

PM's dialogue with CHT peers

Election of public representatives crucial to region's future

THE August 30 meeting of two CHT kings and a prince with the Prime Minister has, in a way, opened a fresh dimension to the tribal discourse. If anything, a meeting like this will strengthen bonds between our central government and tribal peers by injecting confidence in tribal minds about the government's sincerity in addressing their problems.

The CHT has been gem of a region for centuries. It also gained its status since the mid 1970s by unleashing an 'up-in-arm' secessionist trend. The turbulence occurred despite the tribal heartland having transformed itself over the century from being an integral part of Chittagong to a 'mini divisional headquarters' with three separate districts tucked to its administrative structure. The evolution followed the British crafted CHT act of 1900 through the administrative devolution of the 1960s and 1980s to the CHT accord of 1996.

The 1996 accord was meant to be a road map to guide the CHT's shaping of its own destiny. But the snail-paced progress in the accord's implementation seems to have come from a number of factors, including a measure of opposition to the accord, tribal-settler rivalry, intransigence of a faction of the secessionists and deterioration in law and order situation in the hill districts.

Factors like these may have had an adverse impact on the authority's enthusiasm to hold elections to empower local authorities. The lack of a functional public representation thus stymied local development works that were slated to take place in collusion with the newly created CHT affairs ministry.

That being an inescapable part of the CHT's convoluted history, Raja Deavish Roy sounded upbeat in the aftermath of this latest meeting with the PM. The 'second track approach,' if one may brand such a meeting as such, will keep open a direct channel of communication between the top executive of the country and local CHT leaders, the tribal peers believe.

Such meetings are also scheduled to be held each year, according to sources, while the tribal chiefs might get their wishes of enhanced government cooperation granted by the PM sooner. Their wish list includes accommodation, transport and administrative backing to function smoothly in running the affairs of their respective fiefdoms.

No dialogue, however, can serve as a substitute for the holding of elections in the three CHT districts and to the regional council. Dialogue and collaborations will result in wonder if the decision-making in the CHT becomes a joint venture among traditional tribal leadership, elected representatives and the central government.

Wanted criminals in BNP-led procession

A mockery of rule of law

SIX notorious gangsters on the Khulna Metropolitan Police's most wanted list were spotted in the BNP-led four-party procession and rally staged on Friday in Khulna town. This ruling coalition solidarity exercise in reaction to Awami League hartal and demonstrations over the ghastly murder of local AL chief Monzurul Imam could not carry any conviction. For, it was obviously tainted by the brazen-faced presence of fall guys. It was terribly disquieting to see Moin Jamadder, Momin Saddam, Farid Mollah, Babu, Sagar and Kakon allegedly in the same frame with party leaders and workers in the streets. The very sight of them struck fear in the onlookers. The criminals whom the police purportedly have been desperately looking for were seen jauntily moving in a four-party coalition procession under police guard, or shall we say, protection!

Listed criminals have a way of cashing in on such an occasion to romp into public view by way of laundering their soiled image. They flaunt their supposed links with local ruling party elements to the policemen so as to ensure inaction on their part. This is a much abused art of gaining legitimacy on the sly. There is another reason behind their cleverly devised reincarnation: an intra-party faction leader might have just used them to gain an upper hand over his rivaling group. The city BNP general secretary reportedly admitted that the listed gangsters were seen in the four-party rally and that their presence could have been the upshot of internecine conflicts. It is understood that the matter was even discussed by the top brass in the local party unit. One wonders why despite the recognition of such devilish criminal presence of known elements in the procession and rally not a single finger was moved to apprehend them! The police didn't dare touch the hoodlums as they were found in the company of the mayor, local MP and other leaders. But did they try? One of the wanted criminals openly bragged about his freedom of movement.

This is the worst-case syndrome of patronising criminal elements within a ruling party come alive once again after what we had seen during the erstwhile Awami League. When would things change? Criminals will always try to stay close to the party in power. But should the latter, even unwittingly, cultivate them?

MUHAMMAD NURUL HUDA

THE present day sub-continental police officers and their sub-culture face challenges that are without precedent. For understandable reasons the police may be seen as a whipping boy but the scenario is definitely not desirable and, perhaps, justifiable. There is, admittedly, no durable agreement among the various segments of society as to what is expected or wanted from the police organisation.

Police culture and public image of police are inextricably linked. If policemen could be seen as gentlemen who are courteous and conscientious but who at the same time are capable of using skillful force when necessary that would be an ideal public image of the police. On ground, however, there is a regrettable chasm between the ideal and the reality.

Behaviour pattern: The misbehaviour of police with complainants with the ulterior motive of avoiding registration of cases, subjecting suspects to physical tortures to force them to confess their guilt, killing innocent persons in fake encounters thereby getting involved in an inordinate amount of lying about matters of life and death, instances of rape of women in or out of police custody, not responding promptly and adequately to calls of serious individual or public distress thereby causing loss of human life and property are some of the commonly cited behavioural aberrations of police culture.

Improper action and dereliction: False implication of innocent persons in criminal cases at the instance of influential persons, fabrication of evidence with a view to securing conviction, beating people on petty grounds, favouring persons for financial consideration and resorting to extortion or wrong

doings at the instance of relatives, friends or people in authority, are gross dereliction of statutory duty. Newspaper report, amongst others are the unfortunate testimony to the fact that the police have indulged in dubious and deplorable activities, which are culpable. The mirror of public opinion speaks of a tarnished

with the defacto expectations (compatible with rule of order). There is, thus, a belief that the police's principal value lies in the efficient enforcement of the prohibitive norms of substantive criminal law.

Third degree methods of investigation: The third degree

sub-continent then very appreciative of the third degree methods when our adversaries are at the receiving end? Conversely, do we cry hoarse when we are the victims? One considered view is that social control in the form of approval or disapproval of police action can motivate the police to

becomes relevant because many instances of torture for extorting a confession take place during police remand. The question here is, will it be desirable to do away with police remand without hampering investigation of cases or standing in the way of bringing the offenders to book? Will such a step mean denial

innocent from being punished many guilty persons must be allowed to escape. This of course must not detract one from the belief in the dictum that the purpose of honest investigation is to ascertain the facts and actual circumstances by unbiased investigation. The investigating officer should proceed from evidence to accused and not the other way.

Since police have no power to adjudge guilt they should place evidence as it is before the court. Determined efforts must be visible at the highest political and administrative levels to weed out the black sheep who by resorting to illegal and immoral methods blacken the credibility of the investigating agency.

The police sub-culture should, with support from the community being available pursuant to positive pro-active actions, strive to acquire the following-

- a) To be apolitical and impartial in the application of law;
- b) To issue lawful orders to subordinates;
- c) To organise legal aid as part of collaborative arrangement to inform citizens about their rights and duties under the law.

In the process of acquiring the above, help and support are necessary to ensure that interference with the statutory duties of police is not encouraged and directions are not given for performance of duties in a manner inconsistent with specific statutory provisions, and statutory power of police is not taken away in derogation of law.

Muhammad Nurul Huda is a former Inspector General of Police and Secretary.

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image. The misdeeds of the police of the sub-continent displays the ugly shape the police culture has willy-nilly acquired.

Delinquent police officers and the role expectation: Policemen indulge in doing things which they ought not to do or refrain from doing what they ought to do, to favour people in authority. They do so to obtain choice postings, to avoid being transferred, to mitigate disciplinary measures or to earn a promotion. There is thus in existence a basis for mutually advantageous barter. In this process of undesirable law-enforcement, the police image is tarnished. Paradoxically, such delinquent officers are in demand because they are "tough" compared to the adopters of straight legal methods who are considered "softies". These "tough" officers are considered fit and efficient to handle explosive situations whatever the means may be. These officers will not put sustained efforts to achieve substantial results. The "softie" officer may be able to show substantial results in the long run but the people who matter are mostly interested in short-term spectacular results even though they may be harmful. Therefore, it appears that the *de jure* expectations (compatible with the rule of law) of the police are at variance

method in the investigation of criminal cases alienates the police from the public and people dread the police. The third degree methods in addition to being severely image tarnishing, is a punishable offence under section 330 and 331 of the Bangladesh Penal Code. To obtain a confession by tortuous method is more reprehensible than ordinary criminal acts. Thus when law of the land punishes the practice of third degree with a punishment of seven to 10 years imprisonment why do police officers take such a grave risk on their shoulders? Are we in the

become just, fair and law abiding. If the society firmly refuses to condone policemen's unfair and illegal methods, the transgressions of law by law enforcement officers would gradually decrease to a bearable level.

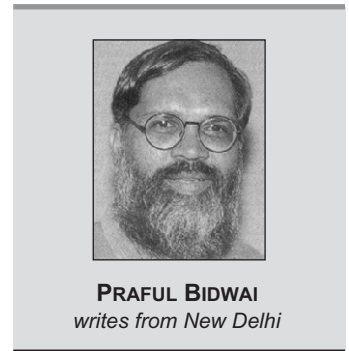
Remand to police custody: Many policemen fail to realise that a confession under pressure even if judicially recorded is often false, often unverifiable and is often retracted in court. A confession once retracted is of very little value to the prosecution without substantial corroboration from other independent sources. The above observation

of opportunity to complete the investigation? We may do well to seriously ponder over likely amendments to the criminal procedure code (sec 164 and 167) and Evidence Act (sec 27) without sacrificing investigative efficiency while retaining the utmost concern for individual liberty.

Performance indicators: The insistence on good results acts as direct motive amongst subordinate police officers to inflate their outturn for the annual inspection by padding, concoction and fabrication of evidence in specific cases with a view to showing a high percentage of convictions, as against honesty of purpose and devotion to duty. Another cause for padding is the distrust of police evidence by the law. Some police officers say they resort to improper methods because courts do not believe them. Another indirect cause is too high a standard of fool-proof evidence insisted upon the courts. This results in sarcastic remarks like "judicial quest for perfect proof often accounts for police presentation of fool-proof concoction". The point to ponder is, can one realistically seek perfect proof in the matter-of-fact imperfect world where truth suffers some infirmity when projected through human process? One may wonder whether in the meticulous hypersensitivity to delete a rare



UP slap in the BJP's face: The wages of opportunism



PRAFUL BIDWAI
writes from New Delhi

THE decisive speed with which Ms Mayawati wrecked her Bahujan Samaj Party's alliance with the Bharatiya Janata Party is stunning. The BJP leadership was taken so completely aback that its sole counter-gambit was to give to the UP Governor a letter withdrawing support.

This was clearly an afterthought - two hours after the August 25 Cabinet meeting.

This shows the BJP in poor light. It demands a revision of the view that the BJP's ideology may be controversial, but its leadership is astute, and always stays one step ahead of its adversaries.

UP's BJP leaders didn't have a clue to Ms Mayawati's likely moves - even after she told the media the previous day to expect "spicy news". Meanwhile, she drafted an elaborate 30-page letter to the Governor.

To cover up its political ineptitude, the BJP now claims that Ms

Mayawati's recommendation to the Governor to dissolve the Assembly is invalid because it came after she had lost her legislative majority. But she commanded a majority when she held the Cabinet meeting! Not one BJP minister resigned for the next two days despite the "withdrawal of support".

It is constitutionally irrelevant for the BJP to claim that Ms Mayawati

openly says the two parties shared neither ideology nor programme, only power. Why else would she ally with a party wedded to casteist *Manuvad* -- the antithesis of Dalitism?

The BJP is *more culpable* than the BSP for this unprincipled politics. It allied with the BSP for the third time -- with its eyes wide open. Unlike the BSP, which says it needs

forecasts a friendly *India Today*-ORG-Marg poll, will lose 55 Lok Sabha seats (from the present 304), reducing the NDA to a minority.

The BJP's own national tally appears certain to drop from 182 to under 150. Without the BSP's help, the BJP might win barely 100 seats - reflecting its "natural" status.

The collapse of the BJP-BSP alliance in UP will have an

Amongst these are: communal polarisation through sectarian issues (e.g. Ayodhya, cowslaughter), and terrorist violence, for which to blame Muslims, with or without proof.

The BJP can stoop very low. It can incite and use communal violence as a strategy of political mobilisation. Other parties may occasionally flirt with communalism or soft-Hindutva. But none (barring

motifs, etc. which are "distinctive features" associated with north Indian temples.

However, archaeologists Suraj Bhan and Supriya Verma and historians Irfan Habib and R.C. Thakran, who have visited the site many times, say "no pillar bases" exist. They don't belong to a single period; they aren't aligned, and the material doesn't suggest a temple. "When I was there, I did not see any 'massive structure' beneath the Babri mosque," says Prof Thakran.

The "pillar base" is an old red herring. In 1975 too, pro-Hindutva archaeologist BB Lal claimed to have excavated "pillar bases". This claim was convincingly refuted by archaeologist D. Mandal. To establish a temple's pre-existence, what's needed is not figurines or carvings, but a stable structure, with clearly defined walls, plinth, base, etc. That has not been found.

The BJP will try to capitalise on popular ignorance of archaeology, and play on "patriotic" sentiments and false pride about Indian civilisation. It will stoke feelings of revenge and present our religious minorities as villains. It must be stopped in its tracks.

Postscript: Mr Mulayam Singh Yadav's appointment as CM has raised high expectations, especially about the Ayodhya-case chargesheet against Mr Advani and about a secular, non-vindictive, agenda. Mr Yadav must not disappoint.

Praful Bidwai is an eminent Indian columnist.

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made her decision "unilaterally", without "consulting" her allies. Under the Westminster system, which India follows, the Chief Minister's word is final.

In any case, according to *The Indian Express*, Ms Mayawati had obtained her ministers' prior signatures on a blank sheet. As to how the BJP supposedly a "party with a difference" agreed to this servile and humiliating arrangement defies comprehension.

But let that pass. Let us also not go into the rationale of the Governor's decision not to dissolve the Assembly.

What is material is the *pathological* opportunism underlying the BJP-BSP alliance. Ms Mayawati

short-term power to advance the Dalit cause, the BJP claims adherence to "principle".

The BSP's UP social base is unshakable. That's not true of the BJP. Now even the "novelty factor" hasn't worn out.

Thanks to its third "honeymoon" with the BSP, much of the BJP's upper-caste support has eroded. Earlier, most of its OBC support-base moved out when former CM Kalyan Singh was expelled.

It would be a great surprise if the BJP retains even half of its current seats in UP: 87 (of a total of 403), compared to the SP's 142 and the BSP's 110.

The BJP's situation nationally is hardly better. The BJP and allies,

immediate impact on the four Hindi-heartland Assemblies (Rajasthan, Madhya Pradesh, Chhattisgarh and Delhi) where elections are due. Without the BSP's crutch -- through its 6-to-10 percent vote -- the BJP could face a defeat in all four states, especially if the Congress reaches a seat understanding with the BSP.

This, on top of reverses everywhere except Gujarat, and growing general unpopularity due to misgovernance, spells serious trouble. In the next Lok Sabha elections, the BJP faces disaster, and loss of credibility, leading to yet more electoral-political defeats.

So the party will try devious and desperate means to avert marginalisation and collapse.

the Shiv Sena) has systematically used anti-minority violence to garner votes like the BJP.

Amidst the BJP's grave crisis comes the report of the Archaeological Survey of India on the Ayodhya excavation. The BJP will use it to press the temple demand. But the "final report" is *thoroughly rigged*. None of the ASI's earlier "interim" reports even mentioned the possibility of a temple having pre-existed the Babri.

According to reputed archaeologists and historians, the "evidence" of a 10th century temple was smuggled in at the last stage, dodging independent scrutiny. It cites as key evidence 50 "pillar bases" with carvings bearing lotus

OPINION

Why not go for some positive changes?

DR. M. S. HAQ writes from New York

IF we are really serious regarding bringing about positive changes in our local, national, regional and global dimensions for an overall progress and prosperity of Bangladesh and to set example(s) for others to follow, we can do that in a number of ways. Here are a few suggestions:

1. Connect commitment with accountability and mainstream accountability in our planning, programming, implementation, monitoring and evaluation principles, processes, systems and practices. We should discard the current global practice of using goal(s) as a starting point for, say, the formulation of a community development plan. We should use commitment based accountability instead. It should form the core basis for defining the goal(s) of a plan *per se*. The goal(s) would then create a basis for the determination of other components of the plan. The proposed change could, among other things, give us a solid latitude for connecting more directly pertinent commitment(s) to

accountability and then to eventual results and outcomes in a policy-outcome continuum.

A windfall from the above could assist the people of Bangladesh in making *inter alia* an assessment of, say, how much successful or unsuccessful the political parties (within and outside of the government) are at present (or were in the past) in the fulfilment of their pre-election commitment(s)? It could help the people to decide whom to vote at least in the next election. Besides, it could assist the political parties, NGOs and others in their effort towards self-evaluation and course correction.

The use of commitment-accountability compact (as an initial condition for actions and initiatives at local, national and global levels) could facilitate optimal good governance, as well as developmental outcomes (among others) in an increasingly interdependent world. One of the reasons being: it could encourage cutting-edge innovations on the part of commitment makers for making their commitments more realistic, competitive and result-oriented. It could force our political parties to

take their commitments (to the people) more seriously than ever. World countries including organisations like WB and UN may opt for the commitment-accountability based planning, programming and implementation in pertinent areas. The bottomline is: the commitment-accountability compact would perhaps work optimally in a country (for example) wherein people-state synergy is productive.

2. Make community, as well as national data and statistics more useful and reliable for strengthening, among other things, the people-state synergy. In an increasingly quantum world, Bangladesh should ensure a maximum harnessing of ICT opportunities *inter alia* for managing its information, data, statistics, etc. (hereinafter: information, unless mentioned otherwise) in a more productive manner. There is a correlation between information management and good governance.

For a result generative and people centred information system, several factors need to be examined. Such as: the just-in-time availability of useful and reliable

information; the scope, level and volume of information related transactions; the modes of the use of information; the trust of information users; and the potentials of available information for creating desired outcomes. The government, mass media (both print and electronic), political parties and others including the citizens have accountability, in varying degrees, for the promotion of a productive information regime in Bangladesh. WB, UNDP and other donors should assist Bangladesh in the above area partly because it would also serve their purposes. A comprehensive and reliable information system in place could help shorten the present gap in the input-outcome ratios of donor assistance to the country. It could also be instrumental in enhancing the quality and the accuracy of the UNDP sponsored HDI.

On its part, Bangladesh has a number of things to do in pertinent areas. Such as: a BMR of the government's statistics outfits; the establishment of a nation-wide network for, say, the consolidation of useful data and statistics generated by various organisations; the setting up of community data banks with the

support and participation of civil society (I do not know whether they currently exist? If so, are they functioning optimally?); the use of reliable information screening and updating systems (at local and national levels) for maintaining the quality and usefulness of data and statistics; the improvement of numerical comprehension and communication skills of grassroots Bangladeshis and others in order to increase the size of users; an overall improvement in the dissemination and the use of the right information at the right time and costs by Bangladeshis; and the establishment of a special court to deal with fraud, forgery, corruption and other acts of misconduct that are connected with, or incidental to, a proper management, as well as preservation of national data and statistics. In this respect, the need for law reforms in pertinent areas should be explored and measure(s), as deemed fit by concerned authorities, taken.

3. Hold the government, political parties and others fully accountable for their action or feedback (or both) with regard to the numerous change proposals (etc.) that are being

generated through in-country and ex-country discourses, debates and other means and presented to concerned quarters for decision and implementation. One of the reasons being: the present outcomes (of the above efforts and initiatives) are apparently nowhere near the energy and the resources spent (in pertinent areas) by the sponsors, the resource persons, the participants and others, and their commitment to common good. Hence, it has now become expedient for Bangladeshis to initiate discussions and debates that would focus, among other things, on: How can they make the government, political parties and others more responsive to the proposals (etc.)? How to develop consensus with regard to the materialisation of the proposal(s)? How to support the concerned quarters for the implementation of the proposal(s) agreed by and between all concerned?

To deal with the people's proposals in a more efficient and systematic manner, the political parties (in the parliament) should establish a parliamentary committee on People's Participation

in Governance. The purposes of the committee would, among other things, be to: hear the proposals; accept them for scrutiny; give the public feedbacks on the proposals within the agreed deadline; share with the public the reason(s) leading to the acceptance or non-acceptance of a proposal; inform the public periodically about the work-in-progress of the proposal(s) under implementation; and seek public support and help for the implementation of proposal(s), as needed. The political parties that are not currently represented in the parliament may *inter alia* join the public and support their efforts in pertinent areas. The bottomline is: inaction or a limited action or a delayed action or an unproductive action by concerned quarters with regard to a potentially hi-impact public proposal could de-accelerate the participation of Bangladeshis in the country's governance. Bangladesh cannot simply afford that at this point in time.

4. Accord the development of plastics industries in Bangladesh a competing national priority. The use of plastics say, in engineering applications has an enormous

potential in the 21st century. One present day application of fabric-impregnated laminated plastics is the making of automotive timing gears. The nylon bearings are plastics parts produced by injection moulding. Plastics tooling is another area, the composition of epoxy and resin has reduced the manufacturing expense of tools in many ways. Because the composition can be used to make a wide variety of dies, moulds and fixtures. Relatively light weight and high tensile strength of the plastics have, among other things, made the plastics parts operationally and economically feasible, for example and as applicable, in aero space industries. They have been contributing to higher fuel efficiency, among others.

In view of the above, the present, as well as the future market potential of plastics and other considerations, Bangladesh should formulate a result-oriented and future looking national strategy for the development and the diversification of plastics industries in the country, focusing, among other things, on an extensive private sector participation in the area, and the demand dynamics.