

The Daily Star

Founder-Editor : Late S. M. Ali

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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 protocol 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.

On an Eid day, eight years ago, in 1992, when I was being driven to a hotel at Port Moresby in Papua New Guinea, Mr. Lars Luvdahl, the Chief Technical Adviser of an ILO Project on Enhancing National Capacity in the Areas of Employment and Manpower Planning, for which I was recruited as a Short Term Consultant, instructed me not to go anywhere outside the hotel on my own, particularly on foot. He explained, observing my vacant looks, that the law and order situation in Papua New Guinea was extremely bad. Streets were absolutely unsafe for pedestrians as snatching and hijacking were quite rampant. Even when people were moving in cars, quite often they ignored traffic signals, not because they had scant respect for traffic rules, but because many a times they fell victim to looting and hijacking even during brief stoppages at crossroads waiting for the green signal. I thought he was exaggerating. Subsequently, however, I came to realize that, in reality, the situation was even worse.

The same evening, when Mr. Mannan, one of my friends who had been working as the Director of Planning and Development of the University of Papua New Guinea, took me to his house for dinner, I was shocked to see that the residential houses were fenced with barbed wire giving the look of well-fortified jails. I was told, quite often one would get hijacked even at the gate of his own house.

Located in the Pacific, Papua New Guinea is a country richly endowed with natural beauty. The blue ocean, and the green forests, thrilled me whenever Mannan took me for long drives, and quite often he lamented that he could never

share such wonderful natural beauty with his wife and children as travelling in Papua New Guinea with ladies could be quite hazardous. On a number of occasions ladies were kidnapped even in broad day light from Port Moresby itself. I was shocked at the alarming law and order situation in Papua New Guinea, but soon found out why it was so.

Mentioned earlier, I went to Papua New Guinea as a short-term consultant of ILO, and my job was to conduct three training workshops on Employment and Manpower Planning in which concerned government officials were supposed to participate. In order to ensure effectiveness of the training, I had to prepare some country specific training materials. Accordingly, I made some estimates of unemployment and underemployment in Papua New Guinea, and was shocked to find that the problem of youth unemployment had in fact reached crisis proportions, which in my opinion was primarily to blame for the alarming law and order situation prevailing in the country.

Eight years later, again, immediately after the Eid holidays, the death of Mr. Nikunja Bihari Debnath on January 11, 2000, at the hands of a few hijackers who found the amount offered, Tk. 100, too little to share; and many such incidents occurring in recent times, awakened us to face the reality that the law and order situation in Bangladesh today is no better than what was in Papua New Guinea in 1992, described above, and also for the same reason, i.e. high incidence of youth unemployment in the country.

According to the latest available Labour Force Survey of Bangladesh, in 1995-96, of those who were categorized as unemployed, 86 per cent belonged to the youth in the age group 15-29. Of all the economic sectors, industries, throughout the world including Bangladesh has been serving as the major source of employment opportunities for the youth. Unfortunately however, although Bangladesh has been fairly successful in maintaining a reasonably respectable rate of economic growth, rates of industrial growth since 1996 have been rather low. According to Bangladesh Economic Review, 1999, industrial (manufacturing) growth rates have been 3.5 per cent, 9.5 per cent, and 2.5 per cent, for the years 1996/97, 1997/98 and 1998/99 respectively. Within the manufacturing sector, growth was observed only in a few sub-sectors, namely petroleum products, fertilizer, and ready made garments. Of these, the first two being highly capital intensive in nature generated little employment opportunities while the ready made garments sub-sector, even though highly labour intensive in nature, created jobs mostly for the females. Whatever little industrial growth that took place in Bangladesh over the last few years therefore could hardly absorb any new entrant to the labour force, the male youths in particular. The youths also hardly benefited from standard micro credit programmes which were targeted primarily for women.

The self-employment promotion programmes specially designed for the youth conducted by the government's Youth Department addressed primarily the needs of the educated youth, bypassing that of the uneducated ones who were far larger in number. With virtually no job opportunities around, most of these mass-uneducated youths particularly those who migrated to cities in search of a living thus fell easy prey to organized criminal gangs operating in the cities as they got enlisted as their new recruits. The growing incidences of hijacking, dacoity and various other criminal activities observed today are primarily the outcomes of failure of the economy in generating adequate employment opportunities particularly in the industrial sector.

The culture of enforcing nationwide hartals with muscle power to achieve political objectives that was introduced in the country in a big way since 1994, and subsequent use of muscle power also to resist hartals, not only led to abuse of the unemployed youth by all the political parties but also, often under political patronage, gave birth to, nurtured and developed the extortion culture that has become widely pervasive throughout the country, vitiating the overall socio-economic environment, particularly the investment climate, and in the process destroyed whatever potential that existed for their productive employment through rapid industrialization.

Youths, being the most energetic, productive, and dynamic segment of the labour force, are the most important development resources a country may have. In Bangladesh, unfortunately however, for failure of the economy in generating adequate employment opportunities particularly in the industrial sector, it was not possible to productively utilize the youth labour force. They could therefore hardly make any positive contribution to the country's development efforts. Rather, subjected to abuse by interested quarters, they have emerged as a socially disruptive force.

Youth Unemployment

Root Cause of Current Law and Order Situation

by Dr. Muhammad Masum

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The writer is Professor of Economics Jahangirnagar University

Public Safety Bill is a Bill for Neither

by Mohammad Badrul Ahsan

We must not make a scarecrow of the law. Setting it up to fear the birds of prey. And let it keep one shape, till custom makes it Their perch and not their terror.

— William Shakespeare Measure for Measure

LOTS of kudos for the government for the two landmark bills. The bill on repression of women and children will hopefully act as a deterrent to abuse of children and women in our society. But more important is the bill on public safety to cope with crime and violence, which, like the two jaws of a vise, have been crushing our existence. Imagine extortion, car bashing, mugging, kidnapping and all other forms of criminal activities have suddenly receded from society! Our lives will become comparable to a walk in the garden of heaven!

Roman orator and statesman Cicero said, "Good of the people is the chief law." Both the bills, already passed in the parliament last Saturday, are aimed to do immense good to the people, except for the rats one smells in the public safety bill for obvious reasons. Firstly, the bill reads like a ruse to harass the opposition activists. Secondly, its passing so close to the elections makes it a suspect. Thirdly, there is no provision against state terrorism in the bill, when influence-peddling ruling party workers resort to intimidation and extortion. Fourthly, the government has got much to do to uphold the existing laws before creating new laws. Fifthly, there is no provision for investigating police brutality or banality when innocent people are killed or harassed under their nose. Sixthly, law doesn't prevent crime unless its spirit is acceptable to all. Seventhly, any law is a dud without freedom of the judiciary. Eighthly, law is nothing but a sham in a corrupt society. Ninthly, who will ensure fairness of the tribunals? Tenthly, what procedure will evince impartial investigation so long as it will be conducted by another human being?

To stack laws upon laws can at best create a complex system of justice, but cannot guarantee its efficacy. There are laws against rape, acid throwing, theft, bribery, loan defaulters and every other conceivable crime. But the question is how far have these laws succeeded in preventing their target crimes? In order to answer this question, it is important to distinguish between morality and law. The basis of morality is undoubtedly individual conscience. When rules of conscience mould the habits of a community they eventually become conventions and customs by constant observance. If they acquire certain further characteristics and sanctions they move from the realm of custom into that of law. The opposite process becomes the law-making method in totalitarian societies. There the law imposed

anyone's mind that our collective conscience yearns for legislation against all crimes listed under the public safety bill. But the question is whether the purview of this bill could turn into a torture chamber for political opponents. In fact, the record of political tolerance of this government is not very heartening and there is hardly any reason to believe that it will not be vindictive to turn loose upon opponents armed with the public safety bill. But even larger question is whether

government explanation for armed men in plain clothes whose photos appeared in newspapers day after day?

General Iberico Saint Jean, Governor of the Buenos Aires province of Argentina, had a plan to destroy his political opponents. He said, "First we will kill all the subversives; then, their collaborators; later, those who sympathize with them; after, those who remain indifferent; and finally, the undecided." The public safety bill, which promises to fight terrorism and vandalism with an iron hand, is ill-timed because it has the undertone of General Iberico's

If the government actually believes that the public safety bill is going to do wonders, it has been already challenged with a 36-hour strike... May be, someone needs to tell the government that by provoking further political unrest, it will only prove that the public safety bill is neither good for the public nor for the safety.

from the top gradually moulds the ethics of the community.

It was Savigny who popularized the concept of Volksgeist, which basically means that the popular consciousness ought to be the driving force of law. Eugene Ehrlich reaffirmed the supremacy of the law-making habits of the community against the law-creating power of the state. He only conceded to the law-making function of the state in regard to certain demands or prohibitions and to technical rules. In all other cases, he argued, the state merely confirmed what is already law in the conscience and the habits of the community.

Let there be no doubts in this government has the moral authority to codify laws on behaviors, which have been inflicted by its own actions from time to time. What happened to the findings of the one-member investigation team on Rubel murder? Who was guilty of publicly humiliating Moni Begum? Has any one been accused of killing that innocent woman in Jatrabari? Where is the investigation for the death of a BNP activist who died in Motiheel police station, supposedly under police brutality? How can anyone not think of the riggings in Tangail elections when the ruling party activists beat their opponents to trees and beat them up? Has there been one

braggadocio at a time when the elections are drawing near and oppression of political opponents by the ruling party cannot be ruled out. But should that be in the cards, the ruling party might succeed in crushing the subversives, their collaborators and sympathizers, but it will annoy the indifferent and the undecided.

Most curious thing about this bill is why the ruling party had to jump the gun all on a sudden now? If almost three-quarters of its term elapsed when crime and violence escalated, why this has to be railroaded despite resistance from all opposition members? One reason may be that the ruling

party desperately wanted to impress the electorate in the last leg of their regime. The only other reason, which comes to mind within the ken of logic, is that it has a plan to suppress opponents to secure victory in the upcoming elections.

Could not the public safety bill have been passed in a limited version introducing special tribunal, summary proceeding and rigorous punishment for snatching, extortion, and kidnapping only? Could not issues like vandalism, barricades, etc., which are politically sensitive, be shelved until a consensus was reached amongst all parties? The purpose of enacting laws is to create a law-abiding society. To enact such law, which is not endorsed by the representatives of the larger section of the population, is to kill it in the womb.

This also tells us the most important thing of all. It is time our lawmakers started to believe in the politics of inclusion in the matters of profound national interests. Crime and violence need some serious attention in this country. If the government actually believes that the public safety bill is going to do wonders, it has been already challenged with a 36-hour strike. Thomas Paine writes in *The Rights of Man*, "Lay then the axe to the root, and teach governments humanity. It is their sanguinary punishments which corrupt mankind." May be, someone needs to tell the government that by provoking further political unrest, it will only prove that the public safety bill is neither good for the public nor for the safety. In the end, it might also prove that the bill is not good for its own fate.

The writer is a banker.

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 have 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 unbailable, 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 gets 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 misusing power. 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'.

S.M. Enayetur Raheem
Dhaka.

To the Hon'ble President

Sir, I request the Honorable President Justice Shahabuddin Ahmed not to sign the recently passed Public Safety Act (Special Provision) 2000. As a man from the judiciary, we hope he will not support it by signing it. Although he has constitutional limitations, we hope he is not bound to sign every bill.

Instead of signing it, we humbly request him to let the bill pass automatically in 15 days after it reaches him for approval.

Bulbul
Dhaka.

Jatiya Sangsad and primary school teachers

Sir, How contradictory it is that on the one hand the pay of the poor primary school teachers is not raised due to so-called financial constraint of the government and on the other the pay and allowances of the affluent and solvent MPs, Deputy Speaker, Speaker, Ministers and Prime Minister have been raised manifold.

Why does the Jatiya Sangsad turn a deaf ear to the demands of the needy and poor?

O. H. Kabir
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"Convergence"

Sir, I hereby honourably and honestly register my protest against the information collected by Abul Ashraf Noor who claims in a letter published in the DS issue of February 1, 2000 that the word 'convergence' is not found in the English Dictionary. He then wants to know whether the word 'coverage' would be in place of 'convergence', which was written in an Editorial of the DS issue of January 30, 2000. The complainant has not, however, mentioned the name of the dictionaries which he has consulted for the purpose.

Anyway, the word 'convergence' is available in the dictionaries like *Bangla Academy*, 93, Indian Samsad '94 *Oxford Advanced Learner's Dictionary* (fifth edition '95), etc. Etymological analysis of the word is: 'con-' and 'verge', 'con-' is a prefix meaning 'together' or 'with' while 'verge' derives from latin 'vergere' meaning 'to bend' or 'to merge'. Thus 'convergence' lexically means 'moving towards and meeting at the same place'. With such a meaning the word gets its appropriate application in the heading of the Editorial 'A Splendid Convergence' which I appreciate most.

Houmayoon Kabir Hridoy
Dept of English
University of Dhaka

Sir, I am amazed, rather shocked, to see Mr Ashraf Noor's letter to you in the Daily Star of 1st Feb. According to him the word 'convergence' is not to be found in English Dictionary! Since it is an English word — a noun from the word 'Converse' (intransitive verb) meaning, to come together to a common point. I am a bit confused as to why it is not in the English Dictionary! Or, am I missing something — a latent meaning may be?

M Sadiq
Uttara

Why Must One Meet Such a Tragic End?

by Afazalur Rahman

On the day when government offices resumed work after the Eid-ul-Fitr holidays, the news that miscreants in the vicinity of Jagannath Hall in the University campus stabbed a top government official to death greatly disturbed me. When I found out later from a senior officer in the Ministry of Finance that the victim was none other than Mr. Nikunja, I could not believe my ears. It was only a few days before the Eid holidays that I had requested him over the phone to give an appointment to a senior officer in connection with a semi official job pending in his ministry (Local Govt Division) and he assured me that he would look into the matter. He was very cordial and sincere as always.

I met Mr. Nikunja for the first time in October '90 when I was transferred from the Export Promotion Bureau (EPB) to the Ministry of Finance where he had also joined a few months back after serving as Additional Deputy Commissioner in Kurigram. When I met the senior officers of our wing in the division including Mr. Nikunja and others, I was particularly impressed by his amiable disposition. He was very simple and soft spoken. As a desk officer he was very sincere in dealing with the incoming cases of the organization. He was very pragmatic and I remember the devotion and honesty with which he dealt with cases.

The muggers mercilessly stabbed Mr. Nikunja Bihari Debnath to death. A police patrol of the Ramna police station was on duty as usual. There were hardly 20 to 30 yards away from the murder spot. Of course, the new Commissioner of DMP has categorically stated that the persons on duty, if found guilty of negligence/deliction of duty in this case, will be severely dealt with.

The incident of Mr. Nikunja's stabbing in the University campus manifests the moral weakness of the police. Despite the possession of firearms, the officer on duty and the policeman there, did not act as a deterrent to the muggers. It is a pity that the police were reportedly mute spectators. Unfortunately, the reluctance of almost the rank and file of the police has created such defiance among the muggers, hijackers and violators of law.

The tragic death of Mr. Nikunja once again points to the fast deteriorating law and order situation obtaining in the country and unless an awareness is created among the higher echelon of the police department that 'all is not well' in their rank and file, this lawlessness will further aggravate and it will reach a state of anarchy.

Even though the police must shoulder the entire blame in this particular case, the responsibility for the present sorry state of affairs is the entire administration's. The malfunctioning of the judiciary in particular and the entire administration in general has landed us in such a situation where an accused gets bail repeatedly despite committing crimes one after another, even in a crowded place like the court premises. Whatever may be the factors for the present hopeless state of affairs, the tragic and senseless killing of such an efficient and honest officer like Nikunja Bihari Debnath has shaken the whole setup of the administration. From the Prime Minister down to the Inspector General of Police, all were visibly upset, and the Prime Minister has given specific orders to arrest the killers and bring them to trial and it was gratifying to find that these orders have been complied with — the suspects have been arrested and taken

for remand and perhaps all the clues including the 12' long knife have been recovered.

In the recent past also, the tragic death of sergeant Ahad, a very promising young police official failed to make the authority concerned take stock of the gravity of the situation. These incidents have shaken the confidence of the people at large in the efficacy of Governance in general and the effectiveness of police administration in particular. Confidence of people in police must be restored. Also the police department must not be made to shoulder the blame of failure-alone.

The department has high tradition of sacrifice, devotion to duty and good service. People of Dhaka City still remember the valiant resistance and gallant fight they put up in the Rajarbagh police line on the fateful night of 25th March, 1971, when the Pakistan Army fell upon them. The officers and the men laid down their lives setting an example of supreme sacrifice.

In connection with the painful death of Mr. Nikunja, it may be stated that the suspension of a junior officer, who was on duty near the place of occurrence or the transfer of Commissioner, Dhaka Metropolitan Police (he was promoted, by the way) is no solution or consolation in the given circumstances. The supervision in the chain of command should be effective. Respect of juniors for seniors as well as unstinted loyalty to superiors for carrying out lawful orders in the chain of command should be ensured.

Shortage of transport/ancillary facilities and adequate equipment were put up as excuses by the authority concerned to cover up some of their failures. But it must be borne in

mind that accountability and transparency in the activities of the organization is more important and a prerequisite. For example, a staff college is not an immediate need when the force is suffering from inadequacies of basic nature.

During the last few years quite a few incidents of gruesome nature were reported in the national dailies. The series of criminal and murderous activities of notorious Ershad Sikder, Nurunnabi, Hasan, Laltoo, Kangali Zakir, Bikash, Sweden Aslam etc., under the protection of some high-ups in the political arena, created a sensation in the society but to no avail. The report of huge pecuniary rewards received by these high-ups in exchange for providing patronage to the criminals stunned the members of the public.

A committee set up by the Minister of Home Affairs comprising senior police officers identified 79 persons (some of whom are very prominent) who are allegedly the beneficiaries of rewards from Ershad Sikder from time to time over the period of more than a decade. Most of the persons identified are police officers (as reported by the press quoting committee findings). Some of them are high officials, still in service, holding key positions in the administration and others were some senior politicians. Thus it can be easily understood why even such vicious criminals go scot-free.

There have been instances of people taking law in their own hands lynching mugger etc. These incidents are very unfortunate, and it shows that people's confidence in the law enforcement agencies has evaporated. The social fibre has become weak and there is an overall deterioration in the political scenario and in our society in general.

The Ministry of Home Affairs and the Police Department should set priorities in their plans and programmes of organization — the establishment of staff college may not be a priority in the agenda (though the importance of imparting higher training for staff jobs is not ruled out). The huge fund, considerable manpower, acquisition of land and the cost of infrastructure building should be kept in mind.

Mere recruitment and appointment of police personnel do not provide solutions in the prevailing situation. During 1991, a lot of police personnel were sweepingly appointed, placed in different police stations of our country and also the standard of transport facilities provided to the officials was improved to a great extent, despite resource constraints. But the experience has been much less than satisfactory. Death of Rubel, a brilliant student of Independent University, murder of driver Jalal in the detective branch office discovery of a decomposed body from the water tank in the same office are a few examples that speak of the rot in the administration itself.

Mr. Nikunja's body was brought to the Secretariat where he worked as Joint Secretary in the Ministry of Local Government and Rural Development to enable his well-wishers, colleagues, friends and admirers to pay their last respect to the deceased. I also went there with profound shock and grief. Mr. Nikunja had quite a few years of service left with the Government and by his untimely tragic death, not only the BCS (Adm) cadre and the Ministry but also the society and the Republic has lost a brilliant officer and a noble soul.

The writer is former Secretary Ministry of Civil Aviation and Tourism