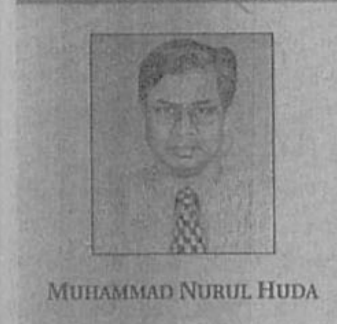


The pathos of mass arrest



MUHAMMAD NURUL HUDA

THE heart-rending cries and the anguish of the hapless friends and relations of the scores of people who were arrested by the police in the wake of opposition political parties programme of Dhaka siege of 11th June last, apparently to dampen and thwart the spirit and morale of party activists, has not escaped the attention of the well-wishers of our democratic polity. The sheer staggering number of arrestees including men and women of humble background that appeared in newspapers, not to speak of other incidents beyond the reach of the media, is sufficiently demonstrative of an abnormal enforcement tactic on the part of the regulatory outfit and an ill-thought policy of the political establishment.

The credibility of such arrests is open to serious question as no abnormal incident has taken place before or during the arrest to justify the grounds of so-called preventive arrest under the law. While it is a fact that police may interpose to prevent the commission of cognisable offence and cause arrest, the ground reality does not point to such contingency. One would, therefore, be not incorrect to understand that such arrests mostly, if not all, were made on subjective grounds and perhaps on political considerations and directions.

STRAIGHT LINE

All segments of the judiciary have to assert themselves. Our apex court has already given a number a procedural and administrative guidelines in respect of arrest under section 54 of the criminal procedure code. This has to be followed up in right earnest by issuing strictures and where appropriate by arranging to institute criminal proceedings against delinquent officers. One or two criminal convictions of wayward police officers would have a salutary effect. The fear of authority needs to be instilled.

A large number of people apprehended before and during the siege have been shown arrested in connection with criminal cases lodged much earlier at different police stations. This manner of arrest will definitely raise grave suspicion about the genuineness of the arrest and the alleged high handedness of the law enforcers. The reality is that mostly an overwhelming majority of such arrestees are released in the not-too-distant future without any specific charge being framed against them. The disconcerting part in the whole transaction is that neither the lower judiciary takes a serious view of such indiscriminate and mindless action of the police and issue strictures for corrective action nor the suffering members of public are in a situation to take recourse to civil and criminal remedies for the apparent wrongful confinement and loss of liberty.

The above scenario, undoubtedly, does not augur well for a civilised democratic polity. In particular, such thoughtlessness on the part of a political government makes a mockery of the guarantee of the fundamental rights so eloquently enshrined in our constitution. Our leaders tend to forget that a fall-out of such a despicable process as above is the encouragement and development of a culture of political vendetta. This pernicious culture becomes an anathema to democracy

because in such environment tolerance, compassion, sympathy, respect for a different view, all essential tenets of a lawful society take leave of us. Let us not forget that our people mostly are of excitable temper and thus if our political leaders do not adopt a moderating posture in matters affecting public good then our less-than-stable democracy stands to suffer grievously.

Worries of citizens

One may wonder if we are still living in a country where the paramount interests of the colonial and imperial power have to be protected by the sentinels of order, come what may. Concerned citizens may want to know how further low we shall stoop to dehumanise our law enforcement apparatus, specifically the police.

A democratic polity may, therefore, reasonably ask as to why our law-enforcement organisation is plunging headlong into a legally indefensible course and with such disconcerting gusto? Are they acting at the behest of ill-advised political masters? Are our police doing things they ought not to do or refraining from doing things they ought to do, to favour politicians in power? Are they asking politicians-in-power to use their influence to obtain choice postings, to avoid being transferred, to mitigate disciplinary sentences or

to earn a promotion? Though unfortunate, there is a belief that a necessary basis has been provided for a mutually advantageous barter between police and the politicians. People think that the give-and-take between the police and the politician is thriving.

By resorting to practicing such lawless law enforcement, which obviously is a contradiction in terms, as doubted above, the police inevitably further tarnish their adverse image. Paradoxically, such lawless police officers are in high demand in our seriously polarised polity. Believers in the rule of law and followers of strict legal methods are considered to be 'Cows' and 'Sisies'. The government is always more concerned with the so-called order than the observance or law. Therefore, the remedy largely lies in the attitudinal change in the police whereby our police culture will get a relief from several scourges including false implication of innocent persons in criminal cases. That would be some achievement as substantial remedy would follow from the change in the attitude of the political government, the real wielders of power. Their colonial mindsets has to change.

Preventive action of police

What is required under section 151 of the Criminal Procedure Code is that the police officer concerned must know that the person to be

arrested is designing to commit a cognisable offence. An "apprehension" that he may commit an offence is not sufficient under the provision. Apprehension is not the same thing as knowledge. The former is mere feeling. Latter is definite conclusion. If arrest is made under this section without an emergency being there, the arrest will fall under the category of being illegal.

One may reasonably suspect that the above legal provisions, procedural directions and precautions as envisaged in the code have not been applied while making the staggering number of arrests within 2/3 days as reported in the newspapers.

Remedies to rash action

In a democratic set-up, the members of the police must be made to realise that they are not above the law but subject to it like all other citizens and all their actions have to be supported on ground of legality when challenged before a court of law. The question is, how do we do that? One way of ensuring that would be to question police indiscretions and excesses, specially the major ones, in courts. As has been mentioned hereinbefore, the legal authority and responsibility to arrest on suspicion is personal, so each individual officer must be made to account for rash and indiscriminate arrest, if so proved.

To be more specific, a wrongful arrest of graver type should make the arresting officer liable to a charge of wrongful confinement under the penal law of the country. Therefore, if the authority arranges to commence criminal proceedings for wrongful arrest, the wrongdoers in enforcement outfit would get the message and hopefully, rash and illegal actions will be on the decrease. All segments of the judiciary have to assert themselves.

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delinquent officers. One or two criminal convictions of wayward police officers would have a salutary effect. The fear of authority needs to be instilled.

For their part, the senior officers should be able to prove that law observance by the police is the best form of law enforcement in a democratic country under the rule of law. They should be ready to carry out the behest of law at any cost.

The concept of legal aid to the poor in criminal cases should be enhanced on a war footing. This step will reduce the possibility of wrongful confinement and false incrimination in offences. NGO activism should be encouraged to keep a close watch on police indiscretions, specially the arrest on suspicion. Simultaneously, investi-

gative journalism should expose gross misuse of arresting power.

Claims for damages caused by wrongful arrest should be instituted by activating the law in this regard. There should be no bar in fixing the civil liability caused by wrongful arrest. That would be a damper to highhandedness.

Last but not the least, the political governments must stop politicising the police as that would mean compromising impartial and efficient service to the citizens. The politicians have to realise that the right to live is not merely confined to physical existence but includes within its ambit, the right to live with dignity.

Muhammad Nurul Huda is a former Secretary and IGP.



Relatives of mass arrestees crowding the jailgate

Primary education in disarray



MD. ASADULLAH KHAN

IF the recent events are anything to go by, our partners in the development process of the country, namely the World Bank, ADB and DFID are not impressed by the government rhetoric. The World Bank country director, Christina Wallich, expressed her dismay at the deteriorating law and order situation, especially the governance problem in the country in a press conference following a two-day workshop on MDG starting June 6 last. The governance problem, Wallich pointed out, would take a further dip during the last months of the alliance rule. After the 14-party opposition combine's call for the resignation of the ineffectual and much talked about CEC and two members of the commission by June 11, the people are apprehensive that the country will be caught in a political whirlpool.

There is a sense of déjà vu here in the country as we watch a paralysed government struggling to hang on to its brute majority till the last day ignoring or rather defying all doomsday scenario being played out. In the backdrop of violence, death and destruction looms the deadly serious issue of the country's political future.

With the new voter list preparation problem coming to a head now after the Supreme court verdict, and

BITTER TRUTH

As far as the government is concerned it is statistics about the spread of literacy that count. But if education is a means to transform lives then a substandard education is of little use. Despite the fact that finance minister in his budget proposal has made the highest allocation -- 15.9% -- in the education sector, no mention has been made about the amount going for the development of the primary education. With the primary school teachers agitating in the streets of Dhaka to realise their demands the situation in the educational sector as now turning messy and chaotic.

the CEC MA Aziz and two commissioners clinging to their positions despite widespread criticism about their partisan role, prices of essentials skyrocketing with each passing day, garments sector in flames and foreign exchange reserve dipping alarmingly, the country is heading towards critical economic meltdown.

But unhappily the BNP-led alliance government seems to be cynical about all these ominous developments. It is an irony that should escape no one. People are asking where all the money put in the power sector, infrastructure development, poverty alleviation programme go without bringing about the slightest change in the development index of the country? The party that used the religion issue to muscle its way into power is lost in the maze of its own creation. People had expected this party to act in a responsible manner as government but, sadly, it has failed to bring any relief to the general public as well as to its rank and file.

The money the alliance government put in the pipeline of development has mostly gone into the pockets of its stalwarts, flunkies and over zealous and over sheltered cadres and greedy politicians, so go the allegations. In recent times it has never ceased to amaze us that, regardless of the state of the economy, the level of ostentatious

consumption keeps on increasing in the country. Since the advent of liberalisation and market economy, the hesitation to display one's wealth publicly has virtually vanished. Earlier such displays were clouded with a degree of embarrassment; now there is little inhibition. But behind the glitter of the glitzy malls attracting a section of the people and brand new luxury cars plying the city streets, there lies a pathetic story of wanton poverty and helplessness of a vast section of the populace that ekes out a miserable existence. Conscious citizens fear that politician-bureaucrat-powerocrat triumvirate continues to gloss over the country's problems for short-term gains.

Evidently, as it has always been the case in the country during the last four years it was not money as much as the lack of good ideas, programmes and most of all, proper functioning that stood in the way to achieving the targets of development.

As someone who believes fundamentally that Bangladesh will be a developed country only if we manage to make every Bangladeshi literate, I seize any chance to bring up the subject. The finance minister's budget placed in the parliament on June 8 last made no special allocation on primary education front. Undeniably true, liter-

acy drive forms the most crucial factor in achieving the MDG. Since independence of the country in 1971 primary education has been treated with a mixture of neglect and tokenism that has made us one of the most illiterate countries of the world. Referring to the recruitment of 14000 teachers in the primary schools in the next few months, the World Bank director expressed her dismay at the move to recruit these teachers on political consideration rather than on merit and professional skills. The move comes at a time when education at the primary stage is mired in a crisis. Its problems are two fold: lack of resources and declining quality.

The reason for declining quality of schooling in the country, as one might have recognised, is the physical infrastructure that is woefully inadequate. If all children were in school as they are meant to be, school buildings or ramshackle houses, as they are now, would burst at the seams. Our survey in some sample villages from Magura to Narail to Jhenidah to Satkhira in an effort to find enrolment of girls in these schools revealed a very depressing picture. Girl students in most families do not go to schools mainly because of the reluctance of the parents to spend on their daughters' education. This is amply supported by the fact that if

resources are scarce, the tendency is to give priority to boys.

Moreover, in some villages there is no infrastructure worth the name. It has been revealed that the state of the premises was the main reason why children were not drawn to school. In many villages if there are structures or tin-roofed houses or even brick-built houses, these have leaking roofs, making it difficult to hold classes during rains. In the present set up of the primary schools with an enrolment of about 200 students in each school, how much attention can a child hope to receive from his/her teacher is anybody's guess. In one finding it has been revealed that children who have managed to study up to class five learned almost nothing. Most of them are unable to read or write even after several years of schooling. Other than that, their hand writing is abysmal. The reason is that paper is costly and children do not get or their parents cannot provide them with enough paper or copy book to practice handwriting.

The situation in the secondary schools and colleges is also equally appalling. English is hardly taught even at the secondary stage and there is a dearth of competent English teachers. As it appears, education from primary to college level is a low priority subject. In this background it is easier to understand why so many

students drop out, despite the high level of parental interest in their wards' education.

On the other hand, teachers' quality and teaching ability are also abysmal, because many of them roped their way to the teaching profession, most often not to their likings and interest. No wonder the teaching job that demands high commitment from the teachers is a distinctly missing. The dismal performance of the students in the SSC examinations as well as the quality of the products from all such rural based primary and secondary schools calls for an in depth analysis of the state of education in the country. To drive through the villages in the northern and southern districts of the country is to understand in all its horror the extent of our population problem: vast cohorts of malnourished children

moving on the streets aimlessly.

In village after village you see it is the poorest, most illiterate women who have the most children. Precisely speaking, most of the countryside is now portrait of human misery because of our failure to invest in our children's future. The condition in which these women and children live begs any description. This is a country in which many are still basking in the glow of their riches. The ruling party bosses since they assumed power in 2001 have often spoken about alleviation of poverty and empowerment of women. True, when leaders lack the sagacity and stamina to make policy that works, they give us slogans. But there can be no empowerment 'such a fashionable word these days' without literacy.

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concerned it is statistics about the spread of literacy that count. But if education is a means to transform lives then a substandard education is of little use. Despite the fact that finance minister in his budget proposal has made the highest allocation -- 15.9% -- in the education sector, no mention has been made about the amount going for the development of the primary education.

With the primary school teachers agitating in the streets of Dhaka to realise their demands the situation in the educational sector as now turning messy and chaotic. It is time our leaders and planners realised that a country's human capital depends on the quality of its educational system.

Md Asadullah Khan is a former teacher of physics and Controller of examinations, BUET.



Primary school teachers on token hunger strike

A blemish on Muslim image

BRIG. GEN. GYASUDDIN A CHOWDHURY BB, PSC (RTD) writes from Toronto

THE unveiling of a plan to attack key installations in Canada by home grown terrorists has created a sensation not only within north America but has also attracted world wide attention from the international media including The New York Times and CNN, NBC, CBC ABC, FOX and Al Jazeera TV networks. All their reporters descended on the court house in Toronto, broadcasting the events live.

Since the arrest of the terrorists early this month (June 3) the media in Canada have dedicated 80% of the news and analysis to the terrorists, their back ground, life style and day to day activities. The US government immediately tightened the border with Canada. Canada was blamed by a US senator for taking in too many immigrants without checking their backgrounds.

The 17 people who were arrested are alleged to be members of the homegrown terrorist cell plotting

attacks in Canada. Many of them are very young, five of them are in their teens and school goers. All of them are Muslim by faith. One of them Steven Bikash Chaud converted to Islam taking the name Abdul Shakur. They all are Canadian nationals. Their parents came from various ethnic backgrounds. Full first page photographs of these terrorists were being printed in the dailies. 12 of them were charged under terrorism provision of the criminal code for knowing, participating in, or contributing to, directly or indirectly, a terrorist group, or facilitating a terrorist activity. Three of them were charged concerning smuggling of guns (from USA). Nine of them were charged with training for the purpose of terrorist activity. The four men charged under the provision of criminal code were alleged to have either recruited or trained others for the purpose of terrorist activity. Six men were charged with intent to cause an explosion at the direction of or in association with a terrorist group. Out of the 12 accused one Fahim Ahmed, a 21 year old young

Whatever may be the case, at the end of the day the Muslims living in the western world are, in general, sufferers. Out of 750,000 Muslims living in Canada, 17 disgruntled and derailed youths were enough to blacken the faces of the Canadian Muslims who are law abiding citizens contributing to the economy and culture of the country and working hard to make Canada their home. It is the same with the Muslim population living in UK and USA.

prisoners" being held in Canada (No specific names); blow up the media outlets including CBC headquarters in Toronto; behead Prime Minister Stephen Harper.

The day after the arrest of these terrorists, one mosque was vandalised. However general public reaction was cool as the Canadian people are tolerant by nature and believe in multiculturalism. The Muslim religious leaders condemned such plan of actions by the so-called young, adventurous, home grown terrorists.

Internet was the main linkage between them. They even openly chat on the internet. They used some religious places for interaction as alleged by the police who were tracking them for quite some time. The Toronto arrest has been linked with more information

about the activities of some young people in London. An internet café was raided and one young man by the name of Abid Khan, a British Pakistani, was arrested there. British police seized computer equipment etc. While looking for a 15-year old boy by the name of Sultan Khan London police searched the house of a spiritual leader, Yakub Munshi, (probably Bangladeshi) twice but found nothing. He is a leader of Tablighi Jamaat in London.

These are the adventurous young boys who are totally disillusioned between Islamic values and western way of life. They did not assimilate well with the Canadian/western culture. The outcome is the outburst of such a dangerous consequences. Their parents and some of their peers are

to be blamed for inculcating fanaticism in them. Efforts should have been made to guide them within the mainstream of the society by their parents and teachers at all levels. They should be told that by practicing Islam or any other religion one could also easily be assimilated into a modern society and culture. Canada is a country which gives freedom and facilities to practice multiculturalism and religion to all the immigrants.

Some moderates and columnists while analyzing the issue, gave their opinion saying that the present Prime Minister of Canada Mr. Stephen Harper may be blamed to some extent for his latest decision to stop aid to Palestinian people for electing Hamas government through popular democratic process, and also for sending

troops to Afghanistan while scenes of massacre by allied troops in Afghanistan and Iraq are shown in the media...

Canada did not have any enemy while Mr. Jeon Critean was the Prime Minister. The Muslim world was very well disposed to Canadian government and its policies. Why so now?

Mr. Thomas Walkom a popular columnist wrote in the Toronto Star, "Also the time chosen by police to arrest those terrorists last week come at convenient time for the Harper government. A rise in the public fear quotient could increase popular support for his decision to keep Canadian troops in Afghanistan another two years to wage war against Taliban and other insurgents."

So far 27 Canadian soldiers have been killed in Afghanistan. Capt (Ms) Nicholai Goddard died in an encounter with resistance forces of Afghanistan and her funeral took place on 8th of May and was shown live in the electronic media.

ever, might convince more Canadians that the Afghan war is necessary. The arrest also came at a time when Parliament is conducting a mandatory five-year review of Canada's new anti-terror laws. Before the arrests, there was a possibility that parliamentarians might recommend that the Harper government ease up on some of those laws. That now seems unlikely.

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Polis show that public support has been slipping for that war. The spectre of terrorism at home, how-

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