

Let a free press thrive

Without it, a healthy democracy is not possible

MEDIA freedom is under attack the world over. Governments in countries worldwide, with a few exceptions, are doing everything in their power to throttle the media and silence journalists. And those who care about independent journalism are increasingly realising that we can no longer take a free press for granted. This dire state of affairs was recently echoed by UN Secretary-General Antonio Guterres who called on the international community and governments to protect journalists and create the necessary conditions for them to work in.

A journalist is murdered every four days, oftentimes for exposing corruption, human rights violations, or political wrongdoing, while those responsible remain untouched. According to the Committee to Protect Journalists (CPI), in the past decade, at least 324 journalists have been murdered and in 85 percent of these cases, there has been no conviction. This year alone, at least 45 journalists have been killed around the world.

The impunity being enjoyed by those responsible for committing crimes against journalists is something that we see all too often in Bangladesh as well. With at least seven unsolved cases of murder of journalists, Bangladesh occupied the 12th spot in CPI's Global Impunity Index 2018 which "spotlights countries where journalists are slain and their killers go free." The enactment of the Digital Security Act—which has several provisions that could hurt independent journalism and hamper freedom of speech—means that media institutions and journalists are under more pressure than ever. A free press simply cannot thrive in this climate of fear that seems to have taken hold.

The government must prioritise the unsolved cases of journalists who have been killed and bring to justice those responsible. Without an environment in which journalists feel that they can do their job without being targeted for harassment or murder, the media will not be able to speak truth to power. But such an environment cannot possibly come about unless the government, media institutions and civil society work together.

Illegal gas connections are death traps

Clamp down on the syndicates

A family of five including an infant suffered varying degrees of burns when their illegal gas connection caused fires in the Ashulia area. The fact that there is a plethora of such illegal gas connections is hardly news. We hope the critically injured will pull through. This paper has been covering this issue for some years, and it is not as though the authorities are unaware of the dangers of these unauthorised connections given to buildings.

Back in 2014, we found, through investigative journalism, that some 12,000 illegal gas connections had been given in nine unions of Sonargaon Upazila under Narayanganj district. This is 2018, and the problem appears to have crept into the capital city. As seen in the Ashulia incident, these lines are being laid using substandard pipes and without the right technical support. This was an accident waiting to happen and it did.

Although Titas Gas officials do conduct drives once in a while to sever these lines, unfortunately the problem is that there are unscrupulous people within the state-owned gas company itself who are involved in the racket. Fingers have repeatedly been pointed at grassroots political elements associated with the ruling party that apparently manage the syndicates behind illegal connections. Such associations obviously enjoy a high degree of immunity from action by law enforcement agencies. But the result of inaction opens up the prospect of people being exposed to these fire-related accidents, often with deadly consequences.

How long will this illegal activity be allowed to continue? What about the loss to the national exchequer since these are unlawful connections and Titas Gas doesn't receive a dime for the precious gas being consumed? Mere publicity campaigns have never had the desired results. This is a criminal activity that has claimed lives or caused grievous injuries, and it must be treated as such.

LETTERS TO THE EDITOR

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Dialogue and the art of compromise

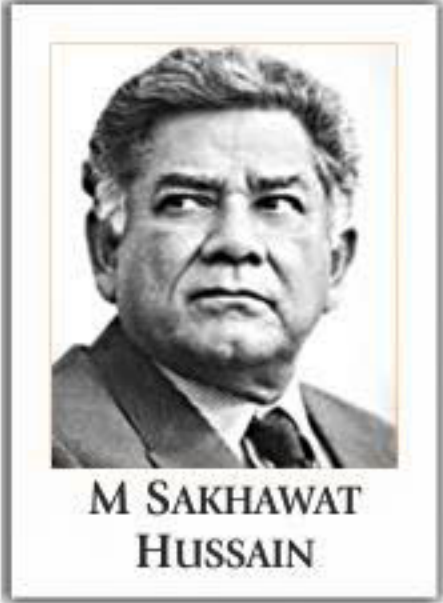
It's frustrating that nothing fruitful came from the dialogue between Awami League, which leads the ruling 14-party coalition, and Dr Kamal Hossain-led Jatiya Oikyafront on Thursday although the whole nation awaited a solution to the current political stalemate in the run-up to the parliamentary elections. Apparently, no party was willing to make concessions. And there has been no announcement about a follow-up to the dialogue either.

I think political leaders, of all people, should know that compromise is an important part of how democracy functions. It may pave the way out of the most difficult situations. Although our leaders frequently proclaim that the country is more important than a party—and a party is more important than its leader(s)—they often tend to forget that.

We, the general people, expect a peaceful solution out of the current political crisis. But this will not be possible if the political parties stick to their guns and refuse to engage each other with an open mind. Our democracy is clearly in a vulnerable state. Compromise and respect for democratic values among the political leaders can set our democracy on a healthier path and indeed help organise a credible and inclusive election which everyone wants.

Md Zillur Rahaman, via email

What we mean by a fair election



M SAKHAWAT HUSSAIN

As the national election approaches, many questions are creeping into the minds of the concerned citizens and ordinary non-partisan people and voters. One of the key questions is, will the upcoming election be a credible one or, as renowned scholars use the term, a "flawed" or a "failed" election like in 2014? No doubt that the 2014 election, as per

minimum international standards, "failed" because of non-participation of a large number of political parties including one of the main parties, BNP. It even failed within the parameter of the Universal Declaration of Human Rights which calls for, among other things, the right of all eligible electors to vote, genuine election, and election reflecting the free expression of the will of the people.

In the backdrop of that bitter experience of 2014 and the prevailing uncertain political scenario, the other question haunting the general public is, even if the election is inclusive, will it be "contested"? Will voters be able to vote for their chosen candidates? These are pertinent questions no doubt but tough to answer in unpretentious terms.

If elections are "flawed" or "failed", the foundation of democracy becomes weak and the government produced by such elections is termed, by social and political scientists, as a "hybrid" democratic government. Professor Dr Pippa Norris of Harvard Kennedy School posits that a "hybrid government" can neither be "fully autocratic" or "fully democratic" in character and such a government depends on coercive state power rather than people's power.

Scholars suggest that the political activities during the entire electoral cycle, particularly the political atmosphere in two main segments of the cycle, would indicate the quality of the next election. The electoral cycle is defined as "the period between one election and the next election" and the International Institute for Democracy and Electoral Assistance (IDEA) divides the entire cycle into three main segments or distinct phases: the pre-election period, electoral period and post-electoral period. This entire cycle is the centre of "electoral governance" where three main institutions, apart from strong players, are involved. These institutions are the Parliament that makes, amends or expands the electoral law; electoral management body (EMB), which in our case is the Election Commission, that plans and executes the electoral law and is responsible for seeing that the conduct of the election is within the bounds of the Constitution and electoral law; and the judiciary which resolves election disputes. Resolution of electoral disputes is the culmination of the electoral process. However, the EMB (the Election Commission in our case) is the central institution of electoral governance.

Notwithstanding the important electoral governance institutions, there are other players or stakeholders who play a major role and operate within the electoral cycle. These are the government, political parties, civil society, and the media, among others, that play a crucial role. The most important of all is



the ruling party and the government, and in the case that both are blended together, it is the government, more so in unitary government, that plays a critical role during the entire electoral cycle, as it is the government that is responsible for creating the enabling conditions for elections. As Dr Pippa Norris points out, whether an election is "flawed" or "failed" can be measured during the entire electoral cycle and through the role played by the government in power. Nevertheless, I feel that these ingredients of measurement could be phased in accordance with each stage of the electoral cycle.

Dr Norris, in her book *Why Elections Fail*, lists numerous types of "flaws" throughout the electoral cycle. I took the liberty of categorising them along with some additional flaws that I observed through my own experience. Flaws that are mostly observed in the pre-electoral period are: (1) opponents are disqualified, mostly through the use of partisan courts; (2) gerrymandering of constituencies while redrawing boundaries; (3) muzzling of independent media; (4) officials abuse state resources; (5) level playing field not ensured; (6) opponents are not allowed to hold rallies and meetings; (7) airwaves favour incumbents; (8) use of government facilities for advance campaigning; and last but not least (9) skewing the electoral law. This is obviously not an exhaustive list.

These flaws that take place during the pre-election phase cast shadows and linger into the election period leading to the voting day. These flaws, which can be observed particularly in countries where democracy is yet to take root, could result in a "flawed" election. The flaws often seen during the electoral period are: (1) distorted level playing field during campaign; (2) voter intimidation; (3) stuffing of ballot boxes; (4) abuse of power by polling officials to favour a candidate; (5) votes are bought; (6) use of muscle power to capture booths; (7) issuance of more than one ballot paper; (8) lengthening

the voter line to slow down voting; (9) partisan behaviour of law-enforcing agencies; (10) intimidation of minorities; (11) running out of ballot papers; (12) inaccurate counting to favour a particular candidate; and, most importantly, (13) EMB's failure to rigorously implement the electoral law and code of conduct.

Lastly, in the post-electoral period, courts fail to resolve election disputes properly and within the stipulated time.

Scholars suggest that within this framework, elections could be measured for their quality. And pre-election flaws may lead to the conclusion that a certain election will run the risk of being "flawed" and may result in an "electoral failure" which may then lead to an internal dissension and political consternation.

For Bangladesh the next election is crucial both for democracy and establishing a positive electoral culture. Neutral observers would measure the upcoming election within the framework discussed. So far, it does not paint a rosy picture. The pre-electoral phase seems to be dominated by the party in power which, in recent days, has been giving the opposition limited space. This can spill over to the next phase, which is the electoral period—ultimately putting a lot of stress on the EC. EC would be left alone to handle these challenges. And just how prepared this institution is, is something that remains to be seen.

The country can ill afford yet another "flawed" election. Nonetheless, ordinary people remain hopeful that the next election will be credible and all-inclusive. Let's hope that all political parties in the field realise that Bangladesh will progress much more rapidly if a stronger democratic culture is established. After all, as political scientists say, democracy is the tool for the sustainable progress of any country, be it developed or developing.

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India's balancing act between faith and democracy

PALLAB BHATTACHARYA

TWO temples—one existing in the South and another proposed in the North of India—are being used by India's ruling Bharatiya Janata Party and other Hindutva outfits to bring to the centre stage of the political discourse a highly emotive issue in the run-up to the coming assembly elections in five states in November and December and the national polls next year. And in both cases, the BJP and other right-wing groups are upset with two separate decisions of the Supreme Court, and appear determined to promote their core ideological plank of Hindutva—and in both cases, they have given rise to a perception that they want to circumvent

allow women of all ages into the Sabarimala shrine. What came as fuel to the protests was the recent visit of BJP President Amit Shah to the southern state and his remark that the apex court ought to have kept in mind the sensitivities of Hindus about the long-held tradition of restricting the entry of young women into the shrine. The apex court order, by a majority opinion of a five-member bench, was based on equality of men and women before the law. Now, the BJP is reportedly planning to take out a six-day "Save Sabarimala" campaign from November 8. In the process, the BJP has opened itself up to the charge of going against the Supreme Court order.

The apex court ruling has fired up the Hindutva outfits like the RSS and the Vishva Hindu Parishad which are now turning the heat on the government of Prime Minister Narendra Modi to be seen making at least one move and not to wait for the judicial order. They want the government to come out with an ordinance or to pass a law in the coming winter session of parliament, expected to start next month, for the construction of the Ram temple in Ayodhya.

The assessment in the BJP is that if an ordinance or parliamentary law is passed, it will help the party electorally. And if the law runs into resistance in the Rajya Sabha, where the BJP lacks majority on its own, it could give the

to decide if polarisation in the Sabarimala and Ram temple issues would help it in the elections and not undermine Prime Minister Modi's campaign on development and anti-corruption planks, which brought him to power four and a half years ago. Does putting the divisive issues on the front burner imply a recognition that there is a lacuna in the developmental plank?

No doubt, the Ayodhya dispute is one of the most polarising subjects in India as the demolition of the Babri mosque had triggered bouts of riots across the country in 1992. The razing of the mosque was termed by former Prime Minister Atal Bihari Vajpayee as a "shame." A large measure of the BJP's rise in Indian politics may be attributed to the Ram temple agitation of the early 1990s but that was the time when the party was in the opposition. Having been in power thrice, the party finds itself in a dilemma on the issue. This is reflected in Law Minister Ravi Shankar Prasad's response to the Supreme Court ruling of October 29 on the date for Ayodhya issue hearing. The government has full respect for the judiciary but "I would like to humbly say that a lot of people in the country want that the hearing on the issue be completed soon," he said. But Prasad's caution is in stark contrast to his ministerial colleague Giriraj Kishore, considered a Hindutva hothead, who responded by saying that "Hindus are running out of patience" on the issue.

In a democracy, there are certain institutions which need to be insulated from electoral politics—most of all divisive politics—for their preservation and nourishment. Secondly, there is no guarantee that giving short shrift to such institutions pays in the long run. The two most classic instances of this are the Rajiv Gandhi's pushing a parliamentary law to overturn a Supreme Court judgement in the Shah Bano case and Indira Gandhi's imposition of the Emergency that saw both the parties tasting electoral defeat by ensuring consolidation of their political rivals. No attempt should be made to juxtapose the Temples of Faith and the Temple of Democracy.

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A model of a proposed Ram temple, which Hindus want to build on the site of the demolished Babri Mosque, is pictured in the northern Indian town of Ayodhya.

REUTERS/MUKESH GUPTA/FILE PHOTO

the apex court's rulings.

The top court recently allowed the entry of women of all age-groups in Kerala's Sabarimala temple where the presiding deity is considered a celibate. In a separate ruling on October 29, the top judiciary decided not to give an urgent hearing to the civil dispute over the Ram Janmabhoomi-Babri Masjid land in Ayodhya in Uttar Pradesh.

Kerala is witnessing street protests, led by the BJP and some other Hindu organisations, against the decision to

In the case of the Ram Janmabhoomi-Babri Masjid dispute, the apex court bench made it clear that it has its own priorities and the dates of hearings on it would be decided by an "appropriate bench" in January next year. This effectively rules out a judicial verdict on the issue before the parliamentary elections which are expected by April 2019. The decision dashes the hopes of the BJP and others who had hoped for a day-to-day hearing to begin on October 29 ahead of the series of coming elections.

party an opportunity to portray the opposition as "anti-Hindu". But the BJP needs to resolve three key questions: 1) whether a gambit on the temple issue can ensure adequate political and electoral dividends; 2) whether it will not boomerang by making the party open to the accusation that it is trying to circumvent the top judiciary, the second most important pillar of a democracy; 3) whether a parliament guided by a secular constitution can pass a legislation for temple construction. Besides, the BJP has