

RECALLING JANUARY 5 ELECTION

Essential reforms must for credible elections

MD. ABDUL ALIM

YESTERDAY was the first anniversary of the 10th Parliamentary election. AL celebrated the day as 'Victory Day for Democracy' as this party had 'saved the country from anarchy' as well as 'upheld the constitution' through this election.

Except AL and BNP, there are arguments from various communities in favour of and against this election; but the most important arguments were and are still being made mainly by the two international communities. One of them is India. Before the election, Indian Foreign Secretary Sujata Singh said that "India wants to see stability and continuation of democracy" in Bangladesh.

On the other hand, before the election, United States and some other western countries advocated for 'political dialogue' for 'strong and inclusive democracy.' After the election, these countries have been criticising it, saying that it was 'undeniably flawed' 'non-inclusive' and one which 'failed to express the will of the people.'

As one year has already been passed, I don't want to do any more analysis of that election; but I strongly believe it has left some crucial lessons and based on these we need to do lots of reforms to conduct free, fair and credible elections, for which the following are a must.

Firstly, a neutral election-time government is vital to ensure impartiality of the Election Management Body (EMB) as well as to conduct free, fair and credible elections. If we analyse the election-time government of different countries, we mainly find 2 types: (i) the Westminster form of parliamentary government, in which the incumbent government continues in office, but doesn't take any political initiatives (e.g. UK, India).



the election has expressed the desire of the people; and (ii) non-partisan caretaker government which is basically an ad-hoc arrangement due to the result of a political settlement or peace agreement (e.g. Tunisia in 2011, Bangladesh in 1991). Caretaker governments are also often established to pave the way for transitional elections from a military to a civilian administration -- as happened in some African countries.

Secondly, it is imperative to establish authority of the EMB over the administration during election; i.e. the government

must not control the EMB, instead EMB has to be in charge of all issues related to elections. In India, once the election schedule is declared, the electoral process is subject to the administrative supervision of Election Commission India (ECI) and no court and administration can stop the process.

Thirdly, one of the fundamental ingredients of a credible election is the participation of citizens as well as political parties qualified to take part in elections. An election which fails to ensure the will of the people, free atmosphere characterised by absence of intimidation and the presence of a wide range of fundamental human rights and falls short in ensuring real choice of the voters cannot be termed as a genuine democratic election.

Although, boycotting election is not normal in a democracy, but in a situation where the legal framework or the context of the election is such that a fair competition is impossible, election boycott is considered as a legitimate tool. Hence, the electoral legal framework, including the Constitution, must have provisions to create such an environment so that all political parties participate in the election.

Fourthly, the Constitution of Bangladesh confers power on the people as Article 7(1) says that "all powers in the Republic belong to the people, and their exercise on behalf of the people shall be effected only under, and by the authority of this Constitution."

Fifthly, during the 10th Parliamentary election, the parliament was not dissolved, which created inequality among the contestants and a scope for the MPs to interfere in the electoral process.

The holding of free and fair elections is at the heart of the democratic process and such kind of elections can only be arranged through the development of credible election administration institutions. There is now broad international consensus among election experts that genuine democratic elections are essential for establishing the legitimate authority of governments.

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THE JIHAD TRAGEDY Highhandedness of the incompetent

C.R. ABRAR

I sent my brother to the police station but they refused to release my husband. Police told my brother that we had hidden the boy somewhere and they would not release my husband until the kid was found.

This was narrated by Khadija Begum wife of Nazir Fakir, a guard of a school in Shahjahanpur. Their son Jihad fell into a deep borehole earlier in the day. Fakir was detained as the official efforts to rescue Jihad were unsuccessful. No one knows why the police detained the grieving father, who did not know whether his four-year son was dead or alive.

The skepticism of the rescuers was validated by the director general of the Fire Service Department when he declared suspension of the rescue operation "as the child's location could not be identified." The fire chief referred to the opinions of experts of various intelligence agencies who examined the photos and video footage "but didn't find sign of any human body there."

"The boss is always right" mentality of the police subsequently brought untold sufferings to Nazir Fakir in such trying times. He was repeatedly subjected to questioning in custody. Where he did he hide his son and what was his motive for hiding him, were the questions put to him by the police. Fakir later stated that the nature of the interrogation

convinced him that the police did not believe that Jihad had actually fallen into the abandoned shaft.

It was at that intense moment of ordeal of the Fakir family that providence struck. Jihad was rescued by some indomitable youth of the locality fifteen minutes after the official rescue efforts were called-off. Inspired by the innate human impulse to save life these youths did not have an iota of doubt that Jihad had fallen into the shaft.

The Jihad tragedy not only laid bare the inefficiency, incompetence, indifference and lack of oversight mechanism of the state agencies such as Dhaka Wasa and the Bangladesh Railways, it also revealed how ill-equipped, ill-trained and clueless the disaster management units including the Fire Service Department are in dealing with challenging situations. It also demonstrated once again how off the mark the state intelligence agencies are in advising the authorities at times of crisis.

Fakir reported to the media that he was forced into a police van to meet the officer in charge of the concerned police station. When he insisted on remaining at the site he was reassured that he would be allowed to return after he made a statement that would take 10-15 minutes. Little did he know that he would have to spend almost 12 hours in

police custody against his will, passing each moment in anguish without the company of his loved ones. It was around 9 am that a sub-inspector of police demanded to know where he had hidden his son and if he had enmity with anyone. When he repeatedly replied in the negative to both the queries the concerned police personnel threatened that he (Fakir) would be handed over to the Rapid Action Battalion. Khadija alleged that Fakir was beaten up in custody and was denied food. The police denied the charges and claimed that Fakir was taken to custody for his "own safety" and "to secure some information."

The police brutality was not restricted to Fakir alone. The denial syndrome led the agency to unlawfully detain Jihad's playmates, who claimed to have heard Jihad screaming for help as they went near the shaft to pick up a shuttlecock. The four child detainees were Mohammad Nahid (5), Mohammad Tauhid (4), Jahida Yasmin Pushpita (8) and Mosammat Fatema Jahan (14). Press reports say that in Fatema's case her parents were not even informed when she was brought to the police station.

All these were in violation of the law. More so, despite clear stipulation that children are to be questioned by trained officers in child-friendly environment in presence of juvenile officer in charge of the police station, the protocol was not followed. The sub-inspector responsible, Masud Alam of the concerned police station, admitted to the press that he was not aware that those children were brought to the station. Their relatives stated that two of them were kept for a couple hours and the other two for as many as four

hours, without being provided any food. The detained children told the media that during interrogation the police personnel accused them of lying when they said they had heard Jihad crying for help. They were released soon after the news of Jihad's rescue reached the police station.

The media officer of DMP explained that the children were brought in for "discussions" only, while the above protocols are followed during "interrogation" of children. As the children in question "were not accused," the provisions of the protocol were not applicable to them, he contended. Rights activists, however, disagreed with this and blamed police for gross breach of the code pertaining to children in custody.

The deplorable behaviour of the police personnel drew sharp criticism from the media. A leading daily editorially noted that this incident demonstrated how "inefficient, useless, irresponsible and inhumane" members of law enforcement agencies could become. The chair of the National Human Rights Commission was saddened by the "insensitivity of the law enforcement agency."

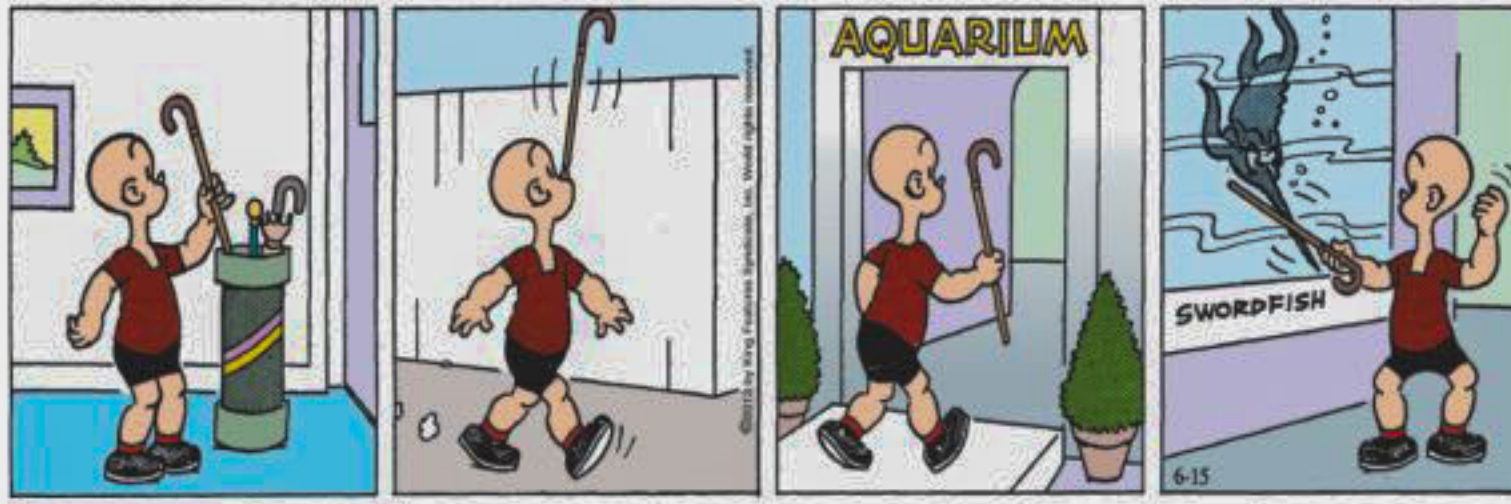
Fatema, the teenage playmate of Jihad detained by the police, posed a pertinent question to the authorities: "If we lied (as the police claimed during interrogation) then where has the child come back from?" Surely, the state minister for home affairs is obliged to post a reply.

The writer teaches International Relations at the University of Dhaka. He researches and writes on migration and rights issues.

BEETLE BAILEY by Mort Walker



HENRY by Don Trachte



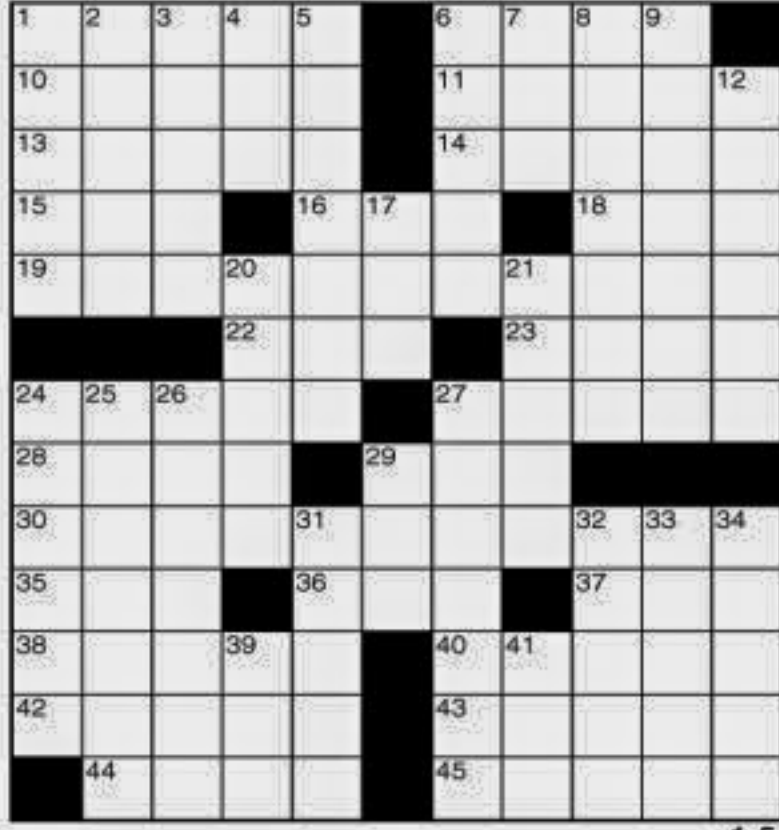
QUOTABLE Quote

A mind needs books as a sword needs a whetstone, if it is to keep its edge.

George R.R. Martin

CROSSWORD BY THOMAS JOSEPH

- ACROSS: 1 Sweet liqueur, 6 Cooking mint, 10 Take it easy, 11 Emulates a raptor, 13 "West Side Story" role, 14 Duo quadrupled, 15 Wager, 16 Dove call, 18 Greek vowel, 19 Fragrant forage crop, 22 Sewer rodent, 23 Bird abode, 24 Regions, 27 Dollar divisions, 28 Workout make-up, 29 Chicken -- king, 30 Expert at cajoling, 35 Make mistakes, 36 Guitar blaster, 37 Broad st., 38 Colorings, 40 Louvre setting, 42 Unadorned, 43 Put in office, 44 Yale students, 45 Cars' scars.



Yesterday's answer

FADS AMPS LIMIT MORES AGATE ABOVE MUZZLES PEN ARE LUSTERS REDHAT ELSE SPUR ROMCOM LINEUPS ERA LINS NETGAIN TUNED ROSES SPATE IRENE SPAR LEST

CRYPTOQUOTE 11-7

XSI JSR'V MCSSPN XSIG EULQKX. VCNX UGN ASJ'P AQEV VS XSI, UP XSI UGN VS VCNL. -- JNPLSRJ VIVI Yesterday's CRYPTOQUOTE: IF YOU'RE GOING TO DO SOMETHING TONIGHT THAT YOU'LL BE SORRY FOR TOMORROW MORNING, SLEEP LATE. -- HENNY YOUNGMAN

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