

Of Crime and Punishment

by Dr.M.Rahman

EVER since human beings started to live together in organized communities, they have tried to identify crimes and devise punishments to contain them. Identification of crimes has changed through the ages and judging their degree of seriousness has also varied in different societies. The same action considered a grave crime in one society might well be tolerated in another.

Crime could be defined as an action or an instance of negligence that is deemed injurious to public welfare or morals or to the interest of the state and that is legally prohibited. However, just as moral values differ from one society to another, likewise the perception of crime is also different depending upon the society.

To chew gum in public is a criminal offence in Singapore, one of the most advanced and disciplined societies in the East. They have their own cultural reasons that dictate the propriety or impropriety of an act. To own slaves was perfectly legitimate in the world at one time; today however it is unlawful. To settle disputes over a duel was once considered honorable; today it is a criminal offense. Premarital and extramarital sex, although frowned upon by some, are not considered criminal offences and are generally well tolerated in western societies. However, in some Mid Eastern and Eastern countries such activities are considered criminal and may have grave consequences.

Every human society has a code of living that varies with the society. Such codes are established according to the need of the society as deemed necessary by its members. The purpose of developing a code of living is to make living in a society peaceful for all members. In civilized societies, the code of living has ultimately been transformed into written laws in order to make them more enforceable and effective. However, since economic power is mostly concentrated in the hands of a few people, legislation is often subject to the influence of powerful interest groups. Therefore, even though most laws do benefit ordinary citizens, they chiefly serve to protect and further the interests of the powerful few. Thus, the "equality" of every man in the eyes of the law turns out to be more mythical than real.

There has been a lot of research to determine why some individuals in a society are prone to criminal acts while others are not. Early childhood development, family, social and educational backgrounds, and genetic factors like DNA, are among the most important factors that influence the mind of an individual. But none of these studies can explain why a certain factor does or can predict which factor or factors will contribute to make a criminal out of a child. As a child grows up, he gets acquainted with the social norms and is taught the dos and don'ts. With most people it works just fine; with some however it does not. Why it fails to have the desired effect with some people is hard to explain and it is now widely held that many popular explanations of crime and delinquency are untenable.

For the sake of simplicity, let us assume that human beings are the products of a Creator with each individual carrying some sort of a biological computer in his/her system. Such "biological robots" are born with some initial "programming" at birth (which scientists today are trying to understand through individual DNA). Subsequent development or programming of the human brain depends upon man's interaction with the surrounding environment. Such programming takes place due to things like parental care, childhood association, living habits, social environment, education, influence of teachers and friends and many other related factors. It may not be difficult to recognize that the behaviour of such "biological robots" will be subject to the overall programming of their brains. All our activities receive final approval from our brain before we act, even when we act apparently unwillingly, under duress.

A man-made computer can be described as a miniature form of a human brain. The human brain is immensely more versatile than the best man-made computer. However, there is a basic similarity between a man-made robot and a human being. As manufacturers of robots cannot predict which of the robots may malfunction at a future date and when, no one can predict which child will "malfunction" and grow up to be a criminal and at what stage. Just the same way

as a strict quality control will reduce the incidences of malfunctioning in robots, likewise, good upbringing, proper education for all children may reduce the number of criminals in a society.

"Malfunctioning" in humans that make them prone to criminal activities should be handled the same way as we would handle a malfunctioning robot. An owner will not slap, kick or hammer a malfunctioning robot no matter how serious the malfunction may be. He will try to get it fixed and put it back into service. Repeated malfunctioning will call for repeated repair efforts. If, however, it turns out that the robot is beyond repair he will stop using it or may even scrap it. Human beings who are prone to criminal activities should be treated the same way so as to cure them of their problems to make them acceptable (useful without risk to others) to the society.

The existing system of treating offenders through imprisonment and hard labour has proved to be ineffective. The original idea behind the prison was that it would provide the convict with the opportunity of solitary repentance and thus for rehabilitation, but this goal has certainly not been achieved in practice. This is reflected in the fact that a substantial proportion of convicted offenders repeat their crime within a few years of conviction. The view that "jails are the real breeders of crime" probably has considerable validity. Separated from the rest of the society and thrown into the company of criminals, the inmates may become predisposed toward further crime, and not rehabilitation. It tends to make a criminal more hardened. Thus prisons have proved to be ineffective at rehabilitation.

This does not mean, of course, that society should be "soft" on all criminals; some may be so dangerous and un-reformable that imprisonment is the only alternative. Should the death penalty be awarded to a convict, he should be eliminated as quietly and gently as possible.

The jail system should be abolished other than for political prisoners who should preferably be kept under house arrest in their own homes. The jail system puts a tremendous financial burden on the tax-

payers. It should be replaced with correctional institutions which will not only engage violators in productive services to the society but will also carry out the function of rehabilitation by giving them the attitudes and skills that will enable them to take up a law-abiding life on release. The institutions will be more like large hostels managed principally by the inmates, under the rigorous supervision of the correctional authorities. The inmates of the hostels will be allowed to socialize within the compound of the institution. This way the inmates will continue to keep in contact with the society itself, making rehabilitation easier. There may be cases of escapes. Escaping itself will reflect the attitude of a violator towards rehabilitation through correction. A repeat escape, if declared unsuitable for rehabilitation, may be imprisoned.

Under the new concept, legal codes may be amended to carry mandatory social services and correctional periods for specific violations. Thus trial periods will be minimized. The difference of outcome of a verdict by engaging expensive and superior lawyers will always be a confession may not go against the interest of a violator as it does now. A confession may indicate a greater inclination of a violator towards correction. Wrong conviction will not have as much damaging effect as in the present system because the correctional authorities will always have the opportunity to re-evaluate the violator. The bottom line will always be, whether the violator is suitable to live in the society. If for any reason, repeat murderers or other serious violators are considered unfit for rehabilitation (after all the efforts for correction have failed), they may be terminated. Such termination should be carried out as painlessly as possible. The condemned violator may even be allowed to choose the method of ending his life.

Thus the idea of punishment must entail the reform and rehabilitation of criminals and not just subjecting them to pain, confinement, death, etc., as penalty. This should ensure maximum security for the society with minimum financial burden in maintaining law and order.

Liberation and Beyond

by J N Dixit

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1973: Beginnings of Disillusion

Part-II

FOR the first two years after liberation, in 1972 and 1973, Bangladesh's economic performance was remarkably positive given the constraints which it faced. The country had to literally revive the manufacturing sector of its economy in the fields of jute, paper board, tannery and chemicals which had been extensively disrupted during the liberation war. Agricultural production, especially food production needed to be revived to feed the large and growing population. Bangladesh had to meet these requirements because the USA and the Western democracies were still denying it economic and developmental assistance. The USA continued to withhold foodgrain shipments under their food aid programmes for Bangladesh till 1973.

The total foreign aid committed to Bangladesh was only \$551 million in 1973-74 compared to \$886 million provided to Bangladesh in 1972-73. The socialist orientation which Bangladesh's economic policies acquired after liberation made the West-dominated multi-lateral financial institutions reluctant to come to the new nation's assistance. This was especially so with the World Bank. Another complicating factor in relations with the IMF and IBRD (or the World Bank) was the pressure these organisations mounted on Bangladesh to accept a share of Pakistan's external debt liabilities to the bank. The argument was that Bangladesh had been a part of Pakistan and should take on this liability as a successor state. Bangladesh was not willing to undertake this responsibility.

Similarly, commodity aid from the Western countries was withheld. Apart from the World Bank, the United States, the Federal Republic of Germany, the UK and Canada accounted for nearly 83 per cent of the commodity assistance to Bangladesh which was crucial to its economy. But in 1973, only \$69 million worth of commodity aid was disbursed to Bangladesh which was only 34 per cent of the amount due. It was India, United Nations and voluntary agencies which tried to bridge the gap. This is mentioned in Rehman Sobhan's book, Bangladesh: Problems of Governance published by Konark for the Centre for Policy Research, New Delhi. Dr Sobhan was a member of the Bangladesh's first Planning Commission. The United Nations

Bangladesh. During the initial year or so after liberation, Bangladesh had normal relations only with India, the Soviet Union and to some extent Nepal. Dr Kamal Hussain, the newly appointed Foreign Minister succeeded considerably in overcoming these limitations by the end of 1973. Bangladesh's admission to the UN at the end of 1972 was a major help in this process. The legislators and the media in West Europe and North America played a significant role in pressuring their governments to give up their stand-offish approach. Bangladesh also joined the non-aligned movement, the Group of 77 and specialised agencies of the United Nations. Diplomatic contacts made by Bangladesh representatives in these fora broke the ice leading to Bangladesh's gradual absorption into the international community.

A variety of factors helped Bangladesh to break out of its initial isolation. The Shimla Agreement between India and Pakistan, Dhaka's consent to release all the Pakistanis prisoners of war, its decision not to hold war crime trials and a policy declaration by Mujibur Rahman that he wished to normalise relations even with Pakistan were among these factors. Mrs Indira Gandhi had suggested to Zulfikar Ali Bhutto that Pakistan establishing normal relations with Bangladesh would be an important factor contributing to South Asian peace and stability. Mujib had also initiated back channel contacts with Pakistan, as mentioned earlier. Bhutto's conditions for normalising relations with Bangladesh were tough and in some respects unreasonable. The preconditions, conveyed to Bangladesh, were that Dhaka should not insist on the immediate repatriation of Pakistanis of Bihar origin who were stuck in Bangladesh but wanted to migrate to Pakistan. Secondly, Bhutto conveyed his inability to meet the Bangladesh demand for the apportionment of foreign exchange reserves and other assets of the pre-liberation Pakistan. Thirdly, he demanded that Bangladesh should not indulge in any adverse publicity against Pakistan relating to events preceding, and during, the liberation war.

While these suggestions were conveyed through informal contacts, Pakistan in public continued its negative rhetoric about the liberation of Bangladesh, its connections with India and Bangladesh's denial to its people of an Islamic identity. This policy stance of Pakistan should have normally led to an impasse. But what helped was the not so well known fact of Sheikh Mujibur Rahman's profound aspiration to be recognised as the head of a major Islamic country in the sub-continent. He wanted Bangladesh to become a member of the Organisation of Islamic Conference. In many of his public pronouncements on foreign policy during 1973 he emphasised that though Bangladesh was a country based on its own linguistic and cultural identity, it was also one of the largest Muslim countries in South Asia and South-East Asia along with Pakistan and Indonesia. He also expressed the view that Bangladesh's strategic location with the Bay of Bengal straddling the sub-continent and the South East Asian Muslim countries endowed it with the potential of becoming a bridge between Islamic countries of West Asia and the Gulf on the one hand and South-East Asian Islamic countries like Malaysia and Indonesia on the other.

Bhutto took full advantage of these specific aspirations of Sheikh Mujib. He apparently gave confidential indications to Mujib that if he did not insist on the demand for reparations and repatriation of Biharis etc, he would assist Bangladesh to become a member of the Organisation of Islamic Conference. Bhutto pointed out that Pakistan was in a special position to facilitate this as it was going to host the OIC summit in Lahore in April, 1974.

Mujib was equally keen on the restoration of normal relations with China, as Chinese economic assistance to the manufacturing sector of Bangladesh's economy during the East Pakistan years was considerable. The Chinese were also involved in defence industries located in East Pakistan. Mujib was piqued at the general propaganda of Pakistan and countries like the US that Bangladesh was only nominally independent; that it had in effect become a client state, sliding to a potential situation where it would be swamped by India through the influence of Bengal and Assam.

Mujib had come to the conclusion by the first quarter of 1973 that the only way to neutralise this negative propaganda and affirm Bangladesh's independent status and capacity for freedom of options in foreign and defence-related policies was to normalise and expand relations with Pakistan, China and, if possible, with the USA and simultaneously to reassert Bangladesh's Islamic identity by becoming part of the OIC. Though he had many influential individuals conducting back channel contacts with Pakistan, he specially used the senior diplomat, ambassador K M Kaiser to restore normal relations with Pakistan's ambassador to Beijing with many extensive and high level contacts in that country. In the event, Mujibur Rahman succeeded in initiating a process to fulfil all the three foreign policy objectives, mentioned above, by the end of 1973. He pursued his goal regardless of some reservations that India had about them. But Mujib's foreign policy orientations were entirely rational in terms of Bangladesh's desire to assert its identity and ensure its long-term strategic and economic interests.

(Continued)



Bangladesh's first President Abu Sayeed Chowdhury, being seen off by the author (right) after the former's state visit to India, 1972.

contributed \$81.9 million and voluntary agencies and non-governmental organisations accounted for \$100.6 million worth of aid. These were the inputs which ensured the minimum required stability in the Bangladesh economy in 1973.

Bangladesh suffered from three basic disadvantages at this point of time. There was political resistance amongst important countries to extending economic assistance to Bangladesh due to the political stance of President Nixon. Bangladesh suffered from the loss of its market in Pakistan and many countries in South-East Asia not only due to a fall in its productive capacity but due to the adverse political impressions generated by Pakistan in these States, most of them were members of the Organisation of Islamic Conference (OIC). Finally, Bangladesh was disadvantaged by a shortage of trained manpower for economic management. Though there were some top quality experts they were very few in number. The reason for this inadequacy was that West Pakistanis monopolised most of the managerial and executive positions in the economic organisations of former East Pakistan. It was an uphill task that Bangladesh faced in economic reconstruction and revival.

Establishing political and diplomatic relations with different countries of the world was an equally difficult exercise. By the end of 1972, Bangladesh was given recognition by most of the Western countries and the countries of the Socialist Bloc, except China. Despite such recognition these countries maintained their embassies only at the level of charges d'affaires. They did not appoint ambassadors as a gesture of political reservation about the break-up of Pakistan. Most of the Islamic countries, under the influence of Pakistan, delayed establishing relations with

Envisaging Success of Micro Enterprise

by Ali Ahmed Ziauddin

CONTRARY to popular opinion in development arena that agro investment at commercial level is risky, non-profitable, and also not sustainable, there is a growing understanding that there is ample scope for opening fresh but well managed agro credit line. It should be designed to support efficiently organised agro productive endeavours by experienced farmers. If the farmers are assisted with technical know-how and have access to better marketing facilities in the urban and semi-urban areas there is a bright prospect for increasing agro productivity. For better management farmers can be organised into informal groups/samity's on specific items. The group's elected leadership will ensure that individual farmers follow certain discipline in production, quality control and supply of products to the marketing agency. The farmers will manage their own farm and bear whatever profit/loss individually.

Fisheries, dairy and poultry are already recognised as prospective sectors. In addition onion, potato, hybrid vegetables and few other items could be the initial focus on priority basis. Moreover, farm machinery, agro related rural based micro industries and machine tool factories (smaller ones) can also come within the micro enterprise programme.

Only nationalised banks have a credit line for the middle farmers. Whatever fund was available initially in this line, a very low rate of recovery is fast eroding the chances of continuity. Easy beneficiary selection method, corrupt approval practice, cumbersome disbursement procedure and complete absence of monitoring are responsible for low recovery. On the other hand, limited scope for storage and competitive marketing facilities are also impediments to higher productivity.

No tangible effort from the government to come out from this stagnation is viable. As a result, surplus producing middle farmers either have to do without any credit or depend on non-institutional credit on exorbitant rates. In the first case production falls from surplus to subsistence level and in the second, since most of the surplus ends up elsewhere, producer loses all incentive.

Government is primarily responsible to reorganise the banking sector and redeem such appalling state of affairs in order to cater to the needs of the farming community mentioned in groups 4 to 7. There is wide scope for the NGOs and the private sector to intervene as well. To take the lead like they have done in many other fields the NGOs can at least initiate a credit programme for the small and middle farmers along with transfer of latest technical know-how and managerial skills. A joint effort by several NGOs together in this direction could eventually lead towards an agricultural bank in private sector — a long awaited necessity.

Only timely credit is not sufficient. It has to be linked with good quality seed supply, timely technical advice, storing facilities and urban market accessibility. Efforts in this direction are already visible. Few NGOs such as PRISM and GKT (Gono Kalyan Trust) in Manikganj district are providing the small and middle farmers individual credit beyond Tk 30,000 against specific production plan. They are also supplying them good quality seeds to certain items, timely technical advice and assisting them in marketing the products in the urban centres. BRAC and Gramene Fund are also engaged in promoting micro enterprise even if in a limited scale.

The following three case studies might show the prospect of micro enterprise.

Successful Micro Enterprise

Faruk Hossain and Family: Hossain family is a higher middle income farming family from village Gopinathpur of Hariampur Thana in Manikganj district. They are five brothers. The total number of family members is twenty. The eldest brother is head of the family. However, Faruk Hossain, the youngest brother is the key person in managing family affairs.

Following is a list of the family enterprises.

Agricultural Farm: Hossain family has eight acres of prime agricultural land besides their homestead, which is around an acre. The family cultivates half of it with hired labour and rest half is utilised on share cropping basis. As the region is well known for onion the family's

main cash crop is also onion. They also produce enough grain and vegetables for the family's round the year consumption. Their gross yearly return from agricultural farm is around Tk 75,000. They are looking forward to intensive hybrid paddy and vegetable cropping in the lands presently share cropped.

Fish Farm: The family has one-acre fishpond within the above eight acres. Previously it gave a gross return of around Tk 25,000. The two ponds they own needed re-excavation and intensive care to increase fish production few fold. Three years ago, Faruk approached PRISM Bangladesh which is engaged in developing micro enterprise in fisheries in the area. In 1996 the family took a long-term credit of Tk 60,000 from PRISM for developing their own pond and to take two other ponds on lease. They also availed another credit of Tk 50,000 for fingerlings, food and other operation costs. By June 98 they paid back all long-term credit with interest, and renewed credit for running cost every year. After meeting all cost, their net profit has remained at 40 per cent on average over the past three years. Now their yearly net income from fish farming is Tk. 60 to 70 thousand. Recently the family has expanded their fish farm by taking few more ponds on long term lease.

Animal Feed: Faruk is also looking after the family enterprises in Jitka bazar very near to their house. It is a wholesale and retail shop of different types of animal feed. It is a part-time business and as such gives a yearly net return of around Tk 25 to 30 thousand.

Mohammed Abdul Jalil and Family: This is another middle class farming family. They are resident of village Jobnabad, in Shibaboy Thana under Manikganj district. Abdul Jalil is head of the family. Total number of family members is seven. Jalil has two sons and three daughters. He is a typical peasant farmer who owns six acres of cultivable land. He went to school up to class VIII when his father died. It was 20 years ago. Ever since he along with his two sons and occasional hired labour and better management skills has developed the farm into a profitable enterprise.

The family's gross yearly income for last two years has

ranged between Tk 125 and 150 thousand. Previously, it was not more than Tk 70 and 80 thousand. The increased income has come mainly from higher onion production. Difference is intervention by the same NGO as in the earlier case. It provided Jalil with a credit of Tk 30,000 in early 1997 for onion production and also supplied him with good quality seeds and timely technical advice. Out of the total credit amount Jalil installed a three-inch diameter shallow tubewell with Tk 10,000 that is repayable in three years. Rest Tk 20,000 was used as working capital, which is renewable every year. The NGO also arranged to sell his onion in Dhaka after the prices went up.

Onion production is very sensitive, costly and needs minute care at every step. Earlier this family with all the best efforts could not bring more than one and a half to two acres under onion production. Over the past two years Jalil has brought four acres under onion production and with timely working capital, technical assistance and irrigation, the production rate has shot up between seventy and eighty maunds an acre.

Moriam Begum and Family: Moriam Begum was a typical housewife of a small farming family in village 'Sholdhon' under Dhamrai thana of Dhaka district before turning into an enterprising poultry grower. Her husband is a small trader apart from owning less than an acre of cultivable land. They have three children. Previously the family had a gross yearly income of forty to fifty thousand taka from all their sources including whatever little effort coming from Moriam.

Now the family's gross income is around Tk hundred thousand. The difference is Moriam's enterprising drive and GKT's (Gono Kalyan Trust) intervention. GKT is working in the area for the past ten years and has excelled in poultry farming. Few years ago they motivated Moriam to start a small broiler farm with whatever little cash she had saved over the years. They provided her training, initial capital and operational cost of Tk thirty thousand over a period of one year, quality chicks from their own hatchery, constant technical guidance and also arranged to sell her produce in Dhaka.

by Jim Davis



Chain Reaction: Awareness Campaign Needed

by Alif Zabr

BANGLADESH is passing through a critical stage of its existence, as they say, due to historical maladjustments and other weaknesses at the top, medium and lower levels. Therefore it is imperative for the leaders of the society to start an awareness campaign for the mental preparedness of the man-in-the-street, who is generally not conversant with high-level analytical findings of the experts, although some of the findings trickle down through the columns of the newspapers.

When an issue, positive or negative, reaches a critical stage, a time comes when a chain reaction starts, and fallouts are noticed. Most of the time the negative or excessive trends can be controlled, but sometimes it is not possible to do so. At the international level, one such phenomenon was the crash of the Asian financial market. At the national level, several examples could be cited.

Two of the issues which have been getting the media spotlight are the crash of the Dhaka

Stock Exchange, which is showing no sign of recovery under two regimes. The other is the firm entrenchment of the bank-loan default culture. The issue is hanging and limping along for years; lacking the political will to resolve it in a firm manner. The latter is absent as the chain reaction would be cascading and things might go out of control. In the later case, any precaution would be risky, thereby introducing chaos. Now some of the banks have become defaulters; a natural side effect.

Bad trade unionism has gone out of the control of the regulatory agencies, and he former have the upper hand in controlling the negative effects on the society, holding it at ransom from time to time. The evil has to be contained before it assumes uncontrollable dimensions. How to get out of this vicious circle?

The response has to come from the top, and not expected from the bottom. Our leaders are fond of exhorting and urging the masses to do this and that, without trying to change the cultural trend themselves in

the affected sectors. Parleys on arriving at agreed compromises are not solutions, but breathing periods — the basic problems continue to exist in stark reality.

Why the Administrative and Judicial Reforms do not gather momentum? Since the Government is anonymous, it is nobody's responsibility, according to facetious comments.

Now the Police department personnel are at one another's throats, trying to cover up, or expose, the entrenched weaknesses of the system and structure, transferred from the days of the Raj (the colonial approach to the natives!). When the police cannot look after themselves, how they will maintain law and order and protect the citizens, especially the innocent citizens? It is a basic question which cannot be side-tracked by any means. Calling the military personnel to lend a helping hand at the slightest excuse is neither the remedy nor the cure.

Topping it all is the moral degradation which has infected

the society at all the tiers, resulting in a host of evils (corruption, nepotism, toll collection, rent-seeking, terrorism controlled by the hidden godfathers; the severe politicization of the neutral and independent institutions; and the perverse mentality of short-cuts to riches, etc.).

The latest crack comes from the NGO sector: one of the bigger NGOs of the country has cracked up, transmitting negative waves in the sector. The chain reaction down the scale would be catastrophic if government does not come out immediately with the right messages and assurances after the official probe (not yet announced). If, say, 30 per cent of the smaller NGOs crash in the near future, the economic and social effects would be disastrous. The silence or indifference of the authority may give rise to misgiving.

The job in hand is clear enough: Spot the sensitive areas at the national level, and take preventive measures to arrest undesirable tendencies. It is in public interest, to say the least.

