

Political crisis rooted in caretaker govt. system repeal

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The present political crisis is deeply rooted in the repeal of the non-party ,caretaker government system by way of the 15th amendment to the constitution coupled with the politicisation of bureaucracy, including the police. The Election Commission could not uphold its impartial image. Holding an early national election reinstating the caretaker government system through negotiations can resolve the crisis, Tofail Ahmed, head of politics, democracy and governance cluster at the BRAC Institute of Governance and Development at BRAC University, said in an interview with Mustafizur Rahman.



New Age: Democracy is not all about election, but do you think democracy is possible without elections?

Tofail Ahmed: Democracy is not all about management of the state affairs; it is an ideology, philosophy, culture, values and the way of life that guide the civilised human society.

Democracy has its limitations too but it has its own inbuilt mechanism to overcome the limitations. The individual's inherent capacity and wisdom cannot flourish without democracy. It does not only provide

an inclusive governance model but also ensures a gradual progression towards a civilised way of life and society.

Parliament alone cannot uphold democracy. All other institutions including the judiciary, the bureaucracy, the Election Commission, the Anti-Corruption Commission and local government institutions must play their roles towards the institutionalisation of democracy.

Election was never, and is not, a foolproof system for electing the leadership that is good for the state and society. Still we do not have any better alternative to election. It is an acceptable institutional arrangement to make political democracy work.

In democracy, the leadership has a role to articulate people's interest, aggregation of those interests and delivering policy on the basis of interest articulated and aggregated. Individual priority must conform to public priority. It was a 'historic blunder' for the government of Bangabandhu to make the the fourth amendment to the constitution that shut the dissenting voices in an abrupt way. As constitutional means were closed in politics, violence of different types and natures filled the vacuum, leading towards an unstable and uncertain terrain. Democratic development stumbled and the nation lost its way in deep darkness.

The free and fair election is not only essential but also inevitable for a smooth and peaceful transfer of power and the stability of society and the state.



New Age: How, in your view, are elections related to democracy?

Tofail Ahmed: Election and democracy are not synonymous. Election is rather a device to make democracy functional and to have people's consent registered.

Once elected, governments here think that they have got control over everything under the sun and can do anything and everything they like. This is a problem. They are not taking it as a means to achieve democracy. Money, muscle and violence are becoming deciding factors. Coercive power of the state is being used to manipulate and influence elections. So election results do not always reflect the aspirations of people and their choices.

Consequently, the general elections become violent, leading to multifarious crises. It is true that the democracy cannot flourish without free, fair and impartial elections. The incumbents and the opposition both take election as a means only to capture power, not as a democratic practice.

Autocrats are also use elections as a means to capture power. Regimes after regimes coming to power through the means of elections still remain autocrat in nature. An election system is being use as a means to legitimise their power.

There are 15 amendments made to the constitution but not a single one was done in the interest of democracy and people. The political economy of amendments would confirm that none of the amendments were made to promote the idea and ideal of constitutionalism and in the greater interest of ordinary citizens.

We have institutions of democracy, such as the parliament, the judiciary, the bureaucracy, the Election Commission and local government institutions in name only but not in content and spirit. Local government bodies are primary institutions for democracy to flourish. You cannot build a house without pillars.

Functionally, the three organs of the state — the judiciary, the legislature and the executive — are not independent. A complete separation is neither possible nor desirable. Inter-dependence and inter-relations are necessary. But in our case, an all-powerful prime minister is head of the government, leader of the house and president of the ruling party. All power are vested in one hand. The institutions are losing their entity because to over-dependence on the executive and the chief executive of the state.

Democratic mind does not work here. This has been the deadly disease of our existing political system.



New Age: The incumbents now claim that theirs is a democratically elected government and that they have the people's mandate for a five-year tenure despite the fact that they secured 154 seats of the 300-strong parliament before a single vote was cast while some 10–12 per cent of voters went to the polling stations to elect public representatives in the election boycotted by opposition parties. What is your view about the stance of the incumbents?

Tofail Ahmed: The government's stand does not go by the constitutional spirit. This is the flaw of the law that one can win the elections without a substantial number of votes being cast.

The BNP says that people have not gone to polling stations responding to their appeal while the Awami League says there was a low turnout in the January 5 elections because of the violence by the BNP-led alliance.

The fact is, whatever the reason was, people did not turn up to cast their vote.

The crisis is deeply rooted in the repeal of the caretaker government system. Free and fair elections were held in the country only under the non-party, caretaker government, initially introduced in 1991 and incorporated in the constitution in 1996 during the BNP rule in the face of a popular movement led by the then opposition party, the Bangladesh Awami League.

The provision of the non-party, caretaker government was dropped from the the constitution by way of the 15th amendment during the previous tenure of the Awami League government in 2011. The real crisis began with the 15th amendment to the constitution.

All the elections since independence in 1971 but those held under the caretaker government were manipulated by various regimes. That may be the reason that the Supreme Court also kept the option open to arrange at least next two elections under the caretaker government system.

New Age: What are the steps, in your view, that the authorities concerned should take to ensure a free, fair and participatory general election?

Tofail Ahmed: This is the fact that Bangladesh could not hold flawless elections for a long period. So we adopted the non-party, caretaker government system. The reality is that the state mechanism is politicised and the Election Commission has not been allowed to function in a desired way. The ruling party has to have the will to hold free, fair and impartial election. It has to accept and realise that the nation is in a grave governance and credibility crisis. It has to search the way out.

Democracy cannot flourish in the absence of the rule of law, which is being replaced with the rule of power game.

New Age: When do you think the next elections should be held?

Tofail Ahmed: I do not see any possibility of any free, fair and inclusive election in near future. I cannot guarantee that they [ruling party] will behave democratically with the state power becoming more offensive and aggressive against opposition parties. So it would be very difficult for the BNP-led alliance to wage a peaceful movement for a participatory election.

But I think that a mid-term election must be held and the government should take a move to restore peace and reach a political consensus to resolve the crisis. The responsibility goes to the prime minister alone. No other person and institution can do it; only the prime minister can fix it.

The government's goodwill is essential to resolve the crisis. A free and fair election is possible without the caretaker government if the judiciary, the Election Commission and the bureaucracy are functionally impartial.

New Age: What may happen if the incumbents do not agree with an early election?

Tofail Ahmed: If the incumbent government understands the depth of crisis the nation is facing, only then a solution can be found.

The government has already ruled out the possibility for any such election, saying that no parliamentary polls will be held before 2019.

The BNP is saying that it will again wage a peaceful movement for an early general election under a non-party, interim administration. This also sounds empty without substance. Under changed circumstances, it has to show pragmatic ways for a solution. It has to assure the nation that it knows the issue and can solve the crisis.

Bangladesh's position on various internationally conducted surveys, including those on environment, human rights, liveability of cities, fragility of states and corruption etc is sending out very bad signals.

Incidents of enforced disappearance and extrajudicial killings are on the rise. The police are busy ensuring protection of ministers and government high-ups while law and order is facing a downslide. Dhaka and Chittagong have earned places among the worst liveable cities.

We cannot overcome the situation if the government drags and sits on the crisis and does not come forward to resolve it. Moreover, the way opposition movements are launched, called off, controlled and contained is also frustrating. The nation is moving towards an uncertain terrain. God save the country!