

The Daily Star

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Where are We Headed for?

SOMETHING new had to happen to help 'prove each other wrong' on the Public Safety (Special Provision) Bill. Or, shall we say the temptation to make a political capital out of the highly murky fall-out of the infamous bill could not just be resisted. The government party has accused the BNP leadership of indulging its party workers in bomb-making at its Naya Paltan central office following a big explosion that occurred there in the small hours of Wednesday.

Home Minister Mohammad Nasim has been quite prompt in blaming it out on the BNP. He has told newsmen that the persons arrested after the bomb blast have 'revealed' names of BNP leaders under whose instructions purportedly they had engaged themselves in the act. The home minister along with industry minister Tofail Ahmed has even gone on record saying that the incident furnished a proof as to why the BNP does not want the Public Safety (Special Provision) Act. BNP secretary general and party spokesman Abdul Mannan Bhuiyan made a very caustic remark in reaction to the AL's imputation: last Tuesday's raid on BNP's Chittagong office and the Wednesday's police action to break open the main gate to the party's central office in Dhaka were designed to bolster the logic for the Public Safety Bill. In point of fact, the caretaker of the BNP central office while filing the case with the police claimed that some 15 to 20 terrorists rushed out of the party office hot on the heels of the bomb explosion suggesting it was the doing of outsiders. The AL view appears to be that they were 'insiders' who accidentally detonated a bomb they were either in possession of or were in the process of manufacturing.

In any case, the army experts in explosives have been examining the traces of the blast, so that they are expected to come up with an answer to the puzzle as to whether the bomb was thrown in from outside or it was already there on the BNP office floor which just blasted from callous handling.

There is a big need to establish the truth here, not merely because of the trading of charging between the ruling party and the BNP but also for the sake of treating a criminal offence as a criminal offence, not as a politicised offence.

What sounds like a piece of outright hypocrisy though, is this: at one pole, the AL has discovered BNP's hand in the manufacture of bombs and dropped a dark hint about the latter party's opposing the safety bill only to keep such an option open but at another extreme the home minister is 'approaching the BNP leaders for talks to make them understand' why the Public Safety Bill was necessary.

Such contradictory signals can never help resolve a crisis, far less the one we are faced with. We have been watching with trepidations not just instances of flouting standard protocular norms regarding who should address what against whom but also the fact that political recriminations are taking on insidious forms. It seems that after personalised vitriol the political idiom has acquired a new dimension through the highly irresponsible finger-pointing at each other. This is a serious manifestation of leadership bankruptcy taking its toll and forcing the nation to be led from one dead-end to another. Either we put a brake on this downhill journey or we are ruined.

Friday Mailbox

Public Safety Act

Sir, First, I want to thank Mr Mahfuz Anam for his commentary *Scrap this mini-martial law* published in the DS on 1st February, 2000. The write-up was so specific and logical to each point that it not only uncovered the inhuman and fascistic characteristics of the proposed Public Safety Act (PSA) but also described the scope of possible misuse of it by the government in general. The commentary gave me a clear look about the proposed bill.

The PSA throws us into the depth of fear with its certain clause and provisions which includes non-bailable arrest, supreme power given to police and thus scope of misuse. As per the act, anyone arrested with the offences covered by this law will not get bail throughout the trial period. Although the accused can appeal to the high court, the court cannot interfere during the trial. That is, the accused will have to be imprisoned for 90 days or more if necessary, though he is innocent. Isn't it a mockery? In the commentary Mr. Anam wrote, "... the very foundation of our legal process that 'All are assumed innocent till proven guilty'. The underlying tenor of the bill is the very opposite, that 'All are guilty till proven innocent', and till so proven, an accused has to suffer the indignity of imprisonment". This is quite unusual and against the fundamental right of an individual guaranteed by the constitution. Since the arrest is unballooned, this means, whoever is arrested, is bound to be a criminal! Then what is the need of prosecution? What is the need to waste time and money? Why not send the accused to the jail directly after arrest?

One might raise a question that there is a provision of punishment for false allegation. Yes, there is. But this leads to another question. Suppose a person is arrested with a false allegation, s/he will not be given bail as per the rule, and will be kept imprisoned till proven innocent. After the trial, s/he is released and by this time s/he has lost his/her valuable time, social dignity and everything. Then what matters to him/her if the false accuser get punished?

It is known to all through the newspapers, seminars, meetings, other media etc., that police in our country are corrupted. Not that all policemen are corrupted, a lot of them are still professional and we have example from recent past. It is well known that police misuses power. The government often uses them in general and sometimes they engage in malpractices. It is often heard that police fail to arrest an accused. Now with this new law, police are given more power and thus there exists more scope of misuse. Police in our country are ill educated, ill trained and unprofessional. So, without dealing with the fundamental problem, the government's move to enact tougher laws to combat terrorism will bring no good but mismanagement and confusion. Who can guarantee that police will not misuse the law? Who can assure that police will arrest only the real criminals and terrorists irrespective of party affiliations? The past record does not show us sign to be assured, rather there is every possibility that the PSA will be misused and innocent people might be the victim.

We, therefore in tune with the commentary, urge the government to 'correct the bill immediately before it brings more ills on us all'.

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Views expressed in this column are the writers' own. The Editor may or may not subscribe to those views. The Editor reserves the right to decide which letters should be published.

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