

Time to computerise land records

DU-AEC rift only the latest dispute

THE latest land dispute to hit the headlines of the national dailies is the one between Dhaka University and the Atomic Energy Centre who are at loggerheads over a piece of land adjacent to the Bangla Academy where the AEC is currently situated. As land disputes go, this is actually a fairly benign one which does not involve corruption or criminality, but it highlights the fact that the time is long overdue for the government to put in place a policy to sort out these kinds of disputes once and for all.

The AEC claims to have bought the land in question in 1961 and to have valid title to it. Dhaka University authorities contest this claim and insist that they are the rightful owners of the land, and that there had been an understanding to shift the AEC to Agargaon and to hand over the land to DU by the end of the month.

The point is that these kinds of disputes over land have become endemic. It is estimated that up to 80 per cent of court cases filed in Bangladesh are over ownership of land. The current situation is a mess. The main problem with the current confusion is that the government is often helpless to sort out many of the outstanding disputes, to act to stem land-grabbing, and to plan development properly.

What needs to be done is to give this issue priority. In Andhra Pradesh in India, land records have been computerised to great effect. The time has come for us to solve our land problems in Bangladesh once and for all by doing the same.

The benefits will be many. There will be a proper mechanism in place to resolve currently intractable land disputes. Corruption will be reduced dramatically as it will be much harder for corrupt officials to issue fraudulent or multiple title to the same land. The government will be greatly empowered in its efforts to combat land-grabbing. The dilemma of competing claims to the same plot can finally be resolved. Most importantly, the government will be able to plan effectively for the future.

Few government initiatives would have such far-reaching benefits, and the government would do well to turn its mind to initiating implementation of such a policy as soon as possible in the new year.

Roads off-limits for rickshaws

The approach should be solution-oriented

At least 100 people were injured in police action on the road from Azimpur to Kalabagan on Friday as rickshaw-pullers and owners were protesting the authorities' decision to ban movement of non-motorised three-wheelers on the road.

Similar incidents happened in the past also when attempts were made to free some designated roads of the slow-moving rickshaws as part of a plan to ensure smooth movement of motorised vehicles and prevent traffic congestion in important thoroughfares.

The rationale for containing the rickshaw boom and phasing it out gradually in order to accelerate the pace of life in a modern metropolis is unassailable. But while the handling of the problem has been largely indecisive and perfunctory, one could only see it snowball into intractable proportions. It is learnt that out of more than 300,000 rickshaws in the city, close to one lakh have any valid licence. So there is no doubt that the business of issuing licence is being conducted by some fake outfits. The situation is as chaotic on paper as it is on the road. And when things like that can happen, the question of proper management of rickshaws in the city doesn't arise. As long as rickshaws remain in the city, the DCC and other organisations concerned must know their exact number and also the number of the men employed as pullers. But statistics seem to be the weakest point of rickshaw management. People would obviously like to know why things have been botched up in this area.

The ad hoc measures will have to be replaced by a comprehensive plan of action having the following elements: first, the authorities need to weigh the consequences of increasing the number of rickshaw-free roads which would create inconvenience for commuters in the middle and low income groups. The answer lies in developing a fully-fledged public transport system that can meet the needs of an ever growing number of commuters. Last but not least, rehabilitation of rickshaw pullers should be high on the government agenda as the job market for this group of urban poor will shrink with more and more roads being made rickshaw-free.

RAB and crossfire: Desperation and desirability

MUHAMMAD NURUL HUDA

SEVERAL deaths in what has been alleged to be "crossfire" involving the newly created RAB have attracted widespread public and media attention for justifiable reasons. The legality of RAB's operations, in fact it very creation, has been challenged in court by human rights activists and public-spirited citizens. As against these reactions, there has been some appreciation for the modus operandi of the elite force because as a result of their operations some veteran and deadly criminals have been taken care of. The justification for such appreciation, one is given to understand, is that these dreadful and hardened criminals, despite being wanted in several criminal cases, could not be brought under the effective clutches of law. In other words, such scum were mostly roaming free while the victims of their depredations continued to suffer in silence. In such an eventuality, the victims and their sympathisers have derived satisfaction from the deaths of the wrongdoers although it did not come through the due process of law.

Are we to assume, then, that the perpetrators of crime who cannot be brought under the law have to deal with beyond the law? Needless to mention that in such an assumption lies the suicidal admission that the criminal justice system of a civilised society has failed to act and that the state has forsaken one of its primary functions. Since we cannot reconcile to such a scenario -- which amounts to an admission that we are a "failed state" -- we have a duty to the public to find out why, as alleged, some organs of the state have to resort to apparent vigilante action. We have to know if law enforcement personnel are deviating from the statutory directives in their anti-crime operations.

Equally important, death in crossfire forestalls the benefits of thorough interrogation wherfrom

Treating the symptom

The proper dispensation of justice through the due process of law (i.e. after proper investigation, and prosecution) may result in capital punishment. In such an eventuality, the public gets to know the facts and circumstances of the incident and the alleged criminal is afforded the benefit of a legal defence. However, deaths in "crossfire" -- the ultimate punishment -- about whose credibility many are not convinced, seems to be the summary response of those responsible for law enforcement. The legality of actions leading to such deaths apart, any right-

the public might come to know compelling facts as to the role played by the political patrons of the criminals and the inertia of law enforcement units. Law enforcement authorities might receive information about the transport trade and the wholesale markets, amongst other sectors, and the mechanics of effective control over such illegal extraction of unaccounted money. The fact that successive authorities have failed to put any effective brake on the unlawful activities in the aforementioned areas raises serious questions about their sworn commitment to control

guilty. The knowledgeable person knows that our criminal justice system is still heavily loaded in favour of the accused. In such a system, while there is plenty of concern for the accused for justified reasons, there is unfortunately, very little or no legal or administrative support for the victims of crime.

Witness protection and victim support

Experience shows that a large number of heinous crimes go unpunished because there is not sufficient protection or security of the witnesses for the prosecution and the

present hazardous environment.

Absence of speedy trial

The so-called virtues of summary action will not receive public support when we are able to ensure speedy trials which are the essence of criminal justice. The guilty should be punished while the events are still fresh in the public mind to gain the confidence of the public in the judiciary. The reality, however, is that often the quality of justice has depended upon the defendant's wealth or lack of resources, and the economic, political, and social status of the accused have perme-

Our criminal justice policy has perhaps paved the way for the large scale acquittals of criminal cases in the country. One view is that the system which emerged during the latter half of 19th century cannot meet the needs of the country in the changed socio-cultural and political conditions. A re-examination of the total approach and linking up with the criminal jurisprudence with the objective of harmonious development is necessary.

Modernising law enforcement

A circumspect apprehension is that as long as the policing function, comprising detection of crimes and prosecution of criminals, remains under the control of the executive, it may not be possible to bring about a reduction in unjust political interference in police investigations, an area which is highly vulnerable, because of the sub-ordination of the police to the executive. The question is, if we are prepared to separate the functions of investigation and prosecution from the functions of prevention of crime and maintenance of order, in other words, to remove the police from the control of the executive and make the organ charged with investigation and prosecution as autonomous as the Office of the Comptroller and Auditor-General.

The police are under a statutory duty to function in accordance with the mandate of the legislature and it would be a gross violation of the statute for the government to alter the code of conduct in a way contrary to the provisions of the law. The moment an offence is committed or intended to be committed, the law takes its own course and it is not open either to the officer or the minister to change the course of law.

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thinking citizen might like to know, if in our often over-zealous anti-crime operations, we are merely treating the symptoms without venturing to go into the causes of crime.

We do not need sociologists and criminologists to tell us that present-day crime is a complex social phenomena caused by a multiplicity of factors and determining culpability is an extremely difficult task. Everyday life experience tells us that quite often the fun-seeking delinquent of yesteryears turn into uncontrollable don of the day due to the patronage of powerful quarters and the unexplained inaction of enforcement personnel. Therefore, when deaths occur in "crossfire" some might be satisfied, but a civilised society which wishes to live by the canons of law cannot but be concerned.

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crime and corruption. In such a scenario, where the objective conditions leading to criminality are not seriously studied and effective actions thereof are not initiated, how can the unsuspecting public be assured that the fearsome "crossfire" deaths are the best alternative? Spectacular but dangerous palliatives cannot understandably substitute for painful sustained action.

Deficiency in the system

Efforts, though not very convincing, have been made by some to justify the deaths in "crossfire" by pointing to the frustrating absence of punishment of hardened criminals by our legal justice system. At one end of the system are the police whose job is to prevent and detect the crime and to bring the offenders before the judiciary for adjudication of guilt. At the other end are the courts, to ascertain and determine the guilty, if any, as per law and based on facts and evidence, and to punish the

victims. The delay in holding trial is another issue which has a direct bearing on the effective and speedy punishment of the criminals but whose causes are not the subject matter of this article.

The aspects which merit our attention in this regard are that at present we do not have institutional arrangements in place for witness protection and victim support. In the western world and also other parts of Asia, the government and private organisations are rendering fruitful service to the victims of crime. Ideally, this has to be a joint venture of the statutory authority and welfare-oriented bodies.

There is no dearth of NGOs in our country. Therefore, it should be a priority with the state to enlist voluntary and non-governmental participation for witness protection and victim support. Initiation of such schemes will provide at least some encouragement to the victims of crime by pulling them out of the

judicial process. Experience indicates that lack of coordination between different agencies like prosecution policy/lawyers and judiciary have failed to ensure speedy trials. A serious look in this regard will reveal that nobody accepts the responsibility for the state of affairs or for the remedies that are required to deal with the issue of fair and speedy trial. It is very difficult to find a straight answer. We may, however, think of ad-hoc remedies with hopes of finding a permanent solution.

Our criminal jurisprudence

The three cardinal principles of our criminal jurisprudence are that (a) the onus lies affirmatively on the prosecution to prove its case beyond reasonable doubt, (b) the accused must be presumed to be innocent unless he is proved to be guilty, and (c) the onus of prosecution never shifts. In a criminal trial it is not at all obligatory on the accused to provide evidence in support of his defence.

Ivory Coast: The forgotten conflict

FATIMA CHOWDHURY

THE world watches apprehensively as the crisis in the West African nation of Ivory Coast deepens. On November 4, the government forces launched air strikes against rebels positioned in the north of the country in the town of Bouaké. The air strikes and subsequent fighting on the ground is the first major conflict since France brokered a cease-fire agreement that was signed in May 2003 between the rebels in the north and the government of President Laurent Gbagbo in the South.

It was to be a new beginning for a nation deeply divided by civil war and struggling to find peace and political stability. But the optimism has now faded as a gloom of uncertainty sets in. It is not the first time that Ivory Coast has witnessed political instability, but the present violence marks another stage in the slow and steady political breakdown in the country.

How has a nation once a picture of calm and affluence transformed into a political nightmare? As we explore the past for answers, we get a glimpse of a nation that began with high expectations but has since faltered in discovering its own true potential.

In 1960, Ivory Coast gained its independence from French Colonial rule. But unlike other African nations, the transition from colonial rule to freedom was far less chaotic and unstable. The founding President, Félix Houphouët-Boigny of the Democratic Party of Côte d'Ivoire successfully governed under a one-party rule for almost thirty years in relative peace and calm.

In 1990, student demonstrations led to the first signs of a political shift with the opposition party being legally recognised and Ivory Coast holding its first multi-party elec-

tions. Houphouët-Boigny was once again re-elected and for a short while it seemed that Ivory Coast had returned to political tranquillity and prosperity.

The death of Houphouët-Boigny in 1993 led to a new leadership under Henri Konan Bédié. The political climate was changing and with it the fate of Ivory Coast. The new leadership was more repressive as corruption slowly seeped into various levels of society, a stark contrast from Houphouët-Boigny's moderate leadership of economic prosperity. By 1995, Ivory Coast had become a nation with a decaying political system and an economy in tatters.

It was in this disheartening time

that Henri Konan Bédié introduced the concept of "Ivoirianity." At first the concept encompassed a sense of shared cultural identity among the people, including the one third of the population who were foreigners, but it soon became a divisive concept that defined Ivorian nationalism to signify people from the south and east of Ivory Coast.

During the 1995 elections, violence erupted after a hastily drafted election law made it necessary for both parents of a candidate to have been born in Ivory Coast. This led to the disqualification of the former Prime Minister and opposition leader from the north, Alassane Ouattara's candidature for President. The opposition finally boycotted the elections with an uncomfortable peace setting in. But as the history of the Ivory Coast would bear witness, peace had always been a transitory phase in a nation where

Gbagbo had organised the rebellion. The rebels called themselves the Ivory Coast Patriotic Movement (MPCI) even though the government saw them as nothing more than deserters. At the same time, a coup began in Abidjan with the rebels hoping to take over the south as they had done in the north. But with time the mutiny became a large-scale expression of anger by northern Muslims.

Political rhetoric and discrimination had led to a divisive society where being Ivorian did not incorporate the whole nation but only people from the south and east. While these divisive ideas helped political aspirations to flourish they led to a steady disintegration of Ivorian social and economic structures. Therefore, conflict was inevitable. However, what seemed unexpected were the complex dimensions the conflict would take with no

ties and lack of expectations for the future. Therefore, the peace initiative seemed unbalanced as it focused on bringing the violence to an end but failed to address the premises that fuelled discontent and conflict.

The basic political system has remained the same with the controversial election law very much in place and terms of the peace agreement in large part unfulfilled. An important aspect of the agreement is the disarmament of the rebels. However, the rebels now known as New Forces (FN) refused to disarm as they believed that the Côte d'Ivoire national army (FANCI) itself had violated the disarmament clause. The fragile power sharing government was slowly coming apart. In the meantime, two new rebel groups have emerged -- The Movement for Justice and Peace (MJP) and The Ivorian Popular

ment. The agreement created a power sharing government in which President Gbagbo retained power while the rebels were given the crucial defence and interior ministries. Peacekeepers from the Economic Community of West African States (ECOWAS) along with 4,000 French soldiers created a sort of peace line to prevent further confrontation between the warring groups.

In November 2004, the fighting once again resumed with Bouaké being bombarded by government forces. Two days later, nine French soldiers were killed and another 39 wounded. France was swift to respond by destroying Sukhoi fighter-bombers and helicopters belonging to the Ivorian air force. The airport of Abidjan was taken over by French troops as France sent additional 600 troops to support its stationed army along with 6,000 UN

peacekeepers kept to maintain law and order. But the large presence has done little to calm the situation. Anti-white violence fuelled by political rhetoric has led many expatriate Westerners, mostly French to leave Ivory Coast. Properties have been plundered and several cases of rape, beating, and even murder have been reported in many areas.

The situation remains far from calm as the nation struggles to find a sense of stability amidst the chaos. The recent eruption of violence has led the UN Security Council with the support of the African Union to impose an instant arms embargo on Ivory Coast, whereby neither the government nor the rebels can import new weapons. However, there is a need for a better and more concrete response from the international community. The conflict in the Ivory Coast has not managed to keep the world's attention even though it has international repercussions as the world's foremost cocoa, palm oil, and coffee producer, with the third-largest economy in sub-Saharan Africa. Peace initiatives are now being made at a regional level with South African President Thabo Mbeki as an African Union emissary making efforts to bring the different sides to the negotiating table to reach a compromise.

Peace seems almost impossible, yet there has to be the belief that it is achievable. The present initiative by the African Union can change the course of tomorrow with a renewed optimism and peace. But till then the future of the Ivory Coast hangs in the balance -- torn between a past it cannot leave behind and a present in turmoil.

Fatima Chowdhury is a freelance contributor to The Daily Star.

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Letters will only be considered if they carry the writer's full name, address and telephone number (if any). The identity of the writers will be protected. Letters must be limited to 300 words. All letters will be subject to editing.

RAB and foreign media

The law and order situation in Bangladesh has always been a cause of grave concern for the common people. Many steps were taken and none of them seemed to give any glimpse of hope whatsoever. However, the introduction of RAB, the elite anti-crime force has shown some difference.

Maybe it has not been able to become friends of the people but it surely has left the criminals on the run irrespective of their political colour. Now there is hardly any goon who can say that it is my area and I can do anything and everything here. Also getting a quick bail is a matter of fear than relief. The RAB surely has the support and sympathy of common people.

Unfortunately, some foreign media, especially the BBC Bangla

service has launched a smear campaign against it. Some other organisations are also giving their ethical and humanitarian opinions bashing the RAB. Of course, it is all very easy to enjoy all the privileges of a developed country and exercise some gift of gab preaching the native countrymen (who are not so lucky like them) to be not so callous to support deaths without trial which tantamount to jungle rule. I would like to invite those people to come to this country, live for only six months and make an assessment of their divine opinions.

Let me come back to the role of BBC Bangla. In different programmes it has made an attempt to picture the RAB as a demonic force which catches people indiscriminately and kills them in crossfire. During

major rivers which were between the range of 12-18 feet navigable draught.

But the issue was neglected after the country became independent, and the result has been disastrous. Golam Ashraf DOHS Baridhara, Dhaka-1206

surprising reply

It was very surprising to see the way Justice Latifur Rahman reacted to former finance minister Shah AMS Kibria's letter. Mr. Kibria's letter was about reforms needed in the electoral process and not any personal attack on Mr. Latifur Rahman. He mentioned a few loopholes in the current electoral system and in order to justify his opinions he gave examples of some mistakes the past caretaker government made.