

## FOCUS

## Law and Our Rights

## The Police Laws and Their Encroachment

By Tareq Hasan Siddiqui

ACCORDING to article 152 of Bangladesh Constitution the police force is one of the disciplined forces. Therefore the main duty of the police is to aid a person to obey the rules of law as well as to ensure the security of life and property of the citizens with might and main. To all intents and purposes we are all are interdependent in the society. So that the general people and the police have to treat as friends and to help one another to remove all traces of offenses as well as to extirpate them from the society. But is it possible in that society where police conduct is of contrariety with the human rights? Certainly not.

We live in such a society where the police do not demur to spurn the humanity in the name of remand, to beat innocuous students, to ravish the young girls, to bribery or to harass anyone in other ways.

Incidentally I want to mention a statement of a police officer written in the book named 'International Code of Enforcement Ethics'. In this book he said, 'As a law enforcement officer my fundamental duty is to service mankind; to safeguard lives and property; to protect the innocent against deception, the weak against oppression and intimidation and peaceful against violence and disorder and to respect constitutional right of all men to liberty, equality and justice'. Such feelings to duty is in all conscience to be extolled. But our police force has declined this feeling very before.

**Torture and other departments by police:** We shall see, however, how the modern civilization is trampled by police. Through a report of Bangladesh Human Rights Commission it is known that last year, at least 2810 persons were injured by police. Fourteen died in custody. 34 died by police and BDR firings and more than 30 women were raped. To harass people they sue them in false cases and compel them to acknowledge the false statements.

To pour hot water in nose and pungent water on face, to pierce with rails, to beat with rifle butt and to kick with boots, pluck the nails and to break the singers with pliers, to push hot egg in the rectum, to compel to drink urine etc are the examples of diabolic police torture.

The jail conditions are so damnable that it may be deemed as a place to practice inhumanity or an institution for dehumanizing the prisoners. According to the report of State of Human Rights 1995, 'the current jail conditions in the country are beyond description. There are 77 jails in our country ... The total capacity is 20,856, where as more than triple that number are now being kept in these jails. In the jails, there is no practice of the existing laws and regulations. Human rights are violated often.'

Now, I am giving a brief description of police irritation over the innoxious general people. On August 29, 1995 Maifuz Islam died from police torture in the village of Shastapur. There was no warrant against the deceased. Based on a conspiratorial and false GD, police from Kosba Police Station attacked Maifuz's resi-

dence. They woke him from his sleep. When he asked why the police had come and were arresting him, the police verbally abused him. Maifuz walked away from his child and wife, along with a group of police. Around 150 yards away from his house, below a simal tree, police inhumanely tortured him. At one point his body became numb. He died a little later. He was returned home within 20 minutes but as a corpse. Eye-witnesses have said that there were injury marks on his abdomen. Although the first post mortem denied any torture marks, the second one confirmed instances of torture. It was later known that police had tried to falsify the first post mortem in return for Tk 10,000.

The second incident is almost similar to the first case. On 13th January, 1996, based on a conspiratorial and false GD TSI Khandakar Mijanur Rahman, with a group of police, raided the residence of Hiyat, a college student, to search for illegal arms, at right at 1.00 O'clock. They woke up him from his sleep and tortured him with brutality tying up his hands at his back. For one and half an hour they searched the whole of his residence making hellish situation. Being failure they returned back but with Hiyat and his elder brother Psychie, a university student, whom they beat at the same time with Hiyat. In the custody the police treat with Hiyat with infernal cruelty. They beat again Hiyat similarly and at once he was tortured by electric shock. On the following day a person went to the police station to request not to torture Hiyat. On Mijan claimed Tk 25,000. After a conjunction, torture was stopped but for Tk 15,000. But Mr Mijan mentioned in the suit filed in Kotwali Police Station that they had recovered 29 illegal items from Hiyat, on the presence of civil commissioner Khandakar Rabibul Alam. As a result, of such torture Hiyat's hands have become strengthened; probably his hands will be paralysed for ever.

(On January 6, 1995, Tuhin, son of the owner of Noorjanan cloth store at Naogaon, was arrested without any warrant. He was not involved in any crime. The OC of the police station (where Tuhin was tortured) admitted that Tuhin was not linked with any filed case and there were absolutely no complaints against him. But Tuhin had to die at the hands of the police.)

On January 4, 1995 political leader Shahidullah Shabuj from Sirajganj was brutally tortured by police the torture had been so intense that at one point his right knee cap was broken into pieces. He was not tortured for any criminal or political reason but for protesting the selling of a adulterated soybean oil by some dishonest businessmen. Shahidullah was trying to create mass opinion about the crime.

On January 31, 1996, 150

students were injured and about ninety five arrested as police, backed by BDR, raided Jagannath Hall. They object was to recover arms to which they were totally failed. They had beaten the students, sleeping, eating or studying. They had snatched the books money and other essential things from the students. The question naturally arise, which authority has empowered them for this behaviour? Do they have any legal power to torture and harass the general students. Who are not concerned with violence?

The Dinajpur incident on 24th August, 1996 is well-known to all. The police raped and killed a girl Yasmin (14) and subsequently they killed another seven persons who set their faces against police. On Yasmin's death the police tried to falsify the post mortem report that she died from the jump.

According to the Amnesty International report, a street boy of 13 years named Mohammed Shawkat was raped by two police constables on 28 July, 1993. His rectum was injured and infected as a result of the assault.

**Our safeguards in law:** The above police behaviour are not permissible by law and these are penal offenses in the eye of law. However, we shall see in brief how law protects us from misconduct of the police. Any one may file a deposition against police torture to the OC of a particular area or directly to the Magistrate of that area.

If any citizen faces any loss by police he may file a civil suit against the police. In accordance with sec 52 of the Dhaka Metropolitan Police Ordinance, 1976, any police-officer who vexatiously or unnecessarily searches, detains or arrests any person or seizes the property of any person shall be punishable with imprisonment for a term which may extent to one year or with fine which may extend to two thousand taka, or both.

For violation of duty or for illegal torture to the persons in police custody, the police may be punished with fine, the amount of which will be equal to the amount of his salaries of 3 months, or, the police may be punished with imprisonment of 3 months or, with both. The aggrieved person may sue under chapter XVII of the Penal Code. If he dies in police custody any one may sue on behalf of him.

However, we have to take attempt to save our society from the deleterious activities of this disciplined force otherwise it cannot be free from the offenses alluded to the above discussion.

To realize this object we have to be more conscious to our rights and we have to enforce the existing laws. And the inert laws are to be deducted as well. We are fighting with the weapon of yesterday to face the problems of today. Therefore problems exist. And the police must conduct according to law. They have to remove their inexorable mind. If they perform their duty within the ambit of law the four taints namely: excess, misuse, negligence and omission will not stain their norm.

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tory excuse willfully enters or remains in or upon any dwelling-house or premises or any land or ground attached thereto to be punishable with fine which may extend to one hundred taka.

According to article 33(1), the detainee is to be informed as soon as may be of the grounds for his being arrested. According to sec 56 of CrPC he is to be informed of the grounds for his being arrested. But our police force is not conscious enough to this matter.

According to article 33(2) every person who is arrested and detained in custody shall be produced before the nearest magistrate within a period of twenty-four hours of such arrest. According to sec 54 of the Dhaka Metropolitan Police Ordinance, 1976, any police-officer who unnecessarily delays forwarding any person arrested to a Magistrate shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to one thousand taka, or both.

Whoever lies and indecently annoys any woman by using indecent language or making indecent sounds, gestures, shall be punishable with imprisonment for a term which may extent to one year or with fine which may extend to two thousand taka, or both.

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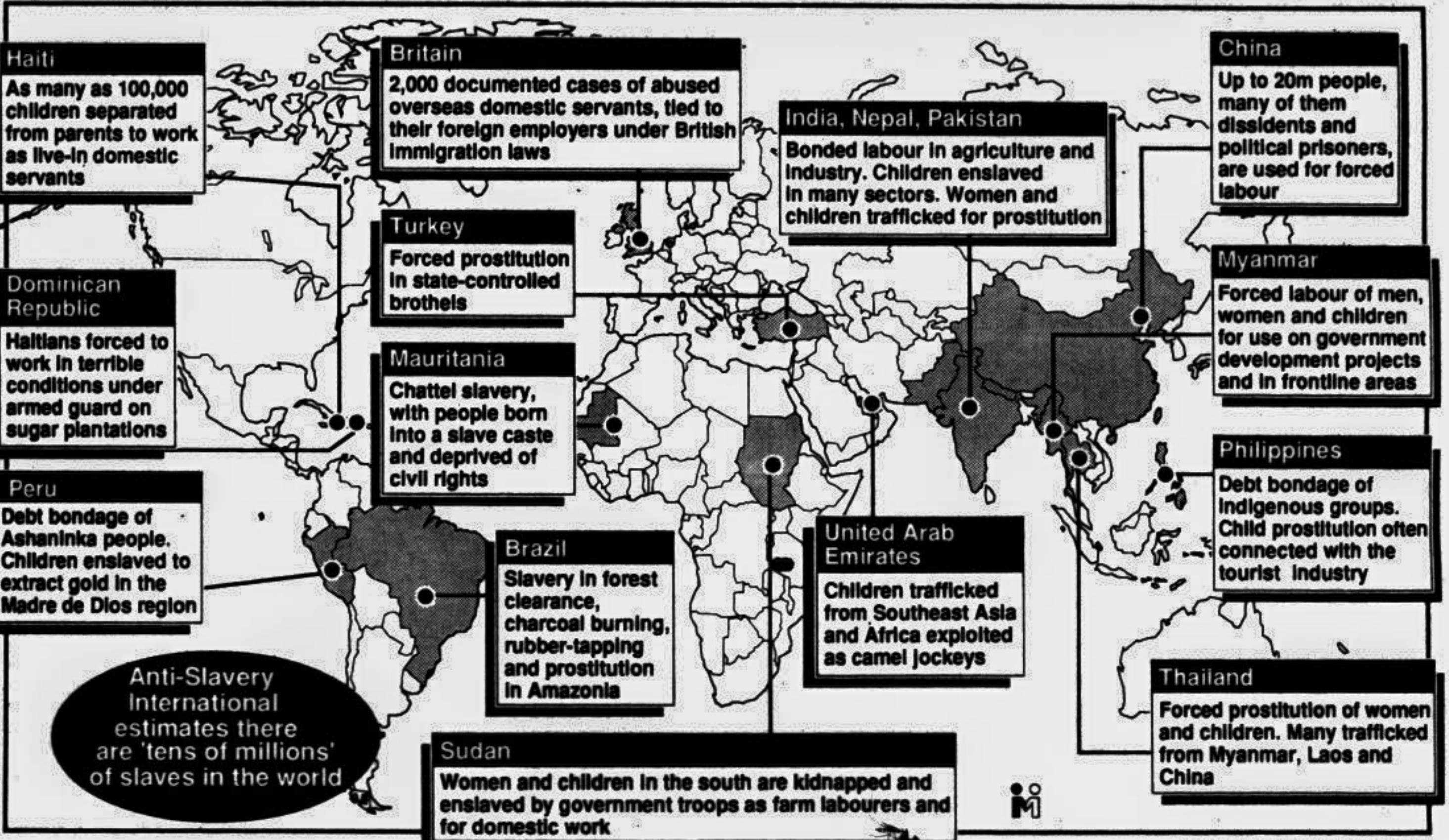
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## Silent Slaves Delivered to Freedom — for a Price

By Andrew Boyd

Dinka villagers from southern Sudan have become victims of a slave trade linked to the civil war. Now, in a desperate attempt to free captured women and children, a human rights organisation is paying a middle-man to steal some of them back. A Gemini News Service correspondent was there to witness the handover.

## Trafficking in people



China  
Up to 20m people, many of them dissidents and political prisoners, are used for forced labour

Myanmar  
Forced labour of men, women and children for use on government development projects and in frontline areas

Philippines  
Debt bondage of indigenous groups. Child prostitution often connected with the tourist industry

Source: Anti-Slavery International

Her eyes light up: 'The one who is dealing said the boy is alive. He said to prepare money to redeem this child. I will get money.'

'Do you have any money?' I ask.

'I have nothing,' she replies.

All these people are slaves. Those who were taken, and those who remain, will have to begin again to gather to survive and then more cattle to pay off people such as Ibrahim.

Christian Solidarity has organised about handing over money to those who deal in human livestock.

'We have no other option,' shrugs John Eibner, who flew out from the organisation's Zurich headquarters.

Another Christian Solidarity representative, Britain's Baroness Caroline Cox, turns my question back on me: 'What would you do if your child had been taken into slavery? Would you let them stay in slavery, or would you pay a price and buy back their freedom?'

Hands are shaken and Ibrahim's agent stalks off with his ransom. One by one those who are redeemed depart with their redeemers. — GEMINI NEWS

Exchange rate: \$1=145 Sudanese pounds (dinars)

ANDREW BOYD is a British author, broadcaster and freelance journalist. He specialises in human rights, refugees and the media.

## The Daily Star Entertainment Guide



Sunday 6th October  
(All programmes are in local time. There may be changes in the programmes).

Frost 8:00 BBC World News 8:30  
Time Out: Travel Show 9:00  
BBC World Headlines 9:05 World  
Focus: Horizon

10:00 BBC World News 10:30  
Time Out: Fat Man in France  
11:00 BBC World News 11:20  
The Last Days Of The Wall

12:00 BBC World News 12:20  
Window On Europe 1:00 BBC  
World Headlines 1:05 Timewatch

2:00 BBC World News 2:30 Time  
Out: One Foot In The Past 3:00  
BBC World Report Inc World  
Business Report/24 Hours 5:00  
BBC World News 5:10 The  
Money Programme

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3:00 Opening Announcement Al-Quran Programme Summary  
3:10 Recitation from the Bible  
3:15 Cartoon: Woody Woodpecker 3:45 Telecast of Weekly Drama 4:00 News in Bangla 4:45 Anu Parmanu 5:00 News in Bangla 5:20 Jibone Janno 7:00 News in English 7:05 Open University 7:25 Tagore Songs 8:00 News in Bangla 8:25 Jamnabum 8:30 Shisha-Banjara-Artho 9:00 Film Series: Akbar The Great 10:00 News in English 10:30 Shasthita 10:35 Shanto Shankha 11:30 News in Bangla 11:35 Monday's programme 11:40 Close down

BBC  
6:00am BBC World News 6:30  
India Business Report 7:00 BBC  
World News 7:25 The Week 8:00  
BBC World News 8:30 India  
Business Report 9:00 BBC World  
Headlines 9:30 World Focus:  
Horizon 10:00 BBC World News  
10:20 The Last Days Of The  
Wall 11:00 BBC World News  
11:25 India Business Report  
12:00 BBC World News 12:30  
The Extraordinary 12:30  
The Fall Guy 1:30 Vegas 2:30  
Best Sellers: 'Seveners' 3:00  
2:45 Swiss Family Robinson

STAR PLUS

6:30am Volttron 7:00 King Arthur

7:30 Classic Cartoons 8:00

Terry Toons 8:30 T-Bag 9:00

Eek! The Cat 9:30 India  
Business 10:30 The Road

Show 11:00 Anu India Show

11:30 The Extraordinary 12:30

The Fall Guy 1:30 Vegas 2:30

Best Sellers: 'Seveners' 3:00

2:45 Swiss Family Robinson

STAR SPORTS

5:00 World Cup Classic 1996

Argentina v West Germany

Final 8:00 BNA Fantastics 8:30

World Wrestling Federation Ma-

9:30 Futbol Mundial 10:00

Asia Sport Show 10:30 1996

Asian Under 16 Championships

Final From Thailand 12:00 Live

Heineken Open 1996 Singapore

Singles Finals 2:00 Spanish Fbal

HL 2:30 SEA Touring

Cars Rds 3:00 Omega Tour

Horizon — Space Special: Close Encounters on BBC World

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## Garfield



## Tom and Jerry

