

Undoing Mayor Annis's good work

An elected mayor is needed

WE are deeply disappointed that much of the good work late mayor Annisul Huq had accomplished is in the process of being undone. This we learn from a report in this paper that cites some projects which are virtually on a retrogressive path after the passing away of the mayor.

One of the most jarring examples is the Satrasta intersection in Tejgaon. This used to be almost completely occupied illegally by parked trucks, pickups and covered vans blocking chunks from both sides of the road. This led to unnecessary gridlocks and a narrow road that remained filthy, unsafe and practically unusable. All this changed when Mayor Annisul Huq decided to clear the road, which he did risking his own safety. But now things are reverting back to the previous state with vehicles being parked illegally. Other roads and footpaths cleared by the mayor are being reoccupied.

Meanwhile, development projects initiated by Annis are losing steam. This includes construction of 11 U-loops from Satrasta to Abdullahpur. Other development works are being carried out with poor quality materials, according to the report.

Obviously, oversight of such important works is grossly missing and the reason is that we do not have an elected mayor for DNCC. This is exactly what we had apprehended when it was announced that the DNCC mayoral election would be postponed. It is unrealistic to think that an acting mayor will work with the same zeal and determination as a mayor elected by people's mandate. An acting mayor is more likely to just bide time until his tenure is over.

It is therefore crucial that, all impediments, legal and otherwise, are removed and the mayoral election for DNCC is held as soon as possible so that an elected mayor can carry on the work of his dynamic predecessor, before everything he had done for the city crumbles.

Agitating community health workers

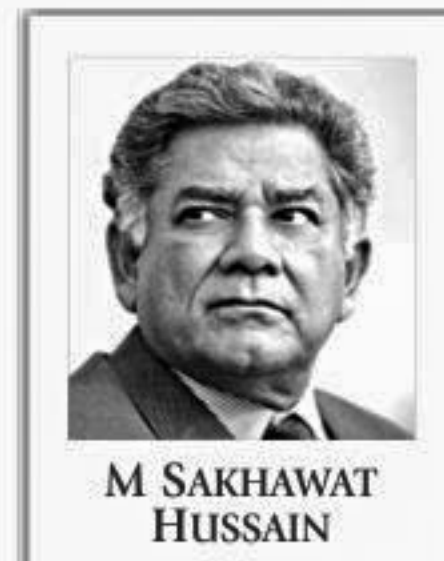
Govt should address their grievances

SINCE Saturday, community healthcare providers (chcp) from across the country have been agitating in demand of nationalisation of their jobs. The Community Clinic Project, started in 1998, has almost 14,000 community clinics that cater to the medical needs of people across the country, especially in the grassroots. The health workers provide service 6-days a week, 30 drugs free of cost, and in some cases, child delivery care. According to news reports, on average, 30-40 people avail the services of these clinics every day.

The project employs around 14,000 healthcare providers—one for each clinic. The healthcare providers have said that since their jobs remain outside the revenue budget, their salaries have remained unchanged, without any scope for increments and other amenities. After closure during the BNP-Jamaat regime (2001-2008), the project was restarted in 2009. Protestors say that over the years, there were promises of nationalisation of these jobs. They claim that because of the assurances many of them did not leave the job even when they had the scope for doing so.

Their grievances and rationalisation for their demands are legitimate and deserve quick attention from the authorities. The longer the issues remain unresolved, the longer the 50 lakh people who avail services from these clinics are deprived. While there has been talk of bringing the clinics under an autonomous body, the protestors have refused to agree to that. The government needs to act quickly and engage in dialogue with the healthcare providers to come to an acceptable solution. These clinics provide a much-needed service for the communities they serve and the job needs to come with the right incentives for providing that public service.

Ensuring EC's operational independence



M SAKHAWATH HUSSAIN

IT seems that the speculation about the High Court's interim order that stalled the Dhaka City Corporation (North) mayoral by-election to fill up the post left vacant with the death of popular mayor Annisul Huq for six months came true (*The Daily Star*, January 24), though initially it was reported to be three months only. The *ad interim* order given on hearing of two writs by the High Court also came as a surprise to many Dhaka (North) dwellers.

There was increasing scepticism whether the ruling party would take the risk of holding election in the capital's north city corporation ten months before the 11th National Assembly election, likely to be held at the end of this year. The scepticism grew stronger after the Rangpur City Corporation election, where the ruling party candidate lost almost 46 percent of votes from the last poll. Whether the Rangpur election was any indication of the descending popularity of the ruling party remains debatable.

However, amidst all these speculations, the Election Commission (EC) announced the election schedule for the mayoral by-election and the newly created Ward-18 for both the north and south city corporations. And a schedule was announced within the time frame allowed under the law for such elections. Accordingly, the last day for the submission of nomination was January 18 and polling day was fixed as February 26. The declaration by the EC, however, could not completely pacify all, but it did give hope of initiating electoral activity at the beginning of the year, which may culminate with the 11th Parliamentary Election. Voters hoped to vote in a mayor who would complete the good work initiated by the last mayor.

Yet there were concerns that the election to this very important local body may be thwarted by some sort of a litigation. Eventually that proved to be

true. Two separate writs from two sitting union council chairmen were admitted to the High Court. The question that remains most ambiguous is whether the court had given enough time to the EC for the hearing in accordance with the provision of Article 125 (c) of the Constitution. Apparently, it seems, as reported in various media, the EC was not served with any notice nor had they had any communication with their attorney. It definitely raises question whether Article 125 (c) had been enforced either by the learned High Court or by the EC as the spokesman of the EC said that they did not receive any notice (*Prothom Alo*, January 22).

Nevertheless, the issues that were brought before the court could have been resolved within a day or two. The main objection that the plaintiff was not supplying electoral roll in CDs as, according to the EC, new voters would be added to the existing list on January 30, whereas, as reported, CDs were supplied to all those who had collected the nomination form. Moreover, any adult qualified by age to be a candidate, for one reason or another, not listed in the voter roll, could be included any time at the discretion of the election commission under the provision of Section 15 of the Electoral Rolls Act, 2009. Whether such attempt was taken by any such potential candidate or not, is not known. Another issue was the tenure of new ward commissioners that could also have been solved, had that question been raised.

From brief discussions, it appears that all these small issues could have been resolved, and can still be resolved in the shortest possible time, both by the concerned ministry and the EC, but no such attempts seem to have been taken so far (January 25).

The stay order by the court has raised a few questions on the definition of the independence of the election commission regarding its capacity to implement the decision to conduct election. This was least expected as Article 125 (c), to a great extent, protected the independent function of the election commission in the conduct of election which was of vital interest to the people. It is the solemn duty of the

election commission to protect the right of voters to exercise their fundamental right to vote through an uninterrupted electoral process. This principle is well established, and in many countries, electoral legal framework or the apex court bars any court from hearing any writ until the electoral process, for which a schedule had been declared, is over. An example could be drawn from the landmark case of (India) *Ponnuswami v Returning Officer, Namakkal* (AIR 1952 SC 24) and the verdict of the Supreme Court of India, which completely barred any court from allowing any writ once the

where the court concurred with the decision of the Election Commission on candidatures validity in a number of elections.

Such orders had put the EC in serious administrative problems. A case in point is the problem faced by the EC when it had to accommodate candidates by reprinting ballots for 17 constituencies a week before polling date in the 9th Parliamentary Election of 2008. Approximately 280,000 ballot papers had to be burned and reprinted (*Nirbachon Commission e Panch Bochor*, M Sakhawath Hussain).

Nevertheless, as narrated from past experiences, an amendment was sought which resulted, if not similar to India, an insertion into Article 125 (c) of the Constitution, where a definitive provision of the hearing was provided. It seems now that EC is yet to take full view of this protective provision. Since then the EC has claimed that no notice was served and that not enough time was provided for an argument in their favour. Therefore, the EC must exercise its constitutional right to appeal and try vacating the stay order. Unless the EC takes the legal steps available to it, there would be growing distrust of this institution, of their operational and independent decision-making capacity and their implementations. Inaction would entail doubts about their efficiency in the months ahead, when the EC has to conduct a few more important local body elections leading to up to the 11th National Election.

From this and past experiences, it is evident that in most cases, the ECs operational independence has frequently been interrupted on legal grounds and in most cases, writ made on mala fide intentions. To reduce such disruption, it is advisable that the existing Article 124 (c) of the Constitution be revised and the court be barred from hearing any writ during an electoral process till the process is over. Such provision would also make the EC more cautious and answerable to the court and voters.

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election schedule has been declared till the electoral process is over. The verdict of 1952 had been validated by other courts in 1978, 1996, 1998, 2000 and 2007.

In the above context, the Bangladesh Supreme Court Appellate division, drawing inference from the Indian Supreme Court, had given a similar verdict in 1989 (*Prothom Alo*, January 22), yet there have been numerous instances where elections were stayed particularly of local body, and on others

Who will win in India's northeast elections?

PALLAB BHATTACHARYA

THE advent of the new year—2018—has put India into an election mode. With the Election Commission announcing the schedule for assembly elections in three northeastern states of Tripura, Meghalaya and Nagaland to be held in February-March, the decks have been cleared for the first major round of electoral battle in the run-up to fresh national elections due early next year. The three states are small in size and their legislative assemblies have a total of 60 seats each. Besides, the size of the electorate (with a combined voter base of a little over 55 lakh with Tripura having the highest number of 25.6 lakh) is also small compared to many other bigger states of India. But this should take nothing away from the importance of the coming elections in the three states because they belong to a region of the country in which India's ruling Bharatiya Janata Party is aggressively pushing for expanding its footprints after being a negligible force for long.

An idea of BJP's rise in the northeast can be derived from the fact that just three years ago, it was the Congress party which ruled four northeastern states—Meghalaya, Nagaland, Assam, and Arunachal Pradesh, and was the main opposition in Tripura. Today, Assam, Nagaland, and Arunachal Pradesh are already with the BJP-led National Democratic Alliance. The saffron party tasted major success in the northeast for the first time having come to power in Assam through the last assembly polls in 2016 and forming its government, bringing to an end 15 years of uninterrupted Congress rule. Thereafter, it grew inorganically in the region by forming government in Manipur in 2017 by luring legislators from Congress and other parties. BJP also shares power with its allies in Nagaland and Arunachal Pradesh. Clearly, the politics in India's northeast is in for more churnings in the coming days.

Ever since coming to power at the Centre in May 2014, BJP has been focusing on the northeast like never before with Prime Minister Narendra Modi, party chief Amit Shah and a host of central ministers frequently touring the region. The central government has pushed key infrastructure projects, including road, rail and bridge, in the northeast. On the other hand, the coming elections in the three states hold significance for Congress, which was once a dominant force in the northeast, and the Communist Party of India (Marxist) in Tripura, which is the only state where it is in power besides the southern state of Kerala after having lost West Bengal in 2011. Out of the total seven states in the northeast, Congress today is in power only in Meghalaya, a sharp contrast to the scenario that had prevailed some two to three years ago

when the party was governing five states: Assam, Mizoram, Arunachal, Meghalaya and Manipur. In fact, Meghalaya is one of the four states across India where Congress rules apart from Karnataka, Punjab and Puducherry.

BJP may not find the going easy in Tripura where the CPI(M)-led Left is entrenched in power structures since 1993 having won successive elections to the assembly. In Marxist Chief Minister Manik Sarkar CPI(M) has a popular leader who has remained untainted by any graft charge, although the opposition has levelled allegations of corruption against his government. Neither BJP nor Congress has a leader who comes anywhere near Sarkar's stature and appeal. BJP has emerged as the main challenger to CPI(M) in the state at the cost of Congress which has declined over the years and was hit by

credible opposition force replacing Congress?

In Christian-majority Meghalaya, BJP may have to contend with Congress party's campaign targeting the saffron party for its perceived penchant for consolidation of Hindu votes. In this state too, BJP may have to depend on a tie-up with Nationalist People's Party (NPP) of Conrad Sangma, son of late Parliament Speaker PA Sangma. NPP is a constituent of BJP-led National Democratic Alliance at the national level but it remains to be seen if the two parties will go for an alliance to fight Congress at the state elections. However, NPP seems wary of a pre-poll tie-up because of the controversy over cow vigilantism and an outcry against beef consumption in which some BJP leaders in other parts of India have been embroiled. In fact, Congress Chief

the smaller northeastern states are dependent on financial assistance from the central government.

But given the intense rivalry among the top NPP and NDPP leaders, it is not sure if it would be politically wise for BJP to go for a pre-poll alliance with any party and may rather wait to see which party emerges as the single largest party after the elections. Though a part of ruling NPE, BJP is sensing an opportunity in the faction-ridden NPP (despite an uneasy truce between Zeliang and Liezietsu) and could choose to go alone in Nagaland elections to overcome anti-incumbency. Congress was a force to reckon with in Nagaland until about 14 years ago, but all its legislators joined NPP. Political loyalties and equations in most of the northeastern states are highly susceptible to change particularly when politics and electoral results in the states

LETTERS TO THE EDITOR

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Protect Shitalakhya from pollution

Life cannot survive without water. Dhaka Water And Sewerage Authority (WASA) is responsible for supplying adequate water to city dwellers. It refines and filters surface water from the Shitalakhya River to supply that water.

Owing to excess pollution from industrial waste and river water, the colour of the water it supplies to us is now sometimes pungent and black. Most of the waste chemicals poured in by industries dissolve in water and cannot be removed by the refining process of WASA's water treatment plant. City dwellers are left with no other option but to use the polluted water.

Normal water has no colour, but WASA's refined water has a light yellowish colour mostly during summer.

Sediment can also be seen depositing in buckets



PHOTO: AFP

where water is kept. The environmental department needs to come forward to help WASA supply pure water by imposing fines on industries responsible for polluting water in the Shitalakhya river.

The amount of fine should be big enough so that top management of such hazardous industries are careful not to pollute water and so that they also consider the option of using effluent treatment plants rather than pay fines.

Mohammad Ashraf Hossain, By email



Supporters of the Bharatiya Janata Party (BJP) celebrate after learning of the results of assembly elections in the northern Indian state of Uttar Pradesh on March 11, 2017.

PHOTO: REUTERS/RUPAK DE CHOWDHURI

defection of its leaders to other parties. Six Congress legislators first joined Trinamool Congress and then switched allegiance to BJP recently. Sarkar himself has acknowledged this by saying that the saffron party would be the Left's principal adversary in the electoral battle. BJP knows it alone cannot challenge the might of the Left in Tripura and has entered into a pre-election alliance with a tribal outfit, Indigenous People's Front of Tripura, to contest the poll. BJP is leaving no stone unturned to woo tribal voters in Tripura who constitute an estimated 32 percent of the total electorate of the state. But the question is: will such a strategy be enough for BJP to dislodge the Left or will it just help the party emerge as a

Minister of Meghalaya Mukul Sangma has already made it clear that his party will "expose the covert dealings" between NPP and BJP.

Among the three states, the most intriguing political scenario is in Nagaland where BJP is part of the ruling coalition, Naga People's Front (NPF), which has been wracked by feud among its top leaders—Chief Minister TR Zeliang, party president Shurhozelie Liezietsu, and parliamentarian Neiphui Rio who quit NPF and joined National Democratic Progressive Party (NDPP) a few days ago. On its own, BJP is a much smaller player in Nagaland compared to the state-specific parties. BJP knows NPP and NDPP are inclined to be on the right side of the party that rules India because

have remained fragmented.

Beyond the northeast, assembly elections are also due in BJP-ruled states Rajasthan, Chhattisgarh, Madhya Pradesh, and Congress-governed Karnataka. While BJP has to contend with anti-incumbency in the states where it is in power, Congress can be encouraged from its spirited show in state elections in Modi's home state last December. It remains to be seen, however, if a good show by BJP in Tripura, Meghalaya, Nagaland and Karnataka can nudge the party to go for advancing the parliamentary elections from its due time.

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