

Trading on human misery at its worst

What relief with rotten rice, spurious saline!

THE report from Manikganj, which gives a dismal account of relief operations -- particularly the quantity and quality of the distributed relief materials, is cause for great concern. It was indeed a pathetic scene that an old woman bemoaned her rotten luck after receiving a small quantity of rice unfit for human consumption.

The flood-stricken are in a desperate situation as relief operations still lack the pace and reach that could mitigate their compounded sufferings. Imagine how they felt when some inedible stuff was handed over to them in the name of relief. That makes a mockery of the whole relief plan and reduces the words and commitments of the ruling party leaders into meaningless expression of concern for the flood victims. What could be more inhuman than asking the hungry people to eat some stinking, putrid rice? This kind of extreme disregard for human lives cannot be condoned.

This criminal lapse is attributable to negligence of duty at different points, particularly at source. There was nobody to check the quality of the rice when it was being packaged and prepared for distribution among flood victims. There was certainly the need for taking a modicum of care with the items being passed off as edibles.

This kind of nonchalance towards flood victims, if not redressed at the earliest, could be repeated by those waiting in the wings to grab any opportunity for trading on human miseries. The Manikganj incident may raise questions about the sincerity and effectiveness of relief operations.

We believe the government would not fail to initiate a probe into the incident, find out the culprits, and punish them, so that such a raw deal to suffering humanity is never ever repeated.

We are surely not asking for too much.

For credible poll at Gazipur

EC has a job cut out

THE Gazipur election is only a couple of days away. True, the floods have been a major distraction. Yet, it can hardly dilute the importance inherent in the upcoming event. Its import lies in the test-case scenario. First, it is set against the backdrop of the controversial Dhaka-10 by-election that shook our confidence in the power and ability of the Election Commission to conduct a free and fair poll. Secondly, controversies have dogged the run-up to the Gazipur by-election itself.

Hence, with the experience of Dhaka-10 in the background, how this election passes off and with what results will help us form a clear impression about the credibility of the by-electoral processes as a whole.

Only a few days back, none other than the acting Chief Election Commissioner warned the candidates of all three major political parties -- BNP, AL and JP -- that they were violating electoral rules thereby making themselves liable for punitive measures. Action didn't follow; the concern remained.

Now, with the election almost upon us, here is what we have from a report in a prominent Bangla daily: among the 195 presiding officers being inducted for the job, nearly 50 of them have had something to do with BNP politics. Of the 3,048 assistant presiding and polling officers, about a thousand are known to have been involved with BNP politics. We don't expect the officials to be without any political affiliations, but the question here is, whether they have been commandeered on purpose or not.

With the floods on, some 30 percent of the polling centres have been submerged raising the possibility of lower-than-expected voter turn-out.

With that in view, the Election Commission, local administration and security personnel on duty need to be on maximum alert to be able to stave off any attempt at voter intimidation or poll rigging. The constituency has a large number of Hindu voters who must not be allowed to be intimidated by any quarters. The bottomline is: we want a free and fair by-election in Gazipur.

Rapid Action Battalion: Rationale and reality

MUHAMMAD NURUL HUDA

THE creation of Rapid Action Battalion in recent times has attracted widespread public attention for obvious reasons. Some comments on the activities of RAB have been less than satisfactory. The Daily Star has editorially (July 23, 2004) gone to the extent of saying that the government must "reign it in before it turns into a monster." This definitely amounts to taking a very serious view of the activities of a supposedly elite law enforcement unit of the country. Before one ventures to find out the basis of such a premonition it may be relevant to look at the legal provisions pertaining to the creation of the Rapid Action Battalion.

Legal provisions

The RAB was created through the "The Armed Police Battalions (Amendment) Act, 2003," and published in the Bangladesh Gazette of July 12, 2003. The RAB is a Composite Force, manpower wise, because sub-section (5) of section 3 of the law states: "Notwithstanding anything contained in this ordinance or in any other law for the time being in force, armed personnel and officers in Rapid Action Battalion may, as and when necessary, be appointed on secondment or deputation, as the case may be, from among the persons who are in the service of the Republic, including any disciplined force." There is nothing very unusual about such a Composite Force because the intent of the legislature and the concerned executive authority is to draw upon the experience and expertise of skilled professionals with a view to combating a serious law and order situation. In fact such composite law enforcement outfit does exist in other places also.

Duties and functions

The Rapid Action Battalion, as distinguished from other Battalions, has been entrusted with exclusive duties like "intelligence in respect of crime and criminal activities" and "investigation of any offence on the direction of the government" as can be seen from sections 6(A), 6(aa),

and 6(bb) of the Act. Section 6B states: "The government may, at any time, direct the Rapid Action Battalion to investigate any offence."

Section 6c clause-1 states: "An officer of a Rapid Action Battalion shall, while investigating an offence, follow the procedure prescribed in the Code of Criminal Procedure 1898 (Act V of 1898) or in any other law, as the case may be, for the investigation of such offence."

Section 6c clause (2) states in pertinent part: "The concerned officer shall, on completion of the investigation of any offence under this ordinance, file his report to the officer-in-charge of the concerned police station, and the officer-in-charge shall, within forty-eight hours of the receipt of such report,

regulation says that search should be made in the presence of owner or someone on his behalf, and that the presence of search warrant must not be looked upon merely as a formality. Section 50 of the code directs that the persons arrested shall not be subjected to more restraint than is necessary to prevent his escape.

It would thus appear that the Code of Criminal Procedure has been cognisant of the individual's honour, dignity, and liberty, and requires the law-enforcer to act legally and in a level-headed manner. Therefore, the complaints of high-handedness against some members of the RAB, as alleged and published in newspapers, could be isolated acts resulting from misplaced exuberance. The fact of the matter will be known only after an

cial laws starting from P.O. 50 of 1972 down to the latest one against terrorists. The situation however, has not improved substantially despite the legislators' earnestness.

RAB and police reform

Viewed from the above perspective, one may also be wondering about the necessity of special or elite law enforcement unit like the RAB. One could say that the collection of "intelligence in respect of crime and criminal activities" and "investigation of any offence on the direction of the government" -- the two major duties of RAB -- could be carried out by the police. Exactly herein arises the issue of the much publicised police reform which, inter alia, includes the streamlining of the police organisational setup. The

and scientific investigation. One has to hope that the government will allocate larger resources to maintain the high standard in centers of excellence. One of the ironies of subcontinental law enforcement is that the police, despite its less-than-credible status in the eyes of the public, continues to be the principal investigating agency of the state. That being the manifest reality, is it not our state obligation to ensure the healthy growth of a scientific and professionally committed body of investigators? One hopes that the constitutional commitment of separating the judiciary from the executive, when effected, will act as a complementary factor towards better performance by the police investigators. The expectation is that with better judicial scrutiny and

police officers to abuse their discretionary powers and to resort to irregular and illegal methods and practices. Unnecessary use of physical force and third degree methods for extracting confession of the accused are common complaints. While the law and the regulations categorically forbid such practices, the reality on the ground is not always what we would want.

It thus follows that while no responsible citizen would dispute the creation of special law enforcement unit, we would be prudent to devote increased attention and allocate enhanced resources to what one may call "mainstream policing." Ad-hocism has reigned supreme for a painfully long time, and it is definitely time to adopt meaningfully substantive measures in the public interest. The demand of our rapidly growing society for police services has increased at a faster rate than the growth and expansion of its service delivery capacity. There is a need to re-emphasise the importance of operational policing in order to combat the increasing crime in the society. The organisation needs a clearer sense of direction. A structured approach to the future through a strategic plan should also be a priority. The policing programmes should endeavour to provide that kind of service which can consistently meet the needs and expectations of different segments of the community within current and anticipated resources. Proper policing will demand hard work and high standards of professionalism from each man in the service. Police stations are the focal point of service delivery. The need for more resources at the police stations is obvious as we ask for courteous, prompt, and professional service at this point. The objective should be to reduce crime and maintain order. With an enduring partnership with the community, the aim should be to make our society a better place to live and work.

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forward the same as it is to the competent court or tribunal, as the case may be." Section 6D states: "An officer of any Rapid Action Battalion may, while investigating an offence or performing any duties under this ordinance with respect to the cases originated from that offence, exercise all such powers and perform all such functions and duties as may be exercised or performed by a police officer under the Code of Criminal Procedure, 1898 (Act V of 1898)."

It would thus follow from the paragraphs mentioned above that the Rapid Action Battalion has to work under prescribed and statutorily laid down procedure. The Code of Criminal Procedure, 1898, is a prudently crafted and time-tested piece of procedural legislation. This procedure is in vogue in the sub-continent and other countries in Asia, amongst others. The law regarding searches is contained in sections 102, 103, 165, and 166 of the Code, and they must be scrupulously followed. The relevant police

appropriate inquiry is conducted by the concerned authority.

Special legislation

What, however, should cause worry to a right-thinking citizen, is why do we have so many special laws relating to different social vices and malfunctioning in the society when in fact the Bangladesh Penal Code contains punishment for a large variety of offences? One considered view is that we have failed to apply the procedural law in a judicious and expeditious manner, thereby compounding the misery of justice seekers. This is not to cast any aspersions on the wisdom and concern of the legislators, who have been instrumental in enacting special legislation for the oppressed and under-privileged. There is, however, a view that we in Bangladesh are resorting to desperate measures in an equally desperate situation. It may be worth remembering that since liberation in 1971 we have seen the enactment of several spe-

creation of a special unit like RAB by suitable amendment of the law has been necessitated on account of deficiencies in areas where the new unit will primarily focus. As mentioned earlier, the intent of the legislature and the executive in this regard is appreciated but in the process are we unwittingly relegating the well-deserved priority of police reform to a secondary position?

The above apprehension comes to mind when one looks at present day police organisation and actual policing. There has not been any appreciable specialisation in the police organisation in the last decade, primarily because the same police force still performs the dual function of investigation and maintenance of public order, in addition to collection of intelligence. Even the specialised unit like CID which is responsible for prevention and detection of crime along with collection of related intelligence does not get adequate resources for modern

supervision, and the simultaneous earmarking of police officials for investigation, the prevention and detection of crime will record improvement.

For understandable reasons the necessity of apprehending terrorists and miscreants particularly those possessing unauthorised firearms remains a priority. To secure their apprehension one needs good and actionable intelligence, which in turn depends largely on commitment of financial resources and training, amongst others. The periodic "operations" may be necessary, but the pre-eminence of good intelligence could hardly be overemphasised. We need pragmatic and judicious allocation of resources. It may be news to some readers to know that often less than one percent of the annual police budget is spent on training. Not much is spent on scientifically empowering the policemen in specifics of investigation. The absence of a well-trained and scientific mind encourages

A seaside chat



MOHAMMAD BADRUL AHSAN

I have just returned from the sea, sitting on the edge of water for three afternoons and three evenings. I watched the water rise from its belly, swell into waves and thrash on the beach. The raging wind whipped across the sea, which rocked back and forth like a perpetual swing. The water reached the shore and retreated from it. For the first time in my many visits to it, I thought the churning sea was talking to me.

The sea was talking to me when it flowed. The whoop and holler of waters and wind rolled and roared like a watery beast. The sea also talked to me when it ebbed, the water receding like a reptile slouching in pain. The sea talked again when the day dipped in the sea. The blazing sun soaked in water like burning coal, and the night filled the sky like a wisp of smoke.

I saw the undertow in the surging tide, tugging like hesitation inside a heart. By day the crests of waves shone like jewels on the crowns. At night, the sea looked sad and ugly, and the waves danced as if swarmed

ing serpents were shaking their hoods. All the dins of life drowned in the sea, when birds erased the day with their wings, their silhouettes speckled the night that smeared the sky.

For three afternoons and three evenings, I remembered Gerard de Nerval, who was a French poet with a bit of eccentricity. He was once found walking a lobster on a leash in the gardens of Royal Palais. When asked he said that he liked lobsters, because although those creatures knew the secrets of the sea, they

when he was happy. In a bad mood, Poseidon would strike the earth with a strident and cause unruly springs and earthquakes, shipwrecks and drownings.

Poseidon, like his brother Zeus, was a notorious rapist. He had many love affairs and fathered numerous children. One of the affairs involved his sister Demeter, who turned into a mare in order to escape his lust. But Poseidon did not give up. He turned himself into a stallion and captured his sister. But one of the most infamous stories of Poseidon

Even though Poseidon ruled the sea, Athena built the first ship to sail on it. I thought of Poseidon when I thought of the sea and I thought of Athena when I saw a ship.

Who could tell me the secret of the deep? I wondered if Poseidon's palace was still submerged in the sea. As I sat on the edge of the water, I could feel that secret was lapping at my feet. I closed my eyes and tried to think why God created the world the way he did. Why a three-quarter of the world was water and one quarter of it was land only?

Children screamed and sauntered, vendors and hawkers shouted in the air, a few horse-drawn carriages raced up and down, tarot card readers, fortune tellers, a concourse of life created on the brink of water, its sound clashing with the silence of the sea. I remembered Mathew Arnold in "To Marguerite Continued" where he lamented "Yes in the sea of life enlised, / With echoing straits between us thrown, / Dotting the shoreless watery wild, / We mortal millions live alone."

momentum of the sea and are propelled towards the shore to meet their ruin.

I have never sensed the futility of life that I sensed near the sea. The cool breeze rising from its bosom ran down my spine like a chill. I felt like I was an absurd wedge caught between the mystery of the night and depth of the sea, between hope and despair, between past and future, between rhapsody and tragedy. Why was it important to live, why was it necessary to die? What was good health if not death stretched on the edge of life? What was sickness if not life stretched on the edge of death?

Every time the sea roared, I thought it asked me to pay attention to it. One afternoon it rained in a single tone, water pouring into water as if to increase the depth of what was already deep. I watched the calm sheet of water that spread over the sea, as the rain came down from the sky like thousand spears going through it. For a while, the unbearable mood of the sea contaminated me, and I felt restless because I did not know what to think of it.

Since I have returned from the sea, I feel I have carried it inside me. I wish I could have a bit more depth and I wish I could have a bit more width. As the sea howls inside my heart, it makes me feel even lonelier, because I feel I am confined in a drama. And that drama is life. Go to the sea and it will tell you how that drama is much bigger than the actor.

Mohammad Badrul Ahsan is a banker.

CROSS TALK

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never barked like dogs. How deep was the sea and how far did it spread? I sat on shore and thought about it.

The Greek mythology says that Poseidon was ruler of the sea. The sailors relied upon him for safe voyage and many men drowned their horses in sacrifice of his honor. Poseidon lived on the ocean floor in a palace made of coral and gems, and drove a chariot pulled by horses. But he was a very moody god, who created new islands and a calm sea,

involves the competition between him and the goddess of war Athena for the city of Athens. Poseidon threw a spear at the ground and produced the Spring at the Acropolis to win over the people of Athens.

However, Athena won as the result of giving the people of Athens the olive tree. In his anger, Poseidon flooded the Attic Plain. But eventually he and Athena worked together by combining their powers. Even though Poseidon was the god of horses, Athena built the first chariot.

Joseph Conrad writes in *Lord Jim* that a man that is born falls into a dream like a man who falls into the sea. Then he urged that with the exertions of one's hands and feet in the water one could make the deep, deep sea keep one up. I could not tell what happened to me, my feet floating on the edge of the sea, my hands propped behind my back like a portion of reclining chair. I think I wanted to fall asleep.

Long before the nightfall, joggers and strollers arrived on the beach.

Even on the noisy beach, I could hear the sea speak to me. Again and again it said that all that sound signified nothing. Its waves often swelled in anger, roaring loud before lashing out on the beach. Every life was like a wave that had its designated distance to travel, some gathering before others, some breaking out before others, but all destined to vanish. It said that children were ripples that would grow up to be waves, and that old age was when those waves lose their vigor in the

My wish list

DR. FAKHRUDDIN AHMED

WE all believe that life will be better if certain events do or do not take place and certain countries and people do or do not do certain things. Here is a selection of the writer's incomplete Wish List in random order.

I wish Lata Mangeshkar and Asha Bhonsle would stop singing. Their place as all time greats of Indian music is secure forever. Billions of their fans would like to remember the genius of Lata and Asha in their prime, rather than their pale shadows of the present. I wish Bangladesh would honour Lata and Asha with the nation's highest civilian award for their contribution in the field of music.

I wish President George W. Bush would realise that losing a presidential reelection is not the end of the world. Former President Jimmy Carter lost his reelection bid in 1980 and went on to win the Nobel Peace prize. It is inherently contradictory to claim to be a man of God, and, for the lack of a better word, lie. President Bill Clinton also lied about

the Monica Lewinsky affair, but, unlike Bush, Clinton never claimed to be a man of God!

I wish there were more roads and landmarks named after Rabindranath Thakur in Bangladesh. He is the Shakespeare of our mother tongue Bangla, or rather, Shakespeare is the Rabindranath Thakur of the English language. We have adopted his Shonar Bangla as our national anthem. It is clear that Bangla is going to survive and thrive only in Bangladesh. As such it is imperative that Bangladesh honour the number one exponent of Bangla, Rabindranath Thakur.

I wish the New York Times columnist Thomas Friedman would stop telling the Arabs and the Muslims what to do. Tom is all reason at all other times, but at critical times he always sides with the Israeli government. It is all right for Tom to be a supporter of Israel; it is not all right for him also to pretend to be a friend of the Arabs and Muslims. Just before the assassination of the architect of the Oslo Accord, the late Israeli Prime Minister Yitzhak Rabin in 1995, through his New York Times

LETTER FROM AMERICA

I wish there were a way to avoid Dhaka's horrendous traffic jams. Some traffic lights take 10 to 15 minutes to change. I wish there were fewer high-rise buildings, fewer one-building universities, fewer inner city shopping malls, less heat, less humidity, less squalor, less pollution, fewer people, and more open space in Dhaka!

columns Tom Friedman was berating Yitzhak Rabin to slow down the peace process with the Palestinians! It is not politically correct to utter the truth anymore that Jewish extremist Yagil Amir assassinated Yitzhak Rabin solely to kill the Oslo peace process much to the ecstasy of Netanyahu, Sharon, and the current crop of top Bush administration officials such as Richard Perle, Daniel Pipes, and Paul Wolfowitz.

I wish Bangladesh was not such a low-level deltaic plane, forced to host the annual deluge of floods. I wish India would forewarn Bangladesh how much flood water to expect from the rivers, all of which

originate or pass through India. Since Bangladesh is stuck with over three hundred rivers with shallow riverbeds, I wish the government of Bangladesh would adopt a more proactive annual flood mitigation policy.

I wish the Prime Minister of the great British people, Tony Blair, would show a little more backbone. It is one thing to be a true friend of the United States through thick and thin; it is quite another to be simply a yes-man. A genuine well wisher does not encourage his friend to embark on a costly war, whose outcome is uncertain, on flimsy grounds. The good news for Britain is that there are still public servants

in the country like former ministers Robin Cook and Claire Short, both of whom resigned their ministries to protest the Iraq war, who are guided by principle rather than political expediency.

I wish sportsmen and sports-women, from Maradona to Marion Jones, would stop taking performance-enhancing drugs. Taking drugs is cheating, akin to plagiarism in academics. Drugged athletes not only cheat the fans; they cheat themselves of a long, healthy life. It is pathetic to behold one of the world's greatest footballers, Diego Maradona, dying of cocaine addiction.

I wish certain segments of the US

population would stop taking advantage of President Bush's war on terror to demonise Islam. All fair-minded Muslims support America's legitimate war against Al Qaeda terrorists, the perpetrators of the horrors of 9/11. Solely to strategically benefit Israel, it would be a tragic mistake to extend that war against ordinary Muslims, who look up to the Americans for their free enterprise, innovative spirit, and fairness. If America is seen to be fair in the Israeli-Palestinian dispute, all Muslim grievances against America would melt away.

I wish the Bangladeshi cricket team would be a little more consistent in both their batting and bowl-

ing. As long as the batsman gain experience by facing quality bowling abroad and the bowlers also keep improving by training with the best practitioners of the trade, sooner, rather than later Bangladesh will win a Test match. We should keep our cricket achievements in perspective, though. Only ten nations play test cricket; and Bangladesh did not earn the test status by defeating the MCC, as was required in the past. How we perform in World Cup football and in the upcoming Athens Olympics are better indicators of our sports prowess.

I wish the great people of Australia had not elected racist Pauline Hanson, I mean John Howard, as their Prime Minister. Mr. Howard, who has implemented all of racist Hanson's xenophobic policies, seems to believe that the only way Australia can be relevant in the world is by its uncritical obedience to America, and by its wholehearted support for Israeli terrorism. I wish Australia would stop casting its votes in the UN unfairly in support of Israel. Mr. Howard underestimates the genius of the

Australians and does them a disservice. (Most of the writer's childhood sports heroes were Australians.) Australia has much more in common with two of the most civilised nations on earth -- Canada and New Zealand -- and should reflect the morals of those nations rather than identify with the international outlaw Israel and the mass murderer Sharon. Just as the Indian voters redeemed themselves by ousting the BJP recently, I wish that the Australian voters would do the same and give Mr. Howard the heave ho!

I wish there were a way to avoid Dhaka's horrendous traffic jams. Some traffic lights take 10 to 15 minutes to change. I wish there were fewer high-rise buildings, fewer one-building universities, fewer inner city shopping malls, less heat, less humidity, less squalor, less pollution, fewer people, and more open space in Dhaka! With hardly any other provincial city developing, Bangladesh is in danger of becoming a gigantic Dhaka City with 140 million people! I wish we would stop procreating so lustily!