

## **New Democratic Political Order in Bangladesh: Chief of Army's Message**

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On 2<sup>nd</sup> April, at a conference on Security and Democracy in Dhaka, organised by the Bangladesh Political Science Association, the Army Chief Lt.Gen. Moeen U.Ahmed presented a paper, the contents of which have been food for thought for many political observers. The Daily Star has published his keynote speech of the conference as an op-ed in its edition of 4<sup>th</sup> April.

Among others, Gen Moeen reportedly said : “ We donot want to go back to an ‘elective democracy’ where corruption in society becomes all pervasive, governance suffers in terms of insecurity and violation of rights, and where political ‘criminalisation’ threatens the very survival and integrity of the state.”

The Army Chief signalled a clear message that Bangladesh “will have to construct its own brand of democracy” suited to its people.

### ***What steps do we follow for a new political order?***

A question arises how do we begin to reinvent our own democracy? What steps do we follow?

This in turn brings another question whether the Constitution of 1972 is working for politicians. The answer seems to be in the negative.

Many suggest the Constitution of 1972 is too ideal for politicians in Bangladesh. The Consitution of a country is something that must be suited to historical, political, social and cultural ethos of that country. It is not something that “one size fits all” phenomenon.

The Constitution is often compared to a sapling of a plant which may not grow in incongenial soil or environment. Banana plant cannot be grown in cold climate or grapes cannot be produced in warm climate.

The Constitution of 1972 did not work simply because political, social and cultural environment have been alien to an ideal Constitution. Holding of periodic elections is not enough for democracy. Democracy implies rule of law (not rule by law), equality of all people, free media, viable opposition parties and a minimum acceptable standard of living for all.

The Constitution is based on certain expected assumptions and expectations from office holders. Those expectations have not been followed in practice. The ruling party leaders did not interpret, or use the provisions of the Constitution in good faith. They

manipulated them to their advantage and all the state institutions have been crippled and suffered from credibility.

Besides people witnessed a regime of “tyranny of elected majority and recalcitrant minority” imposed on them during the last 16 years.

Furthermore, the Constitution during the 36 years have been amended 14 times by governments of the day. Did they ask people whether amendments were necessary or not?

Between 1972 and 1975 four amendments were made and the 4<sup>th</sup> amendment in 1975 almost destroyed the character and features of the original Constitution of 1972.

Two prolonged periods of martial law were promulgated in the 70s and 80s where provisions of the Constitution were suspended.

All these undue interferences and abuse of the Constitutional provisions lead to one conclusion that the Constitution of 172 did not suit politicians of the country.

Accordingly there has been a call for introducing democracy suited to this country, given the culture and values embedded in politicians. That means powers and actions must be made explicit clear and not left vague in the Constitution.

The current form of parliamentary democracy has turned into “Prime Ministerial” authoritarian democracy. No more the Prime Minister is the first among equals in the cabinet. Untrammelled powers of the Prime Minister as an executive head of the government needs to go because it has been characterised by gross abuses or inaction.

Power tends to corrupt and absolute power corrupts absolutely, as Lord Acton (1834-1902) said. What Lord Acton meant is that a person’s sense of morality lessens as his/her power increases. The people of Bangladesh have been helpless victims to this practice and culture.

Many suggest that a new Constitution needs to be considered to set in motion a new order of democracy that is based on accountability, justice and fairplay with adequate checks and balances of powers, distributed in the various organs of the State.

***Issues needs to be considered in the revised Constitution:***

I wish to flag certain issues, among others, that need to be considered for a revised Constitution .The following list of issues is not exhaustive but is only indicative.

:1.Should the Parliament have two Houses?

2. Should the duration of the Parliament be for three years?

3. Should the tenure of the President and the Prime Minister be limited to two terms?
4. Should the number of Ministers, State Ministers and Deputy Ministers and Advisers or persons having status of Ministers/state Ministers/Deputy Ministers be limited only 10% of the elected members of Parliament?
5. Should there be any experience in public service before a person can be eligible as Ministers/State Ministers/Deputy Ministers or Advisers?
6. Should there be women constituencies for electing women in parliament?
7. Should functions of MPs be clearly spelt-out including dos and don'ts?
8. Should there be any time-frame in which local self-governments are to be constituted through elections?
- 9.. Should any amendment of the Constitution or any important national issue be put on referendum to people?
7. Should all constitutional and other important posts are to be recommended/nominated for appointments by a Committee representing two politicians from all major parties and civil society including professionals and experts in their fields ?
10. Should the powers of the President and the Prime Minister be equally balanced and clearly spelt out?
11. Should all state institutions including the Election Commission, Anti-Corruption Commission , Ombudsman, Auditor General and Public Service Commission be separated, strengthened and independent from the government?
12. Should there a Constitutional Forum representing government, civil society, human rights organisations and private business sector for better communication and decision on national issues?
13. Should representatives of civil society and business sector be allowed to participate as non-voting members in parliamentary Committees?
14. Should parliamentary Committees be chaired by representatives of opposition parties?
15. Should retired persons of higher judiciary be involved in any part of the administration? Should former Chief Justices continue to be the Chief Adviser in Non-Party Care-taker governments?
- 16.. Should there be any bar of 5 years for retired public servants or employees of autonomous governmental organisations prior to joining any political party ?

17.. Should there be a National Security Council for co-ordinating security and other national issues?

18. Should any political party not gaining 5% of popular vote in the parliamentary election be denied representation in the parliament or not recognised as a registered lawful political party?

***Conclusion:***

A robust and dispassionate national debate needs to be initiated by all political parties and all sections of society to consider these issues prior to a Constitutional Committee or Commission is constituted to draft a revised Constitution.

A Constitution is not something that cannot be changed. The Constitution is for the welfare of the people and not the other way round.

If drastic amendments of the Constitutions were made during the last 36 years, why can't we revise the constitution for a new political and economic order that reflects the hopes, wishes, and aspirations of people. Let there be a new beginning of Bangladesh.