

Beyond Quick Justice

The air turbulent with public outcries over the medieval-style torturous death of Rubel in Detective Branch custody must now transform into an expectant atmosphere of quiet anticipation. For all eyes ought to be focused now on a well-rounded outcome of the judicial probe that has got underway with a 15-day deadline.

Broadly, the whole episode breaks into two parts: the incident itself, and the institutional characteristics that made it possible, even inevitable by default. There is absolutely no question about the culpability of the offence. Now it is for the Commission to uncover the whole truth about its perpetration through a transparent process and place it before the government and people. The principal culprit and others who have had a direct hand in the dastardly act are going to be spotted and put in the dock. The whole society keenly awaits no doubt an early meting out of severe and deterrent punishment to the proven executioners of human rights in the garb of lawmen and custodians of civic security at the expense of tax-payers' money. Yet it is the last item of the judicial commission's terms of reference requiring it to suggest reform measures for a systemic purgation of demons in the policing culture which we would like to stress heavily. The much-abused section 54 of the CrPC and certain other clauses of law giving wide and sweeping powers to the police date back to the colonial times when the sole motive force was to rule by suspicion and force.

Why have we kept this anachronism going for so many years after the liberation of Bangladesh is a question that ought to implicate successive governments in the wrongful continuation of an absolute subjugation mentality. This is even more appalling for the fact that our Constitution provides for parliamentary democracy and, in accord with that system of government, contains several articles as safeguards against encroachment on the fundamental rights of our people. We want the rule of law established among the enforcers of the law in the first place. Before any arrest or interrogation of a suspect is made, there must be written authorisation from competent authority as an inviolable rule.

Status Quo with the US

The government has finally spoken. After a remarkably long spell of consideration it has decided not to sign the much-vaunted Status of Forces Agreement with the United States. With this official announcement the controversy raging over the issue should be put to rest.

As for the government's tardiness in coming to a decision on the question one could not underestimate the difficulty it faced in speaking conclusively and swiftly on the matter. There were powerful arguments on both sides. On one side there was the temptation of accepting the assurance of vital assistance in times of crisis from the most powerful nation on earth while on the other there was the prospect of somewhat exposing the country's foreign policy to both international and domestic criticism.

The offer from the most powerful global player was not seen by some quarters, and not unexpectedly though, as benignly as others did. For all practical purposes the issue, it seemed, was blown out of proportions and made the choice for government more difficult than it should have really been. In the end, it has decided to maintain status quo on the matter. We are glad that contrary to the anxiety of some quarters, the decision has been accepted in the right spirit by the US. This is of course quite in keeping with what the US has come to maintain all along on the SOFA issue: that regardless of what Bangladesh decides bilateral relationship of the two countries will remain completely unaffected. This is a very welcome attitude on the part of the US.

We hope the existing cordial relationship between the two countries will only prosper in the days to come. With the visit of Clinton to Bangladesh — the first ever by a US President — only months away, it is a whole bag of promise that lies ahead of US-Bangla relationship. We look forward to it.

An Unprecedented Standoff

This is some unheard of drama being enacted now some 26 kilometres away from the Myanmar capital Yangon. Aung San Suu Kyi, the Nobel laureate leader of the resistance against the Burmese army rule, was out to meet her supporters in the NDL at Bathien. The government stopped her on her way building a roadblock. Suu Kyi, insisting that she had been allowed freedom of movement by the authority is not ready to turn back. And it is about five days that she is sitting in the back seat of her car. The food has run out and nobody save a doctor has been allowed to go up to her.

If only politics were a little bit 'moral', the world would have been a better place to live in. She is in her generation the only one to carry on with this strange morality-politics amalgam that requires superhuman character and fortitude. The world respects this spare and sparse scholar and saint and politician rolled into one.

The Myanmar junta action has displeased US and Secretary of State Albright has strongly warned Yangon against any harm coming to Suu Kyi. Predictably, Yangon has reacted sharply to the strong US expressions.

The Myanmar-Bangladesh relations got a great boost on Tuesday with the signing of an MOU between the two states on mutual promotion of business. Proposals for joint ventures are coming from both sides.

At a time like this all we can say is that there is only one Suu Kyi in all of mankind now and she must live. Live to serve her people. She is our pride as she is for the members of the Burmese government also. The sooner the leaders of that government can iron out their differences with the daughter of the great liberator Aung San, the better it will be for that emerging nation of outstanding potential.

Political Parties Expect Elections Early Next Year

Fresh elections cannot be put off beyond the end of 1999. Congress would not like to stay in the wilderness beyond that. And within a year, so many contradictions and crevices would have developed in the new coalition that it would fall on its own.

It is an Indian sort of cliffhanger. Before the Parliament session, it seemed that the BJP-led coalition would fall any day. AIADMK chief Jayalalitha was too threatening and too impatient. Frayed tempers in the two houses underlined the raw tension. There is no basic change even now except for the realisation by political parties of the bind which they are in.

Non-BJP groups in the opposition would like the government to go. But none of them has adequate strength to take the initiative. Congress, which can, prefers the government to collapse under its own weight. It does not want to earn the odium of pulling down the coalition. It feels when pieces are falling into slots on their own why should it hasten the process? If forced to quit, the BJP may go to town as an aggrieved party.

Congress has yet another problem: Who should lead the government? Party president Sonia Gandhi is not sure whether it is politic for her to be Prime Minister, still wondering how her Italian background would go down with the nation. She does not find Congress Lok Sabha leader Sharad Pawar suitable because of the parallel political clout he has been building for some time. But he is no pushover. He may be in the doghouse. Still he cannot be ignored for the tremendous job he has done to retrieve Congress in Maharashtra. Can she ask Dr Manmohan Singh to head the government in his place, ignoring the stalwarts in the party? Apparently, she does not want

to cross the bridge before she reaches it. A dramatic situation like Jayalalitha's withdrawal of the support to the government can hasten her decision.

The opposition parties are looking towards her. The communists are the last one to offer her their support, although they have not said that Sonia should lead the government. The case of others is different. Laloo Prasad Yadav's Rashtriya Janata Dal and Mulayam Singh Yadav's Samajwadi Party had no qualms in specially mentioning Sonia's name. Their consideration is that Congress alone can oust what they describe as "a communal set up". Their motive, however, is not altruistic because they expect to share power if a non-BJP coalition is formed.

In fact, this possibility may have weighed most with Sonia in tarrying behind. How does she assemble a majority with the motley crowd that the opposition has in its midst? Manmohan Singh is anathema to the communists, while Mulayam Singh Yadav and Laloo Yadav are not the best of allies to have. They scare away the intelligentsia because of the rough and tough methods they have used to come up in politics.

But then the two Yadavs are fixtures in Indian politics. There is no escape from them so long as the nation remains mired in caste and creed.

Congress does not have even a modicum of following either in Bihar or Uttar Pradesh, the two states commanding 139 seats in the 545-member Lok Sabha. The party has no option except to have an alliance with them before or after election. The communists, whatever their faults, are far better because they carry no taint of communalism or casteism. But they don't have the required strength. In any case, they are not acceptable to Congress for

classes and minorities has entrenched Laloo Yadav and Mulayam Singh in the two states.

The continuation of the BJP-led coalition is, no doubt, helping Congress. At least one quarter of people who voted for the BJP in the last election, have begun saying that misperformance of Congress is far better than non-performance of the BJP. But this is out of disgust, a negative feeling. Congress has yet to build a positive image. The damaging part

lasting. Now you have one woman (meaning Jayalalitha) to placate; then you will have two more (meaning Mamta Banerjee and Mayawati). The party feels that it has only to wait for "the apple" to ripen and fall in its lap.

In whoever's lap it falls, the general impression, even in the BJP circles, is that the present coalition cannot last long. What happens if Jayalalitha withdraws her support all of a sudden is the question that is debated in Parliament's central hall, which MPs of all parties visit to exchange views. She has the support of 27 MPs while the BJP-led coalition survived the no-confidence motion only early this year only by seven votes.

Unpredictability of Jayalalitha may well be the reason why Sonia is entertaining the idea of a non-Congress government, which her party could support from outside. The names floating in this connection are those of Jyoti Basu, Deve Gowda and Inder Gujral. Basu may not be willing to take the BJP-led coalition as a condition when he is not well, even if his party withdraws the earlier objection to his leading a coalition at the Centre.

The name of Gowda does not seem to evoke response among Congressmen. He probably rubbed them on the wrong side. They may be willing to accept Gujral who, they believe, is "a

Congressman at heart." He has already met Sonia. When a journalist asked him a few days ago about the possibility of Gujral becoming Prime Minister, she just smiled. The significant part is that she did not say 'no' to his name. Sitaram Kesri has already asked Gujral to be prepared for the responsibility once again. Gujral's sworn enemies are CPM secretary-general Harkishen Singh Surjeet and Mulayam Singh Yadav. But they may come round when the alternative is a mid-term poll, which no MP wants to face immediately.

It is, however, clear that all political parties expect elections to take place in the winter of next year. Even the BJP does not believe that its coalition can last that long. It is possible that there may be another non-Congress coalition at the Centre before the polls. Congress wants to come to power after election because it thinks that the climate would have become more favourable to it by then than it is now.

In any case, fresh elections cannot be put off beyond the end of 1999. Congress would not like to stay in the wilderness beyond that. And within a year, so many contradictions and crevices would have developed in the new coalition that it would fall on its own. In the meanwhile, the BJP would continue to rule by default. Even it might try to pick up non-Congress groups for support from outside to counter the Congress plans. But that is another story.

BETWEEN THE LINES

Kuldip Nayar writes from New Delhi

His anti-economic reform stand. The party is, however, living in a fool's paradise if it imagines getting a majority of its own at the next polls.

Politics of coalition is a reality in India and it may continue for years. Why doesn't Congress face the fact? It has no go from the Laloo and Mulayams if it wants power at the Centre. True, the party is gaining ground. It looks like wrestling Rajasthan and Delhi from the BJP in elections in November. But UP and Bihar are a different kettle of fish from the rest of the country. The combination of other backward

is the infiltration that is taking place in the administration. Apart from the RSS-minded governors, vice-chancellors and historians the government has appointed, the two positions given to Balbir Punj and Guruswami have raised eyebrows. The first, an innocuous journalist, has been made the chairman of the prestigious Institute of Mass Communication and the second, a new ideologue of the RSS, advisor to the Finance Ministry.

"There is infiltration at every level of government," admit the Congress leaders. "But the alternative we build will not be

In Defence of Grassroots Public Servants

by Dr. Syed Saad Andaleeb

There is no substitute for a well-designed management system that balances and distributes resources as effectively as possible. That system is not in place. When properly designed and implemented, it will ensure that public goods are delivered to benefit those who need to benefit the most.

LET'S face it: the reputation of public servants in Bangladesh today is a tainted one. A recent public opinion poll conducted in Bangladesh by Democracy-watch confirms this. On a 1-10 scale (10 being most favourable), they were rated 4.07, 3.89, 3.36, and 3.89 on sincerity, fairness, honesty, trustworthiness. On competence and dedication, they scored 4.9 and 4.0 respectively. With the highest attainable score of 10, the results indicate one thing clearly: public servants have a long way to go to reverse their tarnished image.

Before rushing to any judgement, however, it is important to ask what it is that gives the public servants their reputation. Are they basically incompetent, insincere, and corrupt or are there systemic problems that prevent them from under-performance and, consequently, their rank reputation? A study conducted by the author with support from AIBS (American Institute of Bangladesh Studies) suggests that serious problems and obstacles exist in the delivery of public goods. Unless consistent and sustained policies are directed at removing the obstacles in the delivery process, public servants will continue to perform poorly, resulting in perpetuating their poor image.

This is not to say that public servants should get a clean bill because there are instances of corruption, incompetence, lack of commitment, and the like. But, as the study found, there are also many capable public servants who are burdened and incapacitated by archaic systems of management that fail to provide the necessary support. This, in turn, saps their efficacy, for which they often shoulder a disproportionate share of the blame.

Fundamentally, many of the problems of delivering public goods when consolidated under one umbrella point to one major problem: that of being enervated. Deprived of an adequate support system to deliver public goods, it is not surprising that the productivity of these public servants is generally low. Consequently, they are often branded as inefficient. Yet, their counterparts, working for other well-funded organisations (e.g. NGOs) seem to be performing quite adequately, or so the many reports suggest. This anomaly seems to suggest that the burden of blame for the attendant inefficiencies needs to be placed elsewhere. This article focuses on the enabling function. By focusing on this function and by strengthening it, public goods are likely to be available more equitably and widely to the intended beneficiaries. Evidence from the primary education sector in Bangladesh is presented to highlight some of the key problems and to stress the need to enable those who are held responsible for delivering these value-laden public goods.

To the Editor...

Justice for the dead

Sir, Rubel's pointless death was nothing short of horrifying; a travesty of justice. I can no longer look at a police officer with any semblance of respect, which I had to muster with difficulty in the first place. A sense of fear is hanging over the city, following Shazneen's gruesome death and now Rubel's. Who will we turn to now? If survival is coming more and more a factor of "who you know", what chance does the average citizen have?

In any civilized country, there is a "due process" associated with law enforcement, even for people detained under "suspicion". Unfortunately for Rubel, that process in Bangladesh just happens to be merciless and inhuman which lead to his death. Frighteningly, there is a spill-over effect on the general populace. We hear about people being hacked to death now, or about the innocent bystander mistaken for a pickpocket and beaten to death. Not that the real culprit deserves to die, either.

Sadat Omar
Dhaka

Enough is enough

Sir, Enough is enough. The citizens of Bangladesh have taken enough. We demand justice and we want the government to come forward and give us an answer as to why the police force which is supposed to be the custodians of the civilians have turned inhumane!

forming quite adequately, or so the many reports suggest. This anomaly seems to suggest that the burden of blame for the attendant inefficiencies needs to be placed elsewhere. This article focuses on the enabling function. By focusing on this function and by strengthening it, public goods are likely to be available more equitably and widely to the intended beneficiaries. Evidence from the primary education sector in Bangladesh is presented to highlight some of the key problems and to stress the need to enable those who are held responsible for delivering these value-laden public goods.

Consider, for example, the Thana Education Officers (TEOs) who, on average are responsible for the affairs of a hundred or more primary schools (ATEOs) are responsible for about 31 schools. These grassroots public officials are vital to the primary education system, serving as a link between policy planners and the intended beneficiaries. Their role is to help implement the directives of policy makers by ensuring that primary education is delivered effectively and efficiently. They also support the primary feedback loop that transmits data on field performance indicators to decision makers to help assess the impact of their policies. As the critical link from the chair, they should be fully supported and enabled; reality paints a different and rather dismal picture. Two areas are examined here that provide clear evidence of how public servants continue to remain disabled.

TEOs must conduct the vital tasks of supervision, data gathering, data synthesis, and reporting, to enable the primary education system to operate as a smoothly coordinated system. To achieve this, the field offices of the TEOs and ATEOs must be equipped to help them carry out their functions effectively. At a basic level, these offices need equipment such as typewriters, duplicating machines, stationery, and calculators. In addition, if they could operate from half-decent office facilities, their operating efficiency could be improved further. These basic amenities are not available to most of the field offices. Consequently, even simple tasks become inordinately complex. The system loss in terms of field officials' time and effort, if quantified, will show that these costs are exorbitant.

Justice for the dead

What right do they have to take life? What right do they have to pick up a person on the basis of mere suspicion and beat him up indiscriminately? Where was Rubel's right? Why wasn't he given a chance to defend himself? How are these policemen different from the chair, they see on the streets? I can still forgive these angry people we see on the streets for there is usually a reason behind their anger, but the policemen in Rubel's I can't. We are willing to accept we are poor, we are willing to bear starvation but we are not willing to be labelled as barbarians.

A Citizen
Dhaka

"She is ours!"

Sir, I witnessed an interesting incident which needs to be told.

Half day "hartal" was called in Dhaka city by the BNP on 16-7-98. Like other "hartal" days I had preferred to pass through Cantonment having an idea that normally prevails in that area during "hartal" days. Like other "hartal" days traffic was almost normal and I was on a rickshaw at around 9.30 am. Just 10 yards before the Third Gate, many rickshaws were held back and were not allowed to cross the gate.

When the attending guard was asked as to why these rickshaws were stopped while many other rickshaws were plying on

the airport road, he replied: "No permission to cross the gate". At this stage another guard came forward and began to assault the rickshawpullers like picketers of "hartal" and forced them to retreat. All passengers, except one young girl, got down from their rickshaws and crossed the gate, walking.

One of us asked the guard as to how he allowed the girl to cross the gate. The guard replied, "She is our person!" We did not understand what he tried to mean.

Badruzzaman
Chintshpur, Narsingdi

Taxes on generators?

Sir, People do not know whether to laugh or cry by the absurd news that the government has imposed taxes on generators. As the government has failed to provide electricity as required and people are suffering horribly. Many are compelled to use generators. One has to spend a lot of hard-earned money to buy it and keep it operating.

So, we don't understand why the government has imposed tax on generator. May be in the near future taxes will have to be paid for using water drawn from tubewells and ponds instead of water supplied by the WASA!

Nur Jahan
East Nasirabad, Chittagong

documents, what are they really worth? Especially since flawed data means flawed decision making is it not fair to raise questions as to what it is that the beneficiaries ultimately receive? By extension, therefore, should not the question be raised as to who really are the beneficiaries of these multi-million dollar projects?

In addition, only 17 per cent of the field officers reported having reasonable office furnishings. Field visits made it amply clear that the quality and design of the office facilities are not only rudimentary, their ergonomic qualities are also tragic, especially when compared to the lush settings of their direct and indirect superiors. By making simple upgrades and additions to the existing furnishings, the performance level of the field personnel could be easily enhanced. The disparities in the available resources are so stark and the neglect that the field officials encounter are so evident that one wonders how they continue to motivate themselves each day to go to work to ensure that public goods are delivered.

Not to belabour the point, the working conditions of the field officers seemed more to hinder rather than facilitate job performance. Without the basic equipment and supplies, they are rendered ineffective, and the overall delivery of primary education suffers immeasurably because the management function that is supported by these offices is of dubious quality. Only when these basic requirements are ensured can the field agents devote quality time to the important tasks.

Another key area in which public officials are handicapped is that of transportation. To support their supervision, data gathering, and coordination functions, they need

efficient modes of transportation. Problems and discrepancies abound here as well. For example, while the Thana Education Officer gets a motorbike, his assistants have to rely on buses, rickshaws and boats. To those who are familiar with public modes of transport in Bangladesh and their reliability, it should not be difficult to deduce why the hundred or so schools assigned to each TEO and his assistants cannot be effectively supervised. For example, since buses ply only the main thoroughfare and many schools are located far from these routes, quick access becomes a major problem. Negotiating the terrain via rickshaws can be challenging and the boats, which are considerably slower than what is desirable, provide access to only limited locations. And when the buses, many of which are fit only for the museums, break down for hours on end or when other available modes are disabled without warning, the efficacy of the field agents is sharply reduced.

Consequently, when these field officers are blamed for poor performance, it does seem rather unfair. In the absence of availability of appropriate transportation seemed to represent the greatest challenge to mobility that is vital to the supervision task. Many of the modes of transportation used by the public officials are also risk-prone (old and not well-maintained) and, often, life threatening. As they continue to impose severe burdens on the limited time available to the field agents for supervision, training, and advisory functions at the primary school level, innovative ways must be found to circumvent the challenges; otherwise, the delivery of public goods will continue to suffer serious debacles.

Consequently, when these field officers are blamed for poor performance, it does seem rather unfair. In the absence of availability of appropriate transportation seemed to represent the greatest challenge to mobility that is vital to the supervision task. Many of the modes of transportation used by the public officials are also risk-prone (old and not well-maintained) and, often, life threatening. As they continue to impose severe burdens on the limited time available to the field agents for supervision, training, and advisory functions at the primary school level, innovative ways must be found to circumvent the challenges; otherwise, the delivery of public goods will continue to suffer serious debacles.

OPINION

Police Barbarity Must Stop

Shaheen Anam

On Thursday, July 23rd, Shamim Reza Rubel, a student of IUB was picked up for a crime that is still a mystery, tortured and then reportedly murdered by members of the Detective Branch. The news has sent shock waves all over the country confirming people's perception of the police being a brutal, merciless force equipped with legal weapons to maim and kill.

The sad irony is that, well known criminals and terrorists are allowed to roam free while innocent people become victims of police violence. The entire university campus at times turn into a war zone, yet when police are ordered to raid halls all they find is some shot guns and few molotov cocktails. Criminal activities have reached an all time high with increasing number of rape, murder, acid attacks etc. However, those guilty are seldom arrested; on the contrary, innocent people live in fear of police harassment. We have heard acid attack victims have not succeeded in getting their attackers arrested even after having identified them. Yet Rubel and many others like him had to die just on suspicion of carrying arms.

The news of Rubel's death has shocked as well as grieved and angered us as women activists, mothers and sisters. We have been protesting police brutality since the rape and murder of Yasmeen in 1995. After that many incidents of police involvement in rape and murder of women have taken place. However, no heed was ever taken of our protests. Under the prevailing system, it is very

difficult to try and convict members of the police force. The Daily Star's analysis is correct in pointing out that one never hears of a police officer being punished for criminal offence. In Yasmeen's case the constables received punishment but the officers who abetted in the crime were acquitted. It is extremely unfortunate that political parties often take opportunities to use it for getting political mileage. The announcement by BNP that Rubel was their activist and their parading the streets with his body was an act of immense insensitivity and bad taste. Their call for hartal on July 30 is equally farcical and does not fool anyone of its real intentions. At the same time, the present administration cannot get away with saying that this kind of incident used to occur before and now at least they are arresting the culprits. What is needed is public consensus among all political parties to rid the country of this disease that has infiltrated our system. A genuine and sincere effort has to be made by everyone, all civic minded people, to build resistance against such atrocities.

We would like to know who takes responsibility for such acts of police brutality? The general public have a right to know as to where they will find justice when the law enforcing personnel themselves become murderers. On Monday (27-7-98) The Daily Star reported that the same DB team was involved in a similar murder only a few months ago when Arun Chakrabarty was arrested on

suspicion of carrying arms. He was tortured and then to cover up their heinous act was thrown from the rooftop to make it look like an accident. Rubel was filed at Sutrapur Thana, but it stated that Arun died when trying to escape. There was of course no attempt to interrogate the police for this unusual death in their custody. Does the Home Minister realize that a fair and proper investigation at that time might have prevented the death of Rubel?

The rot within the police has been setting for many years. Successive governments have allowed the corruption within police to run unbridled. Unfortunately it is the common people who have to face the consequences. Reports of police corruption in the form of bribetaking and mercenary acts are common. Ordinary citizens have to pay mastaan toll as well as police bribe money. Police have always abused Article 54, the right to arrest on suspicion, yet no action is taken against them. There is an inherent attempt to protect the police whenever they are involved in a crime therefore enquiries often end inconclusively. Moreover, reports of judicial enquiry is seldom made public.

We convey our heartfelt sympathy to the family of young Rubel. No civilized society should tolerate such acts of human rights abuse.

The administration as well as the police should take note of the public anger that is swelling against them. They must confront the problem right now and take concrete steps before it is too late.