

The security bill

Time to make its contents public

WE are all in favour of adequate security for an outgoing prime minister. More so for Sheikh Hasina as Bangabandhu's daughter. The legacy of her revered father's assassination along with most family members haunts us all which cannot be ignored at the state level. This is because : (a) the perpetrators' thesis is there; and, as such, (b) a sling-shot threat on her life is not to be ruled out. Furthermore, it is her government which annulled the law indemnifying the killers of Bangabandhu and held a trial that ended up pronouncing death sentences to fifteen among the eighteen accused persons.

Normally, the reason why an ex-head of government would be entitled to an extended security cover in some form in a democracy is because during the incumbency some unpleasant decisions might have been taken spawning a degree of antagonism to pose a threat to his or her physical safety. In Sheikh Hasina's case this holds even truer, because it is not any administrative grievance she might have given rise to, rather a potential political vendetta could be nursed by people affected by the trial and their sympathisers.

So, this paper has no self-doubt in asserting that given the shadow cast on Hasina's physical safety as an outgoing PM she should have a security ring around her commensurate with threat perception about her life.

That is as far as the concern for her physical safety goes. Now we turn to the bigger question of retaining intact the central element of the caretaker system. The whole point behind a non-partisan interim government, headed by former chief justice, is to provide a level-playing field for all political parties taking part in the elections. In this context, we are heightened by the declaration of a spokesman of the AL delegation which met the President to brief him about the proposed law on outgoing PM's security that the attempted legislation involved state security, not state protocol. But it is their refusal to give any outlines of the provisions of the proposed law to the pressmen, far less divulge the whole content of it that has given rise to all sorts of misgivings among the public. The mysterious silence over the provisions of the bill, that by all sights and sounds, is under a final drafting stage, is inexplicable, to say the least. Whatever little has been given out by the government, apparently as a feeler to gauge a modicum of public opinion, appears as something of a ruse for it has exercised the public mind more because of the curiosity to know what remains undisclosed than what has been revealed.

The hush-hush makes the situation worse con-founded with the rumour-mill running full swing and breeding more and more misgivings in the public mind by the day.

We are, therefore, inclined to suggest that the government immediately make the provisions of the proposed bill public to elicit their opinion before tabling it on the floor of the House. Share the contents of the bill with the public, know their mind about these before you proceed any further with confidence in what you are doing. This will help remove public misgivings and clear the air of suspicions harboured about the government's motive behind initiating the legislation

Power abused



HASNAT ABDUL HYE

IT is amazing that they still make news. The incidents have become so common and frequent that even taking notice of them appears extraordinary. If not ennui, a sense of resignation would appear sufficient and be a normal reaction. But some of our crusading newspapers never tire of taking up causes of the underdogs and making major issues out of their plight and doom. Because a part of our press is still relentless in its pursuit of truth and justice and unflinching in being indignant against violation of human rights, life in Bangladesh has not yet degenerated completely into the Hobbsian state of nature. But for hapless young Haris, life became "brutish and short", nevertheless. He breathed his last after alleged brutal torture by police in a thana adding another name to the lengthening list of custodial deaths. Like Kafka's Joseph K poor Haris died "like a dog", without knowing what his fault was.

Death in police custody has been going on for a long time, almost becoming passé. In the past police got away with such heinous acts without culpability because few would know about the truth or would dare to lodge cases against such venality. But thanks to our vigilant press, acting as the watch dog of public interest, no act of omission and commission by police nowadays goes unreported and without call for justice. In the case of deceased Haris news report was followed up by editorial in at least one English daily which perhaps was instrumental in the 'closing' (not arrest) of two police personnel. Late Haris was a mere minnow, a person

with no social or political clout. But to the press his life and death were rich with symbols that transcended all ordinariness of the quotidian. The press upheld the eternal principle that all life is inviolate and no one can deny it to others without being held accountable. It is for the brazen denial of this civilised code that Haris's death has become a cause celebre and he has become larger than life.

The press, of course, does not spare anyone, high or low, among the power that be, if one errs on the wrong side. So it cannot be said that

ties and atrocities. Any other department having similar powers would be tempted to use them almost compulsively. It is in this sense that the fault lies not in the police, but in the powers that inevitably have corrupting influence on them. While criticising police and expressing shock at the criminal acts of some of them the legal background should not be lost sight of. It is the power regime that makes the police what they are. The lack or inadequacy of oversight on the use of these powers given to police makes matters only worse. Before police can be

not rare where arrests are made first and then warrants are written for record. This is not only a procedural defect but also gives scope of using discretionary powers to police which is often abused. More importantly, arrests without warrants cause great suspense and anxiety to the relatives. Because of these all arrests made by police should be on the basis of written warrants copies of which should be given to the relatives of the arrested person or to his/her lawyer along with the names and ranks of persons making arrest. This is necessary because some

arrest and producing the accused in court is not necessary. So police should be required to produce the arrested persons immediately after the arrest, taking one hour to record the case in the thana. Under no circumstances females should be kept in thana after evening.

Like Section 54 of CrPC, the Special Powers Act and the recently introduced Public Safety Act also give more arbitrary powers to police. Both the laws can be misused and abused by some members of police with ulterior motives or at the behest of the power that be. The existing

interrogation.

Only some powers given under the law have been mentioned to illustrate the unique position of police in the government. No other government department and its personnel wield so much power over the daily lives of people. Some of these powers are now redundant, being anachronistic (24 hours time to produce before court) and others are repressive being violation of fundamental rights (Section 54 of CrPC, SPA, PSA). Some powers (arrest with warrant) have to continue because police cannot function without these. In these cases superiors should provide safeguards through supervision and accountability made to higher forum (parliamentary committee). Unfortunately, supervision by senior police officials has become inadequate and also perfunctory. It is alleged that disciplinary actions against delinquents are not promptly taken or when taken are not exemplary because of neglect and also in the interest of keeping good relations with subordinates. Very few senior officials of a government department want to take steps that will make them unpopular to their subordinates. In the case of police it seems to be more so. It is, therefore, desirable and necessary to appoint officers from magistracy or judiciary as inquiry officers when police officers and personnel are involved in cases of cognisable offences.

All countries need police. But no country can be proud of a police force whose image has become greatly tarnished. Since very often the fault lies not in police themselves but in the powers given to them these need to be reviewed and amended to prevent abuse. Stars, under which men and women are born, being fixed, may bestow on them a pre-ordained fate. Powers given by the authorities are not immutable. They can and should be changed. The deaths of Yasmeen, Seema, Rubel, Jalal, Haris and many others are crying out for that.

they have any particular grudge or vitriol against the police. But police happen to be more often the subject of criticism and condemnation. They are accused of activities that range from dereliction of duties to acts that are cognisable under the penal code. Allegations of violation of basic human rights abound, though it must be said that in almost all cases only a few police personnel are involved. But like a rotten apple in a basket, a few are enough to wreak damage on the whole. If police have come to have such an unsavoury and unpopular image it is not because of the officers and personnel working in that department, even when the number of delinquents is limited. Any other set of people working there would in all probability behave in the same way, committing the same excesses. The fault lies not in "in themselves", i.e., their being "police" but in their "stars". The "stars" here are not the astronomical phenomenon referred to by Shakespeare but in the powers given to police under various laws and rules. It is under cover of these enormous and extensive powers that police can indulge in irregulari-

reformed the powers given to them have to be reviewed for curtailment and amendment. Simultaneously, independent supervision by other than police department has to be put in place.

One of the powers given to police most abused is section 54 of CrPC, which allows them to arrest anyone on mere suspicion. Perhaps poor Haris was taken into custody under this legal provision that gives unlimited power to police to arrest anyone from anywhere without citing reasons. This is a gross violation of basic human rights. The temptation to use this power is too great for the police even when the situation does not warrant it. Needless to say, it gives them opportunity to harass, intimidate and even to extort. The victims of misapplication of this power are often the poor. It being a fundamental human right that no one should be deprived of personal freedom this power to arrest on suspicion should be immediately withdrawn through amendment of the law concerned.

In all cognisable offences accused are to be arrested on the basis of written warrants. Cases are

police personnel (DB) make arrests in plain clothes which make it difficult to trace them later or even to know that they are genuine police and not some criminals masquerading as such. Though under the present legal provisions no arrest should be made at night, this is very often flouted which not only breaks the law but also gives scope of excesses to be committed. Such a violation of laid-down procedure should be stopped.

Under the existing law police are to produce accused persons before court within 24 hours of arrest. This gives some of the police personnel enough time to subject the arrested persons to torture and intimidation either for sadistic reasons or for extortion. In the case of females rape in custody often takes place because of the length of time allowed for incarceration in thana hajat, particularly at night. The provision of 24 hours time limit was made during the colonial period when communications were under-developed and travel time required to reach court was long. But with present improved communication system such a long interval between

penal code takes cognisance of all types of crimes and there is hardly any need to make new law. At best new provisions can be added to the penal code. Because of the wide scope and unlimited power both the laws (SPA and PSA) have come to be seen as repressive and arbitrary.

Section 403 of CrPC lays down that for the same crime two cases cannot be filed in a thana. This gives power to the police members to cover up their crimes by filing a case first and thereby denying the opportunity to the victims or their relatives to file a case later. Being abused so often this section needs to be amended. The accused sent to jail hajat are very often brought on remand by police for interrogation. Though confessions are often made during such interrogation the accused retract them on the ground of having been made under duress. The system of remand giving scope to police to use third degree method to extract confession is a violation of human rights. It should either be abolished or arrangement should be made for the presence of magistrate or the lawyer of the accused during

Protocol of love



MOHAMMAD BADRUL AHSAN

ZAYED Akbar Chowdhury had to die because another man wanted to marry his wife. It had the resonance of the Trojan War, except that the frantic lover, who lost in the battle of love, came to the house of his rival and sought revenge in a cowardly manner. He killed the man in his bed, reportedly sleeping, and then fled the scene on nimble feet as if driven by the wrath of his own guilt. If all is fair in love and war, then the lover-turned-killer behaved like a retreating army, who plunder and destroy on the way to justify defeat.

D. H. Lawrence writes in *Fantasia of the Unconscious*, "Death is the only pure, beautiful conclusion of a great passion." The assassin's bullets marked that conclusion for Zayed, who became the casualty of an unrequited love. But what about the others - the woman who has lost her love and the mad lover who has avenged his defeat? Will the depth of her loss ever reconcile with the level of his gain in the zero-sum

cruelty of one life to live? How will she forbear for the rest of her life the pangs of separation from the man, whose charm occupied her heart like an unassuming fragrance? And will the deranged lover ever get to cleanse the stains of his defeat with the blood of his enemy?

Attractiveness, according to Erich Fromm, is a nice package of qualities, which are popular and

predetermined patterns. Helen Rowland compared it to paralysis, because it is often all on one side. Zayed's killer had a good start; he coveted the girl he saw. But he failed to generate interest for him in that girl, and that is where his amorous bid floundered.

One wonders if anybody told him that he behaved like a lout when he tried to kidnap the object of his love.

lamb slaughtered in the arrogance of love between one who denied and one who demanded. He, who had all the right moves, didn't even know that he had to perish in the envy of a scoundrel who could not impress the heart of a woman he had enamoured. Futility comes in many ways, but to die in sleep in the hand of a disconsolate man for that silly reason is pathetic.

primarily giving in addition to showing care, responsibility, respect and knowledge. Love which cannot give is impotent, a misfortune, and giving comes from care, which is an active concern for the growth of that which one loves. Every time we respond to the needs of our loved ones, it is responsibility. But responsibility could deteriorate into domination and possessiveness without

of his dreary loneliness like Dante did for Beatrice and Petrarch for knowledge. Devdas couldn't write but he drank to submerge his sorrow until his loneliness eventually erased him.

The man who has killed Zayed is right now the loneliest man on earth, his heart broken and his dignity shattered. He has killed for love but only to make it worse. Nothing is more deplorable than the fate of a man who is hated by the woman he loves. Now he has to hide himself from his own conscience, the love of his life and the rest of the world. He is at once a basket case who is also a criminal, and he has to run from law and love at the same time.

In older times, Zayed's death would have been immortalised in a ballad, for the cruelty of it has the pathos of a senseless waste of life. There are hundreds of reasons why one must die - for country, for honour, for wealth, for property, for ideals and so on. But to die for a madness, that also of someone who lost his mind over a woman's love has the irony of dying in a crossfire. It is even worse when that woman is the wife of the dead man, because the tragedy is then imbued with certain intimacy that verges on horror.

Zayed died in that horror because his rival never learned that love was a two-way traffic. To love and be loved is a matter of protocol, when two hearts beat in the rhapsody of the same etiquette. Will the killer now know it, while being on the lam?

CROSS TALK

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respect, which denotes the ability to see a person as he or she is. Again, it is difficult to respect a person without knowing him. Care and responsibility would be blind if they were not guided by knowledge.

Devdas gave his life to drinking to cope with the grief of losing Parvati, but he never thought of any mischief to disrupt her conjugal life with a man old enough to be her father. Love ennobles the true lover when he is denied of it, when his soul has died long before his body would be buried. For so long as his two deaths don't converge, the lovelorn lover mourns every minute

And in true love, one must be

OPINION

Unique opportunity for third world countries

HABIB SATTAR

WITH the invention of the steam engine and the mechanised printing press, the industrial revolution started in Europe. After World War II, great strides that took place in the aviation industry and space technology rapidly changed lifestyles and the world economic order. Sweatshop industries like textiles, leather, apparels gradually moved to third world countries to take advantage of cheaper manpower.

Bangladesh with its abundant supply of cheap but intelligent and quickly trainable labour force became an overnight success story in the export-oriented readymade garments (RMG) industry from the 1980s. The RMG sector continues to grow, but the quantum of value addition is small, the technology low and easily replicable; and above all, after 2004, when quotas are removed, competitiveness of Bangladesh as a supplier country is likely to become very doubtful.

In the 21st century countries with a large population will only survive or prosper depending on their level of contribution to the so-called knowledge industry for whose services the world is becoming ever more hungry. With proliferation of personal computers and the Internet as a vehicle of communication the way people do business or shop or interact personally and professionally have completely

changed. The Internet could revolutionise the lives of people, particularly in poorer countries and bring jobs to people, rather than third world immigrant labour flocking to rich countries in search of jobs and a better life! Unfortunately, what is missing is the vehicle for this window of opportunity - that is access to telephone lines. In this century the global demand will be much more for intelligent labour for data entry and simple software development that will be transferred to third world countries (rather than semiskilled labour required in a stitching shop!). But to ship the product of such intelligent labour with a much higher value addition than garments the country requires to beef up its telecom infrastructure by five times in terms of quantity and quality. And this cannot wait for the next five-year plan - it's got to be done now or Bangladesh will miss the bus for ever!

To me the problem seems to be our planners' and administrators' predilection to the 'aid culture', which may have been appropriate in the 1960s and 70s, but is not going to work today. To make the infrastructural investments necessary in the telecom sector, bilateral/multilateral aid is not the only source of funds. Even the third world countries now have the opportunity of finding the needed capital, provided they are prepared to let go of the state monopoly on the highly regulated telecommunication sector and the privileges of

rent seeking) that goes with it. If we look at the track record to-date the government monopoly of MoPT/BTTB in thirty years of independence Bangladesh have achieved a total telephone population of 500,000 lines only with a pitiful tele-density of a little over three telephones per thousand. By contrast, the private joint venture cellular telephone companies in Bangladesh have achieved over 350,000 connections between 1996 and now. And this despite the fact that the BTTB have tried to stifle their growth by denying or severely restricting connectivity of cellular network to landlines, which meant a large number of mobile subscribers not having access to any BTTB phone or emergency numbers, such as police or hospitals. The Geneva-based International Telecommunication Union (ITU) has censured the BTTB (as a member operator) "for hindering the country's mobile growth by denying access to its fixed telephone network". BTTB's story is of course shortage of network capacity; but their plans of launching their own GSM network with 'full connectivity' belie this theory. The BTTB cannot come out of the comfortable command economy mindset of restricting supply and skimming the consumer. They are clearly oblivious of the free-market initiatives and technology changing the world. The monopolist's fear of loss of revenue by relaxing control will be swept aside eventually by events gener-

ated by ever changing technology.

Just look at the glaring inequities -in the USA the cost of getting a new phone line is 40 dollars and if the phone is not installed within 24 hours of payment they better have a damn good reason. In Bangladesh the official cost of a new telephone connection is Tk 20,000 (350 dollars) - in a country with an annual per capita income of less than 400 dollars. Currently, the waiting period for connection in Dhaka city is over one year after payment of the demand note. The ISD call rates of the BTTB are now the highest in the world - a Bangladeshi calling USA pays Tk 72 per minute + VAT. But if his son calls him back from the USA using a 'calling card' he probably pays only 10 cents (Tk. 6.00) per minute. It is not in BTTB's power to stifle technological development of the world any they will lose their 'protected' revenue any way because people will stop using their service when the price difference is glaring.

The government's declared goal of 800,000 telephones by the year 2000 is nowhere in sight as donor funding in this sector is drying up and they are looking for supplier's credit. But there are other ways available, as telecommunication is the most economically viable infrastructure investment in the world today. WorldTel - a company floated by charter of the ITU and funded by market capital raised by merchant banks - is specially mandated to build and operate telecommunica-

tions networks in third world markets with local strategic partners purely on commercial considerations, see the projects through to maturity, and make them public companies in the respective countries.

WorldTel received a licence in the year 2000 to set up a 300,000 line fixed telephone network, using the wireless loop (WLL) technology, for greater Dhaka city. The company announced plans to also offer value-added services including high-speed Internet backbone and deliver Internet and cable TV signals to subscribers through a single coaxial cable (referred to as DSL by the technos). This could have not only served thousands of applicants waiting for a decade or longer for a fixed line phone, but provided the infra-structure necessary for setting up a computing/software industry for export that in turn could have generated employment for many thousands of the educated youth. We have heard absolutely nothing from the authorities about progress of this project. WorldTel are currently in the process of implementation of large-scale integrated telecom infrastructure projects in Egypt and India. These countries with their educated, but inexpensive labour force are surely going to go ahead with economic growth in the current century.

PHOTORIAL

Readers are invited to send in exclusive pictures, colour or black and white, of editorial value, with all relevant information including date, place and significance of subject matter. Pictures received will not be returned.



STAR PHOTO: A K M MOHSIN

Accident waiting to happen!

During this season of storms, river transport is dangerously vulnerable to mishaps. But passengers on the Narayanganj to Chandpur launch are packed into every nook and cranny of this vessel until there is not even any standing room left. This is an accident waiting to happen. In spite of many incidents in which lives have been lost, no effective measures are in place as yet. The authorities must open their eyes and take action before another tragedy hits ordinary people!