

# Democracy down the slippery slope

DR. BADIUL ALAM MAJUMDAR

At the close of the Constitutional Convention of 1787, when delegates came out of the Independence Hall, one Mrs. Powell is reported to have asked Benjamin Franklin: "Well, Mr. Franklin, what do we have? A Monarchy? Or a Republic?" Without hesitation, Mr. Franklin replied, "A Republic, Ma'am - if we can keep it!" The framers of our Constitution, under the leadership of the father of the nation, Bangabandhu Sheikh Mujibur Rahman and the supervision of Dr. Kamal Hossain also gifted us a Republic. In fact, they left it to us as a trust. In the last 42 years, we not only violated this trust, we also - through the so-called elections of January 5 - managed to say goodbye to our democratic system.

Readers may remember that on April 10, 1971, Bangladesh declared its independence for the 'fulfillment of the legitimate right of self-determination of the people of Bangladesh.' The people's right of self-determination is realised only through free and fair elections and democratic governance. Our Constitution, framed a year later, also promised a democratic polity in Bangladesh.

For democracy to exist, elections, that is, voting are required. Thus, *The Representation of People Order, 1972* (RPO) was enacted during the Bangabandhu's time to ensure free, fair, competitive and peaceful elections. Article 19 of the RPO provided for the uncontested election of candidates. The purpose of this provision was to declare elected unopposed personalities like Bangabandhu Sheikh Mujibur Rahman against whom no one wanted to contest. It was intended to deal with special cases rather than creating opportunities for the wholesale election of uncontested candidates. That is, uncontested elections are supposed to be exceptions rather than the rule.

I dare say that the members of our first Parliament never thought, even in their wildest imagination, that, at some future date, more than half of our 300 members of the 'House of the People' would get 'elected' without the casting of a single vote by the people. If they foresaw such a possibility, they would probably have not kept this provision in the RPO or added such conditions to it to prevent the present situation from occurring. In fact, the RPO was enacted to ensure contested elections. For example, article 17 of the RPO requires fresh election in the event that a final candidate dies leaving even a lone contestant in the race. Thus, our Election Commission's allowance of 153 candidates

elected unopposed on January 5 violates the very spirit of the RPO enacted to facilitate contested elections. Conscientious citizens were much alarmed to see all the manipulations and deceitful acts of the Commission and the political parties during the elections of our Tenth Parliament.

The wholesale uncontested election of MPs, validated by Article 19 of the RPO, also violated our Constitution. Article 65(2) of our Constitution states: 'Parliament shall consist of three hundred members to be elected in accordance with law from single territorial constituencies by direct election ... members shall be designated as Members of Parliament.' The language here is direct, clear and unambiguous, and hence our constitutional scheme leaves no scope for any deviation from it. In other words, 300 members of the House of the People must be chosen through direct elections, requiring voting by their constituents.

To allow any exception to Article 65(2) would require another constitutional provision. That is why Article 65(3) was added for reserved seats for women, which have no single territorial constituencies and they are not to be chosen by direct elections. Thus, an explicit and unequivocal constitutional provision for direct election and voting cannot be supplanted by a statutory provision that allows large-scale, wholesale 'elections' of MPs without voting. Therefore, it is difficult to call 153 MPs elected unopposed without voting as MPs. It should be noted that such questionable standing of these MPs also violates Article 11 of our election, which calls for democratic governance and 'effective participation by the people through their elected representatives in administration at all levels'.

It may be noted that in recent years, Courts have termed the act of voting as a part of the citizens' right to expression, that is, their fundamental right [(2002) 5 SCC], and the fundamental rights of citizens cannot normally be denied. Yet, this election disenfranchised 52 percent of the total number of voters living in 153 constituencies where there was no voting.

We managed to say goodbye to our democratic system through the one-sided election of January 5 in another way. Democracy is based on the will or consent of the people, which is granted through elections. Based on the highly questionable estimate of our Election Commission, about 40 percent or one crore 72 lac voters voted in 147 constituencies, where some sort of voting took place - which totals only 18.69 percent of the nearly nine crore 20 lac voters. Thus, based on the Commission's esti-

mate, the voter turnout rate in the Tenth Parliament election was less than 19 percent. On the other hand, according to the Election Working Group (EWG), only 30 percent of the voters, based on only counting of the counterfeits of ballot books, voted in 147 constituencies, which is also grossly overstated because of large-scale fake voting and ballot box stuffing. Based on this estimate, still the voter turnout rate in January 5 election was less than 15 percent. This kind of voter turnout rate - 15 or 19 percent (or much less, according to many observers) - no way indicates consent of the people.

It should be further noted that the Indian Supreme Court, in *Kuldip Nayar v. Union of India*, [(2006) 7 SCC 1], further observed, 'Parliamentary democracy and multi-party system are an inherent part of the basic structure of the Indian Constitution.' The same should be true for Bangladesh, too. But the Tenth Parliamentary election was not inclusive and did not reflect multiparty democracy. For example, in Bangladesh 41 political parties are registered under the Election Commission. Of these, only 12 or 29 percent of the parties, many of which are fringe organisations, participated in the January 5 election. In this election, only 543 candidates contested - the lowest in our history - of which 153 got elected unopposed. In contrast, one thousand 567 candidates contested the Ninth Parliament election. It has already been stated that the voter turnout rate in recent elections was negligible.

To conclude, the implications of the so-called election, in which 153 MPs elected unopposed, is mind-boggling. If the elections of the Tenth Parliament are to become the precedent, there would not be any barrier to the unopposed election of a larger number of MPs the next time. Given this and also the unscrupulous behaviour of our politicians, we cannot totally rule out the possibility of someday 300 MPs getting elected without contest. Thus, without hesitation, we can say that, with the one-sided and controversial election of the Tenth Parliament, we have set upon a slippery slope, which amounts to saying goodbye to our democratic system. Through this, we have not only undermined our constitutional commitment, but also ignored international laws (e.g., The Universal Declaration of Human Rights) and agreements (e.g., The International Covenant of Civic and Political Rights), which oblige us to hold 'genuine' elections.

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# In memory of Dr. Akhter Hameed Khan

FAYYAZ BAQIR

JULY 14, 2014 marked 100th birth anniversary of Dr. Akhter Hameed Khan. His teachings have brought about significant changes in the efforts to alleviate poverty across South Asia. I take the pleasure to state below some of his ideas for strengthening collaboration between communities, NGOs and government. These ideas assume significant importance in post flood situation characterized by extremely low trust level between the people, welfare organizations, donors and the government.

According to Dr. Khan traditionally the territory around the village belonged to the Feudal Chiefs. Feudal authority was exercised with an iron hand and the forests were well preserved. Now that the iron hand has been removed, the territory is ownerless and derelict. Its resources instead of being developed are being ruthlessly depleted. The absence of protective ownership on the one hand and the increased pressure of population on the other hand have hastened the destruction of forests, pastures and natural resources. Existing pattern of administration cannot fill the vacuum created by the collapse of feudal authority. Existing pattern of administration is law and order oriented and not development oriented. Law and order and revenue collection units existed at grass-roots level. Revenue department was expanded to the village level. Development Departments were missing.

Akhter Hameed Khan identified three essential infrastructures for DA, namely, Administration, Political and Socio-economic. The Administrative Infrastructure comprises the entire government set up from the grassroots to the federal level. Here he discovered the vacuum below Tehsil level. Neither the departments nor the government supplies reached the people with the exception of a few like the police and the revenue departments. There was need for all so-called nation building or line departments to be devolved like the Police or Revenue Departments with the hub at Thana level. The Political Infrastructure comprises all the elected bodies from Union Council to the National Assembly. The Devolution Plan has mainly concentrated on the Political Infrastructure and tried to empower it by transferring many of the powers from Administrative Infrastructure. This simple transfer of power, that too in a half-hearted fashion, does not ensure access to services and supplies to the grassroots. The Socio-economic Infrastructure comprises involvement of the people at the grassroots in not only decision making but empowering them for economic and social development. This entails harnessing the potential of the people by organizing them requiring them to fulfill the obligations for their development. It enables the grassroots to enter into development partnerships with government, local councils, donors, commercial and private development agencies, NGOs etc., on equal terms.

The first requirement for a DA is a viable unit of administration. Akhter Hameed Khan (AHK) demonstrated through ITDC that the district as well as the Tehsil or subdivision or Taluka was not a viable unit for DA. It was the Thana. DA envisages provision of services and supplies easily accessible to the people. District and Subdivision, Tehsil or Taluka headquarters are too far removed from the village or the mandi towns now emerging through urbanization. First experiment in bringing about this change in present day Pakistan was done in 1972 in Daudzai by Pakistan Academy for Rural Development (PARAD) under the leadership of Shoab Sultan Khan.

PARAD realized that existing jurisdiction of the police station could be converted into a viable unit for administration - being viable for i) provision of services and ii) up-gradation of skills. Academy set out to persuade department to expand to Markaz Level. The departments of Health, Education, Animal Husbandry, Cooperatives, Forestry and Irrigation agreed to do so. In the case of agriculture, number of agricultural assistants was increased from 1 to 8. One assistant had 34,000 acres and 19,000 landowners to deal with.

Economies of scale were created by organizing the people for upgrading their skills and making best use of the services. People were organized through diagnostic dialogues on issues of high priority to them. People were asked in specific to identify schemes which would enhance their income the most. Economic uplift was made an entry point to improve social services as well. Problem centered organizations of the villagers were asked to i) group themselves and hold weekly meetings, ii) select a manager and learn to work cooperatively, iii) make weekly deposits to prove their bonafides that they could raise funds to defray maintenance cost. VOs were used to i) execute local development works followed by education for maintenance work. This was done through project committees. Technical supervision was provided by the Markaz Engineer and his staff but payment was left to the VO. In the process the contractor was eliminated and project execution got reduced. The Devolution Plan does not address the issue of creating a viable unit for development administration. At best it only attempts at improving management and administration at District and Tehsil levels for services and supplies, which are both inaccessible and far removed from the grassroots. In Bangladesh and most of the States in India, they have at least created a viable unit for development administration to revamp the colonial law and order administration.

Daudzai like Comilla Thana Training and Development Centre (TTDC) or in India Block or Mandal was an attempt to revamp the law and order colonial administration inherited from the British into a Development Administration (DA). The Independent South Asia Commission on Poverty Alleviation set up by the SAARC Heads of State in 1991 had come to the conclusion that Socio-Economic Infrastructure should be the centerpiece of all poverty alleviation strategies of the governments of South Asia. The Commission had also concluded that Socio-Economic Infrastructure (SEI) is neither within the mandate nor the capacity of the existing government departments, ministries and corporations. SEI can only be implemented by independent and autonomous support organizations which should be fully funded by governments of South Asia. National Rural Support Programme (NRSP) was quoted an example by the Commission to which Government of Pakistan had provided an endowment fund. The Commission had recommended countrywide replication of independent and autonomous support organizations for countrywide coverage with governments taking lead role in provision of resources. In 1993 SAARC Summit at Dhaka, this recommendation of the Commission was endorsed.

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# HARVARD CONFERENCE ON BANGLADESH Whither Bangladesh Garments Industry?

DR. ABDULLAH SHIBLI

IT is January 2020 and the mood in the country is euphoric. Bangladesh's ready-made garments industry had a banner year in 2019, reaching the target of \$50 billion dollars export level. What is even more remarkable about reaching this economic milestone is that Bangladesh was able to reach the export target against all odds, given that the American government had for years refused to lower the tariff on Bangladesh garments imports, and there was constant pressure from international quarters to strictly enforce labor laws, tighten safety rules, and raise minimum wages even higher. On the positive side, last year there were no labor deaths, industrial incidents were down 15% from the previous year reaching the lowest level since the birth of RMG industry in 1972, and labor unions and management were working hand-in-hand to reduce tensions and increase productivity.

Some of my readers will question this scenario and wonder if all this is really a mid-summer night's dream. But, I must reassure them that this is a very plausible scenario that emerged from the recently concluded conference at Harvard University on "Globalization and Sustainability of Bangladesh Garments Industry". The conference, organized by International Sustainable Development Institute (ISDI) on June 14, 2014, listed thirty six presentations at six different sessions, and was attended by representatives from GOB, BGMEA, AFL-CIO, ILO, and Office of US Trade Representative, and Congressman George Miller, Ambassador Dan Mozena, and Tofail Ahmed, Commerce Minister of Bangladesh. As expected, in the aftermath of Tazreen and Rana Plaza incidents, the debates and fireworks centered around the situation on the ground and the role of international community, market forces, and US trade sanctions.

In our opening presentation titled "RMG industry in Bangladesh: Some Preliminary Discussions", my coauthors Profs. Syed Mushtaq Ahmed and Anisul Islam, and I argued that Bangladesh's garments industry will benefit from lower import taxes on factory equipment and stricter enforcement of labor laws in the books. Subsequent presentations revealed some general areas of agreement as well as other issues that needed more work. Contentious as the discussions were, highlights

of the day included:

1. The Bangladesh Government and BGMEA both made a strong case for the reduction of tariffs on garments imports from Bangladesh.
2. All stakeholders, including BGMEA, GOB, and the international community represented at the conference agreed that workers safety, working conditions, and labor unrest, if any, must be addressed for Bangladesh to continue its market penetration.
3. While there are strong indications that garments exports from Bangladesh have not been affected, or shown any sign that it was negatively impacted by the international pressure mounted since the Rana Plaza incident, market conditions are such that it might change based on sourcing decisions by the big chains. It was noted India has already replaced Bangladesh as the number two exporter, even though Bangladesh's export volume has been growing, and that the adverse publicity brought about by recent industrial accidents might lead to a change in loyalty to brand "Bangladesh".
4. Bangladesh still retains a strong competitive advantage in terms of production costs, real wages, share of labor in total cost, and quality.

On the other hand, the various speakers pointed to evidence that Bangladesh's garment industry had a long way to go in terms of improving working conditions particularly for women, inspections and certifications of factories, and guaranteeing workers the right to unionize. Ambassador Mozena, Congressman Miller, and Ms. Celeste Drake of AFL-CIO voiced their concern about the slow progress on these fronts and urged the Commerce Minister to lend his support to speeding up unionization, safety of union organizers, and regular inspections of industrial premises. BGMEA representatives including Mr. Atiqul Islam and Dr. Towfiq Ali highlighted the concrete steps taken by the industry, including formation of over 150 labor unions, increase in minimum wage to Taka 9000, and disbursement of compensation to families of victims of industrial accidents. However, they and the Commerce Minister voiced their concerns about Bangladesh's market share in the face of rising wages, new industrial safety regulations, and increase in fixed cost.

The most animated discussion at the Conference took place between the US and Bangladesh government representatives. There were three sticking points:

- Have the Bangladesh government and BGMEA been able to address the concerns relating to working conditions and labor unrest?
- Is the US Congress likely to restore GSP for Bangladesh in the immediate future?
- Who is paying for the higher taxes imposed by US, the buyers or the sellers? Is BD export hurt by higher taxes?

The answer to the first question can be summed up as follows: It all depends on whether one considers the glass half-empty or half-full. Those who were in the half-full camp are Srinivas Reddy Baki, Country Director, Bangladesh, ILO, Rabin Mesbah, Alliance for Bangladesh Worker Safety, and most of the participants from Bangladesh.

The answer to the second question appears to be a guarded no. While the various international agencies presented data indicating that conditions on the ground have improved in the last two years, ironically none of them came forward to advocate for Bangladesh government and BGMEA. There were several voices against reinstatement of GSP, and they emanate from American labor, Congress, media, and other trade groups. In a very strongly worded message to the Conference, Senator Robert Menendez, Chairman of the US Senate Foreign Relations Committee, voiced his concern regarding "violence against labor organizers and the harassment and intimidation of union leaders in factories."

While there was a significant degree of debate on the third question, there was more smoke than fire, to use the old cliché. According to Mara Burr, Deputy Assistant, Office of US Trade Representative, it is the US consumers who really are paying the higher tariff on Bangladesh garments. She argued that since Bangladesh garments industry is not paying the higher tariff (an average of 16%), there is no question of the RMG workers being hurt by the US government measure.

Thus, there remains one puzzle that never got answered, i.e., if GSP is not hurting the Bangladesh RMG industry, and higher import tariffs seems to be making no impact on US consumer appetite for Bangladesh garments, are market forces really working in the market for garments? Are text book economics not relevant in this segment of the world market? Time for economists to go back to their research labs and figure out the answer!

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## CROSSWORD by Thomas Joseph

**QUOTABLE Quote**

"The world of reality has its limits; the world of imagination is boundless."

Jean-Jacques Rousseau

**ACROSS**

- 1 Old counter
- 7 "Exodus" author
- 11 Greet the general
- 12 Game with mallets
- 13 She voices Anna in "Frozen"
- 15 Sioux home
- 16 Penniless
- 18 Years gone by
- 21 Oil container
- 22 Priest's title
- 24 Coq au --
- 25 Baseball's Ripken
- 26 Mine rock
- 27 Clinic worker
- 29 Role for Connery or Craig
- 30 Paper pack
- 31 Newspaper section
- 32 Mirror sight
- 34 She voices Elsa in "Frozen"
- 40 Ventilation conduit
- 41 Salad greens
- 42 Lyric poem
- 43 Put on, as a play

**DOWN**

- 1 Inquire
- 2 Tavern
- 3 Will Smith biopic
- 4 Usual practice
- 5 Complete
- 6 Ooze
- 7 Cheery
- 8 Sturgeon eggs
- 9 Under the weather
- 10 Costa del --
- 14 Neighbor of Tibet
- 16 Earlier
- 17 Pound part
- 19 Photo session
- 20 Shore-birds
- 21 Movie buy
- 22 Remote
- 23 Roulette bet
- 25 List separator
- 28 Pollutes
- 29 Star of the comics
- 31 Hollywood deal maker
- 33 Iowa city
- 34 Wedding words
- 35 Flop
- 36 Drink cooler
- 37 Make a sharp turn
- 38 Second person
- 39 Went ahead

**YESTERDAY'S ANSWER**

I	D	A	H	O	S	A	L	T	S				
R	E	L	A	X	O	P	E	R	A				
S	W	I	N	E	U	P	S	E	T				
D	Y	E	R	S	E	E							
T	A	R	B	E	A	C	H						
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P	A	L	I	D	E	A							
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**CRYPTOQUOTE**

H PGB GPPKOD WGHZQUK, KYKUELBK WGHZF GD FLVKD)HBN. MQD H PGB'D GPPKOD BLD DUEHBN.

- VHPJGKZ ILUCGB

**YESTERDAY'S CRYPTOQUOTE:** IT IS ONLY THE GREAT HEARTED WHO CAN BE TRUE FRIENDS. THE MEAN AND COWARDLY CAN NEVER KNOW WHAT TRUE FRIENDSHIP MEANS.

- CHARLES KINGSLEY

**BEETLE BAILEY** by Mort Walker

**HENRY** by Don Trachte