



A prerequisite of a democratic polity is free, fair and credible elections.

PHOTO: STAR

What is required for Bangladesh's democracy to flourish?

BADIUL ALAM MAJUMDAR



Dr Badiul Alam Majumdar,
Secretary, SHUJAN: Citizens
for Good Governance.

In his famous Gettysburg Address of 1863, Abraham Lincoln defined democracy as "government of the people, by the people, for the people." Clearly, a democratic government is made of representatives of the people, chosen freely by the people at large, to serve all people of the nation. Such a government, created with people's consent and serving people's interests, is it hoped, "shall never perish from the earth."

We fought our Liberation War to earn the right to self-determination. To that end, democracy was enshrined as a fundamental principle of our state policy. Article 11 of our Constitution mandates: "The Republic shall be a democracy in which fundamental human rights and freedoms and respect for the dignity and worth of the human person shall be guaranteed, and in which effective participation by the people through their elected representatives in administration at all levels shall be ensured." Article 59 of the Constitution further mandates the rule of people's representatives at all administrative levels to make the democratic system all-encompassing.

A prerequisite of a democratic polity is free, fair and credible elections, which serves as the mechanism to create a government with the consent of the people. However, whether a government is truly democratic depends on what it does or does not do in between two elections. For a true democratic system, the elected government must allow citizens to enjoy

fundamental political and civil rights; respect basic human rights; ensure rule of law and social justice; practice transparency and accountability; and facilitate effective participation of the people in the affairs of the state.

It is, therefore, urgent that we begin to face the stark reality and address the monumental challenges we face. However, there is no magic formula or quick fix to our problems. We must begin with a political settlement, involving our major political parties and other stakeholders and chalk out a set of all encompassing reforms aimed at removing the deep disorder and setting a new direction for the nation. The aim of such reforms will be, in the language of our revolutionary youth, to "repair the state." The reform agenda must represent a grand compromise and

78 of the Constitution.

Independent judiciary: The independence of the judiciary must be ensured by separating it from the administration and facilitating the establishment of the rule of law by appointing qualified persons as judges. An appropriate law must be framed for this purpose, as per the Constitution.

Constitutional reform: An expert committee must be formed to recommend constitutional amendments. Potential areas of reforms among others include: ending the "imperial" premiership,

resources. We must also allocate 50 percent of the ADP to such bodies and "localise" the Sustainable Development Goals through them.

Freedom of the media: We must ensure the independence of the media through legal reforms, including the amendment of the Digital Securities Act. We must also constitute a Broadcast Commission to ensure objective reporting of publicly-owned media.

Strong civil society: A strong civil society must be allowed to flourish as watchdog to make democracy effective and achieve good governance. Therefore, we must provide space and create an enabling environment for effective functioning of civil society.

Protection of human rights: We must safeguard freedom of expression and other fundamental and statutory rights by amending repressive laws. We must also end involuntary disappearance, abductions and extrajudicial killings and give exemplary punishment to perpetrators of such crimes.

A new social contract: We must formulate a new "social contract" to address growing inequality of income and opportunity in our state and give a fair share of the state resources to the disadvantaged. The people must also be given quality services at affordable prices, in an accountable manner. All discrimination to the handicapped and third gender must end.

Protecting the environment: We must ensure environmental sustainability and formulate long-term plans to cope with the effects of climate change. We must also reassess our development projects and abandon those that risk serious environmental damage.

Good governance in the financial sector: We must institute legal reforms to ensure discipline in the financial sector and prevent looting and plundering of financial institutions. Wilful defaulters and plunderers of those institutions must be given exemplary punishment.

Ending communalism: We must mobilise all the good forces of the society to take effective initiatives to eradicate bigotry and communalism. The government must also punish those indulging in communal crimes.

Investment in the youth: We must ensure quality education, healthcare, security and opportunities for the youth to reap the benefit of our demographic dividend. Youth must also be groomed for future leadership.

Women's empowerment: We must take effective measures for the economic and political empowerment of women and girls by ending all forms of discrimination and violence against them. We must also create equal opportunities for them.

Given the dire risks we face as a nation, we hope our leaders will show the necessary courage, fortitude and wisdom to compromise, reach a consensus, and sign and implement a National Charter to create a safe and democratic future for us all. The above ideas can be used as a preliminary agenda for dialogue and discussions. As the taste of a pudding lies in its eating, the benefits of signing a National Charter will only be realised through its implementation, although our record in this regard is dismal. The implementation of the signed Charter, however, must begin with a credible election. Without this as a foundation, it will only be a futile exercise.



▲ Bangladesh Jatiya
Sangsad.

PHOTO: STAR

the basis of a "National Charter," in the vein of the "framework of the three alliance (tin jotter ruprekha of 1991)." To move democracy forward, it should be signed by all stakeholders. The areas of possible consensus to be included in the National Charter are:

Changes to the political culture: To fulfil Bangladesh's founding vision of a democratic, secular and just society, we must move away from the dead-end politics of hate and annihilation and usher in a political culture of inclusiveness, respect, and consensus. Public service rather than self or coterie interests must become the goal of politics.

Electoral reforms: Free, fair and credible elections are needed to create a government representing the will of the people. We must frame a law, in accordance with the constitutional mandate, and appoint an Election Commission with competent and neutral individuals. The electoral laws must also be reformed and, most importantly, enforced to ensure credible elections.

Electoral time government: Without a neutral government, which controls the bureaucracy and the law enforcement agency, during elections, fair elections are not possible. Hence, a short-term election-time government, with representatives of political parties and other sectors of the society, must be formed to ensure credible elections.

Effective Jatiya Sangsad: The parliament must become independent and effective to make the system of checks and balances work and ensure the transparency and accountability of the executive branch. The parliament members must focus on law-making and not be involved in local development, which is a violation of the Constitution, as per the High Court verdict of Anwar Hossain Manju vs Bangladesh. A Code of Conduct must also be framed for MPs to prevent conflict of interest along with a Privilege Act, as mandated by Article

For a true democratic system, the elected government must allow citizens to enjoy fundamental political and civil rights; respect basic human rights; ensure rule of law and social justice; practice transparency and accountability; and facilitate effective participation of the people in the affairs of the state.

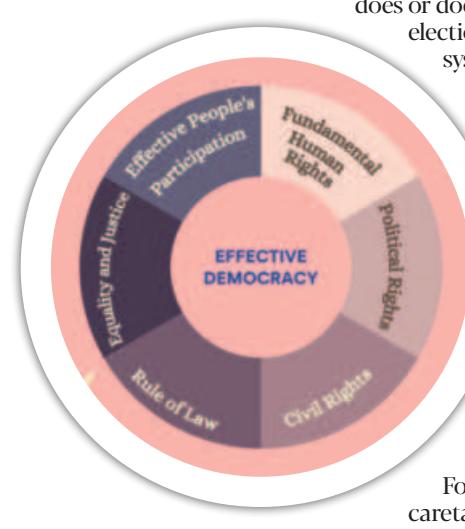


ILLUSTRATION:
COURTESY

We have had 11 parliamentary elections in the history of Bangladesh. Four were held under a neutral caretaker government (1991, 1996, 2001 and 2008 elections) and were more or less credible elections where people could exercise their franchise. Those governments, though formed with the consent of the people, did not practice the democratic ideals of respecting people's rights, rule of law, transparency, accountability, and social justice. Thus, Bangladesh became a nation of "one-day democracy," deviating from the aspirations of our valiant freedom fighters. Because of such deviations, Bangladesh is now a country of stolen elections, closed democratic space, serious human rights violations, crony capitalism, looting and plundering and unjust polity. Reporters without Borders recently listed us among the top 39 predators of press freedom. Some international observers and think-tanks such as International IDEA call Bangladesh an autocracy. Some of our citizens, particularly the youth, have embraced religion as a solution to the problem of serious democratic deficits and widespread governance failure. We are now at a crossroads. If we are unable to change course, we may go off the cliff and become an extremist state, ushering in a dark future for future generations.