hamid appointed her as prime minister and administered oath to her on January 12. She formed her cabinet and distributed portfolios among them. And on advice of the premier the president on the next day convened the 10th Parliament on January 29. Will Gowher Rizvi still claim that the 10th Parliament is yet to exist? Yes, the other functions of the parliament will start from its first sitting on January 29.

Can Gowher Rizvi cite any such weird instance of constitution of a parliament keeping the previous one in force? We are unable to find such an unprecedented record in countries practicing parliamentary democracy. Countries like the UK, birthplace of the Westminster style of parliamentary democracy, New Zealand, Australia and Canada go to general elections through dissolving their parliaments. India is the only exception. Over the past 60 years, it has held 15 general elections. Of them, the parliament, popularly known as Lok Sabha, continued during the general election on eight occasions. Sometimes parliament was dissolved after the election process had begun. But on all occasions, the new parliament was constituted after dissolution of the old one.

In his article, Gowher Rizvi however admits that the 9th Parliament remains in place until it expires on January 24. Unlike some of the ruling AL leaders, including Syed Ashrafur Islam and former law minister Shafique Ahmed, he did not claim that the 9th Parliament stands dissolved with the newly elected MPs taking oath.

He, however, claimed that MPs taking oath on Thursday will assume the office on future date. This claim is strange. The constitution does now support his claim as it, in Article 148 (3), emphatically says: "Where under this Constitution a person is required to make an oath before he enters upon an office he shall be deemed to have entered upon the office immediately after he makes the oath." In the opinion of former law minister Shafique Ahmed, eminent jurists Rafique-Ul Huq, Shahdeen Malik and many others, however, the MPs have assumed their office with the taking of oath. If MPs did not assume their office as claimed by Rizvi, how did they elect Hasina as the majority party leader paving the way for formation of the new cabinet?

In defence of hurried oath-taking, Rizvi claimed: "First, it is only after the oath has been administered that the majority party can elect its parliamentary leader. Second, until the parliamentary leader is elected, the leader of the majority party cannot request the president to convene the new parliament (after the expiry of the old). Third, and perhaps most importantly, the person elected as the leader of the parliament is also the prime minister-designate."

But this claim is erroneous too. The leader of the majority party can in no way request the president to convene the parliament. Rather, it is the prime minister who, as per the constitution, advises the president to convene the parliament. His third point is also incorrect. The person elected as the leader of the parliament is not the prime minister-designate. Rather, as per the rules of procedure of the Jatiya Sangsad, the majority party leader as soon as s/he is sworn in as the premier becomes the leader of the House. Section 2 of the rules of procedure says: "Leader of the House means the Prime Minister or a Minister who is a Member of Parliament and is nominated by the Prime Minister to function as the Leader of the House."

At the end of his article, Rizvi stressed the need for the beginning of the work by the new government "without any delay" describing the prevailing violent incidents. This defence sounds like favouring the 'doctrine of necessity,' not the constitutional provision.

In his article, Rizvi, however, took the old fashioned line to blame newspapers and people who speak in the talk shows of proffering conflicting views as to the legality of the MPs taking oath. Has he himself refrained from proffering conflicting views?

The writer is Senior Reporter, The Daily Star.

For a better Bangladesh, always...

M.H. KHAN

THIS is not the first time that Hindus have been attacked in this country for political or communal reasons. In the last few days a number of opinions and editorials published in various newspapers tell us that Hindus had also suffered in 1971, 1975, 1990, 1991, 1996, 2001 and in 2008. In 1971, the Pakistani army terrorised the Hindus.

Now the Pakistanis are gone but their ghosts remain. Here we must be cautious to use the signifier 'Pakistani.' We can read it only as a name without specific content. We must read it as an empty signifier of evil which has been given new contents. The attackers now have nothing to do with Pakistan. They are not nan-roti loving Urdu-speaking Pakistanis anymore; they eat rice and speak Bangla; they may also love watching Hindi movies. These attackers put on their Pakistani garb only when it is necessary.

In order to explain these attacks, various political analysts tend to highlight that the Hindus traditionally support AL. They are also closely linked to India. And these are the reasons why they become victims of the wrath of the anti-AL activists. This may have been true previously or, perhaps, occasionally. But more recently, haven't some of the attacks revealed that the case could have been otherwise? We must ask, is it simply that the 'Islam-loving' activists always attack the secular 'India-loving-infidel' Hindus for supporting AL? Isn't it also possible that these Hindus are warned, occasionally, to support the AL so that they can be taken care of? And also, can we completely quash the possibility that Hindus had not been warned by the cadres of AL to cast their votes on January 5, and if they didn't they would have to confront the consequences?

I think the series of attacks on Hindus in relation to January 5 polls included all kinds of 'beasts.' This is what we may define as the 'philoso-

phy of the impotent' at its best. But these beasts had unleashed their attacks in 2013. They attacked whoever was on the streets, most, if not all, of whom were poor and marginal people living at the edges of the society, irrespective of their religion. The gift of 2013 to Bangladesh is the opening of a new political era in which bestiality triumphed. In several talk-shows participants expressed their fear that the tradition of bestiality that we see in our country may not disappear soon -- so many innocent people had never died like this on the streets.

If we accept that the atrocities were political (of course, this kind of politics happens only in a third-world country by those who can't tolerate any opposition), we can still ask, what kind of politics is that? Which political ideology would allow its opponents to be attacked like that? Isn't it insane? Too psychotic?

So we may conclude that this is not entirely political in the sense we understand politics or political differences in a standard democracy. This is about some cheap sadist monsters in action. These impotent beasts will never come out in public and claim any credit for their acts. They would enjoy in private only, as they know perfectly well that their sick persona would earn them nothing but public contempt.

While pre-poll atrocities involved people on the streets irrespective of their religion, why was there a shift in post-poll atrocities in which mainly Hindus were targeted? If people were attacked outside the polling stations irrespective of their religious identity we could have said that these attacks were purely political. But the incidents in Obhoyonogor may push us to conclude that politics proper took a backseat while communal hatred came forward.

But aren't the fanatics in Bangladesh known for attacking the minorities? Haven't they done it to the Qadianis, and likewise to the Hindus, solely on religious ground, like after the Babri Mosque incident in India? No politics

as such was involved in those attacks. They were attacks against the minorities because of their faith. Thank God, we don't have Shias in Bangladesh. I hear from my Pakistani friends how the minority Shias are attacked by the Wahabis.

I must not give all the credit to the fanatics of Bangladesh! In fact, attack on minorities is not solely a Bangladeshi specialty, it is done elsewhere as well. The BBC made a programme on a Burmese Bin Laden. The guy happens to be Buddhist monk who spills his anger on Muslims in Myanmar.

By referring to other examples of minority-bashing I am not trying to relativise the issue by stating that it happens in other countries, in other societies as well, so no worries, ours is a normal society. No, it is not. Besides, the precise point that I am trying to make here is that there is no specific content in a religion or a political ideology that fills people with anger to attack the opponents. It's people who attack others. A vast majority of Muslims in Bangladesh won't attack Hindus.

What is important now is to retell ourselves those stories which were formed during the country's Liberation War in 1971, when Muslims fought together with Hindus, and shared their food and shelter for nine months, for a better future.

Going even further back into our history, based on a non-communal unity between the majority Muslims and the minority others, i.e., Hindus, Buddhists, Christians and many adivasis, we have achieved a lot politically since the 1950s. The most significant achievement is the country's first Constitution in 1972, a secular one indeed. And we always need to remind ourselves that this is the dream we want to pursue, a secular Bangladesh, a country in which people from each and every religion, class, creed and gender would live happily.

The writer is a doctoral candidate at Macquarie University, Sydney, Australia.

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QUOTABLE Quote

Human beings, who are almost unique in having the ability to learn from the experience of others, are also remarkable for their apparent disinclination to do so.

Douglas Adams

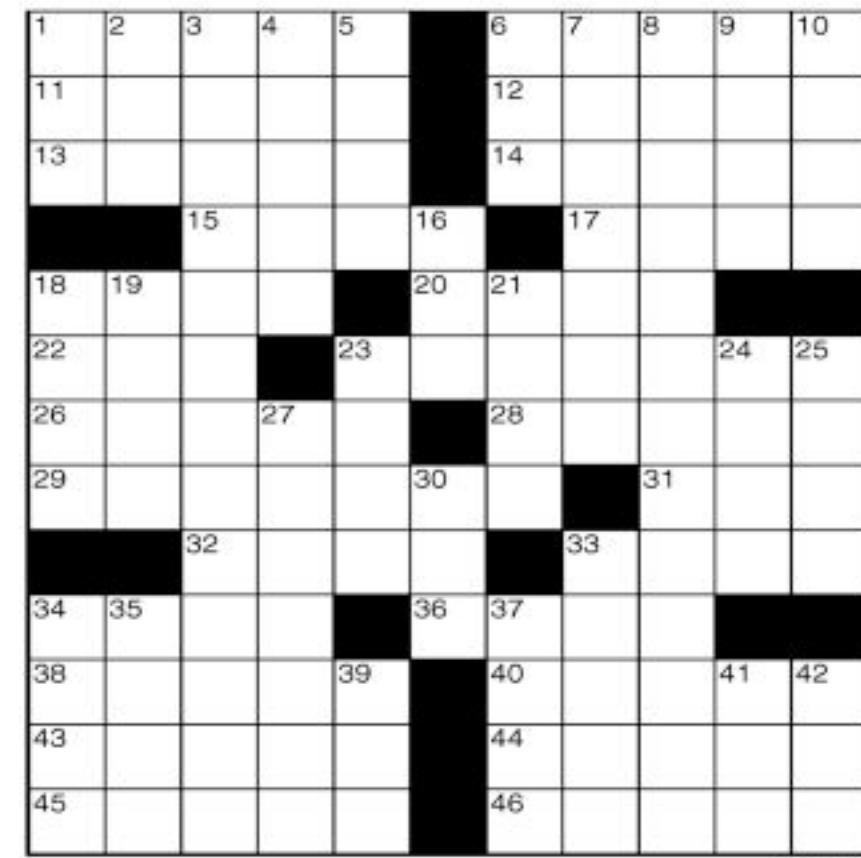
CROSSWORD by Thomas Joseph

ACROSS

- 1 Turning tool
- 6 One-time capital of Alaska
- 11 Orange shade
- 12 Pasty
- 13 Iron output
- 14 General direction
- 15 Seize
- 17 Bar man?: Abbr.
- 18 Edinburgh native
- 20 Finished
- 22 Unlucky
- 23 Not in time
- 26 Skier's spot
- 28 Woods with woods
- 29 Run
- 31 "Give -- rest!"
- 32 Newborn's need
- 33 Great serves
- 34 Bar bills
- 36 Standard
- 38 Eschew a ceremony
- 40 Wake
- 43 Marry again
- 44 School paper
- 45 Pinochle scores
- 46 Message from the boss

DOWN

- 1 -- Alamos
- 2 Do something
- 3 Henry James book
- 4 Center
- 5 Writer Bombeck
- 6 Was inactive
- 7 Tel Aviv native
- 8 Henry James book
- 9 English county
- 10 Mayberry sheriff
- 16 Scary cry
- 18 Farm sight
- 19 Hoff sound
- 21 Pick a candidate
- 23 Jazz, for one
- 24 Henri's head
- 25 Historic times
- 27 Understood
- 30 Decimal base
- 33 Happened
- 34 Time in office
- 35 Away from the wind
- 37 Valuable rocks
- 39 Mag. workers
- 41 Rick's pianist
- 42 Pupil's place



Yesterday's answer



CRYPTOQUOTE

PK XGE ICIJ WBIDR GK TIDSPJZ RI
XGE'W TISSIB VDNI EU DJW
DUGYGZPFI.
-- REQDRRDW DYP

Yesterday's CRYPTOQUOTE: THOSE PEOPLE WHO THINK THEY KNOW EVERYTHING ARE A GREAT ANNOYANCE TO THOSE OF US WHO DO.
- ISAAC ASIMOV

BEETLE BAILEY

by Mort Walker



HENRY

by Don Trachte

