

Law and Our Rights

The Police and its Mighty Power of Arrest

by Abul Hasnat Monjurul Kabir

THE word 'arrest', when used in its ordinary and natural sense, means the apprehension or restraint or the deprivation of one's personal liberty.

criminate use of power of arrest conferred by this section causes innumerable incidents where the police have used this (Sec. 54) to harass one person at the behest of another.

hours of arrest, excluding the time necessary for the journey from the place of arrest to the court of the magistrate and (iv) he must not be detained for a period longer than twenty-four hours plus the time of journey without the authority of the magistrate.

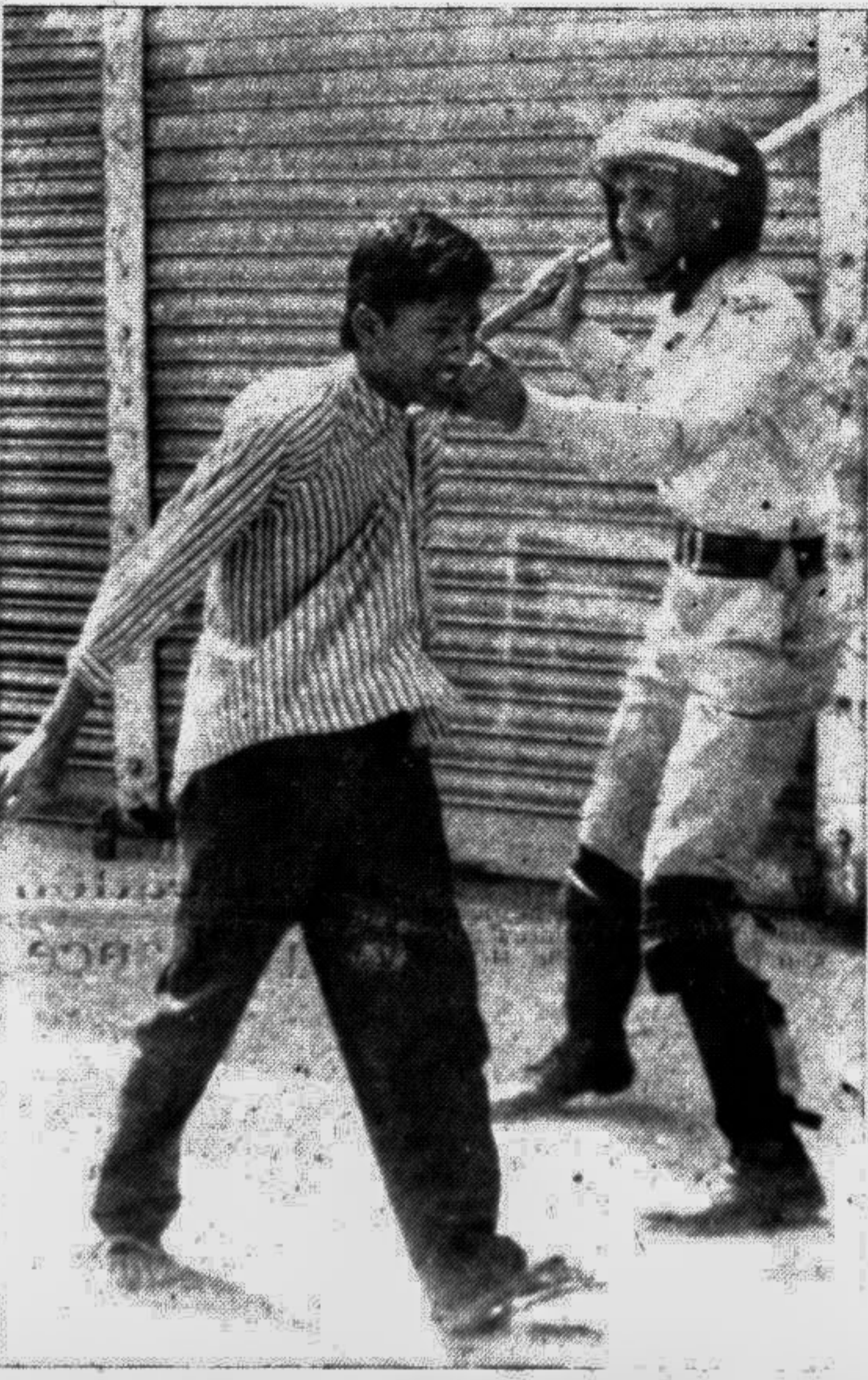
So an arrested person has to be produced before the nearest magistrate within twenty-four hours and it is only with the permission of the magistrate that police can bring the alleged criminal back to the police station for further interrogation and investigation.

Art 33(1) and (2) provide that (i) a person arrested must be informed as soon as possible of the grounds of arrest.

Several provisions of the code of criminal procedure regulate the manner whether by a police officer or by a private person sections 46, 48, 54, 55, 56, 57, 59 and 64 of the Cr P. C.)

By section 54 of the code, it is provided that a police officer may without warrant arrest any person against whom a reasonable suspicion exists of his having been concerned in a cognisable offence.

Laws on arrest provide ample scope for the misuse of police power and lack adequate remedies to protect the right to personal liberty, sometimes arrest and detention though made in accordance with the law, can violate one's personal liberty when the law itself provides scope for unjustified or arbitrary use of power by the authorities.



accused is brought before the magistrate, he usually engages a lawyer to obtain bail, but the authority of the police to arrest him is never questioned.

Though torture is constitutionally prohibited, it is worthwhile to note that in many of the cases, the arrested persons face miserable torture inside the police station.

The Police Act 1861, Bangladesh Police Regulation 1943, the Dhaka Metropolitan Police Ordinance 1976 and other relevant laws contain numerous provisions against different abuse of police power.

Under Section 8 of the Special Security Force Ordinance, the force can arrest without warrant any person when there is reason to believe that the presence or movement of such person at the vicinity of the Prime Minister or the VIP is prejudicial to their physical security.

The situation has become aggravated in metropolitan cities e.g. Dhaka, Chittagong and Khulna. Impact the application of the Police Act 1861 was superseded by the Dhaka Metropolitan Police Ordinance, Chittagong Metropolitan Police Ordinance, and the Khulna Metropolitan Police Ordinance respectively.

After an arrest, when the

Consumer Access to Justice in Bangladesh

by SKM Maz-nu-nul Huq

BANGLADESH is a country of nearly 120 million people living in an area of 1,44,000 sq. km.

however, some success stories.

Status of Laws

On the top of it we are frequently visited by unwanted guests like floods, cyclones, epidemics and other catastrophes.

Ninety million do not have any access to sanitation. Safe drinking water is available to only fifty per cent of the population.

within his views any offence punishable under this ordinance or under any other law for the time being in force.

Renewed against alleged police misconduct will also become uncertain due to some procedural fairness towards police.

In 1995, the Women and Children Repression (Special Provision) Act was passed which further increases the power of police without affording any remedial measures against the probable police misconduct and misuse of power.

Abul Hasnat Monjurul Kabir Joint Secretary, Law Review

I shall not go into the scope and content of the current law for consumer protection in Bangladesh because that is not my subject of discussion.

We inherited two laws from pre-liberation days that deal with the consumer interest — the Control of Essential Commodities Act and the Pure Food Ordinance.

Although these laws help secure the interests of consumers, the consumer himself cannot lodge a complaint with the court.

The Dhaka City Corporation Authorities raided different hotels and restaurants during the last year (1991) and detected adulteration in food-stuffs and improper environment of food preparation in a considerable number of hotels and restaurants in the capital city and more than 60 owners were put under penal action.

After liberation, a real step was taken to safeguard consumer interest. This was done with the introduction of the Drugs (Control) Ordinance 1982.

Consumer victories frequently depended on sympathy

and shocking fact situations. The costs of victory were high and any long range or general benefit was undiscernible.

At the outset, I told you that the vast majority of our people are very poor and illiterate.

(a) To make, exhibit, distribute, circulate, display or publish any advertisement to promote the use of any breast-milk substitute;

(b) To create the belief that breast-milk substitute feeding is equivalent or superior to breast-feeding; and

(c) To give any free samples, gifts, discounts, sponsorship to health personnel.

Here again, no ordinary consumer can seek redress directly or even go to court. These functions can only be handled by an officer authorized by the government.

Another area of concern relates to the standards and quality of agricultural and food products, which require tests by the Bangladesh Standard and Testing Institute (BSTI).

Fighting Injustice

In 1992, the Bangladesh Parliament decided to enlarge the scope of the Parliamentary Petition Committee, empowering any citizen to bring complaints of public interest before this committee.

There have been rare instances where individuals have fought against the injustice caused by powerful companies. However, a note by the American publication, Law for the Poor:

Consumer victories frequently depended on sympathy

Upgrading Protection

There should be a comprehensive piece of legislation for consumer protection. This should include a provision for a quasi-judicial machinery so that the consumer can himself obtain justice without incurring the expense of engaging lawyers or protection through the formalities of a court hearing.

Non-governmental organizations should extend help by providing legal aid to complainants. Consumer education must be intensified so that ordinary people are aware of their rights and responsibilities.

The present odds might seem discouraging. But we should start somewhere, remembering Edmund Burke who said: "Nobody made a greater mistake than he who did nothing because he could only do a little."

The government should take the lead in dealing with serious violations of the law, ensuring that penalties deter potential violators. Consumer organizations need to work together and coordinate their activities on behalf of consumers.

Let us hope we will win. S K M Maz-nu-nul Huq Director, Department of Women's Affairs

The Daily Star Entertainment Guide

Table listing TV and radio programs for Sunday 18th August, including categories like BTU, BBC, CHANNEL V, STAR Sports, STAR Movies, ZEE TV, and EL TV.

Advertisement for James Bond featuring a photo of Pierce Brosnan and a comic strip panel with dialogue: "DON'T MOVE, SWEETHEART... UNLESS YOU WANT A KNIFE THROUGH THAT PRETTY THROAT!"

Advertisement for Garfield featuring a photo of the cat and a comic strip panel with dialogue: "I'M HIDING FROM ODIE."

Advertisement for ZEE CINEMA featuring a photo of a woman and a comic strip panel with dialogue: "LET GO THE ROD AND START BACKING UP... REAL SLOW AND EASY!"