

Police arrogance and those admonitions



THE assault of a number of people including nationally famous shooters indicates that police highhandedness continues unabated and that pleadings for restrained behaviour by law-enforcers have fallen on insensitive ears. The actions of a section of policemen, to say the least, are utterly deplorable. 'The Daily Star' has editorially commented upon the unbridled arrogance of policemen and stressed the supreme necessity of behaving according to law.

The above-mentioned most unfortunate incident is under enquiry and investigation and we are given to understand that the National Shooting Federation is set to register a criminal case for punishing the guilty. Such actions once initiated must be followed to its logical end. In their course of action the aggrieved will have the support of right-thinking citizens across the country.

Till now, concerned police authority has taken administrative action like suspension of the delinquent head constable and assigning a Joint Commissioner of Police to enquire into the incident and submit a report within one week. The National Shooting Federation is headed by a veteran ex-bureaucrat who is well-versed in law and procedures, in addition to being a pragmatic administrator. It is thus expected that the matter would be pursued in right earnest. In saying so it is meant that if legal action is necessary as is prima-facie likely, then that should be in addition to departmental action.

Concerned citizens have wondered if some responsible police officer could have said sorry after the incident while assuring everybody about a prompt and fair enquiry. However, saying sorry

perhaps does not fit in with our behaviour pattern, particularly in the establishment culture. No wonder, therefore, that the honorable State Minister for Home Affairs and the Police Commissioner, Dhaka Metropolitan Police, according to media reports, came very heavily in support of the alleged delinquent police personnel, stating that the law-enforcers were first beaten and the whole incident erupted thereafter. Under the circumstances, accurate apportioning of blame and

the rule of law implies that a policeman discharges the statutory duties in accordance with the dictates of law. Therefore, the police are supposed not only to operate under the constraints of law but within the bounds of civilised conduct also. Bangladesh's police culture has suffered devastating blows and contemporary police culture is far away from the ideal police culture. In particular, the recent misdeeds of police, indulged in fearsome frequency, are unfortunately not leav-

the police and the people. Even after 35 years of independence, the people have no sense of participation in the process of governance. They are mere chattels, who have no self-respect or dignity. They cannot demand protection or security as a matter of right. They can at best request, beseech, or beg. The highhandedness, inaccessibility, incompetence and callousness of the police are undoubtedly matters of extreme concern because our police are not dealing

To satisfy the political executive our policemen indulge in third degree methods and thus not only brutalise themselves but also degrade their own selves to the level of a criminal. This happens despite the fact that the law of the land punishes the practice of third degree with a punishment of 7 to 10 years of imprisonment. Interference with the statutory duties of police like maintenance of public order and investigation of cases are not forthrightly deprecated. It is not realised

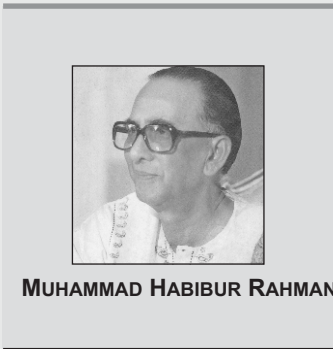
Nothing could be more sad and frustrating than that.

The governance scenario will not register positive improvements if the principal regulatory outfit shows signs of decadence. Many of us including the political masters do not realise that the police as an agency of the state is expected to be the relief-provider. So if appropriately motivated and competent personnel do not man the organisation, who is going to provide the much-needed relief to the common folks? Coming to the unpalatable specifics of getting an appointment in police ranks by greasing the palms of the influential, one may say with a degree of certitude that appointees from such process mostly turn into bitter individuals from the very start. Only the affected and the insiders know the extent of financial hardship experienced by the ordinary people in such dubious exercise.

So when bitter individuals occupy positions of coercive power, the result cannot be wholesome. The minds and motivations of such individuals remain preoccupied with the compulsions of recouping their initial investment at the earliest. Quite naturally, the lure of the lucre takes its toll. The imperatives of acting neutrally and with sympathy and compassion recede into the background. No wonder therefore that many of our police stations are not sympathetic listening posts from where the people can expect service delivery.

We have to remember that the police are vested with the authority to use legitimate force against the citizens and this mandate to use force to curb violence raises the key issue that the police themselves should not indulge in unnecessary violence or excessive use of force. The task before the supervisors should be to ensure that the police use force and authority with restraint and only in unavoidable circumstances. While the ultimate accountability of the police is to the people, the police must respect the law of the land. They are not licenced to become law-breakers themselves. Let the most visible symbol of governmental authority be a helping arm for the public instead of being a coercive arm of the state.

Muhammad Nurul Huda is a former Secretary and IGP.



Sustainable love

Do you know?
I do not know
What is sustainable love!
Ask the homing pigeon or the turtle-dove
Cooing, cooing and wooing its love.

Oh my love! Do you hear, do you hear?
Wherever per capita income a year
Less than one thousand dollars
Say the economics experts and scholars,
Democracy may not even last a term of five years.
But where per capita income a year
Above four thousand three hundred thirty five dollars
Democracy may last for years and years.

For sustainable love
How much income a couple must have?
Per year, per month or per day?
An exercise in futility, they say,
In a degrading frustration
And an inconsolable desolation
Where half of the world's population
Lives a day in an abject squalor
On a mere pittance of a dollar.

Ask the scholars of the dismal science
On what reliance and on what compliance
Can love be sustained,
Can love be maintained, or retained?
On less than two dollars a day in the end?

Well, she'll quarrel or you'll quarrel
And some times both of you'll quarrel.
And there'll be no one to answer the bell.
Your's will appear to be a deserted home!
Difficult to tell who would then first desert whom.

Muhammad Habibur Rahman is former Chief Justice and head of caretaker government

Self-interest the order of the day

SHAMSHER CHOWDHURY

TOO many seminars, too many dialogues, too many analyses in electronic and the print media, too many prize-giving ceremonies, too many court cases, too many of our lawyers are fighting against one another desecrating the sanctity of the court premises.

Too much talk of democracy by the people who are not the least bit interested in following covenants of democratic practices. Members belonging to the so-called intellectual community are continually engaged in making lofty and high sounding deliberations about the welfare of the country sitting in the comforts of five-star hotel lobbies.

So much valuable time is lost due to hartals and vandalism on the streets. Total pandemonium has been created by strikes and lock-outs caused by the unrest amongst workers of the garment sector. The owners, the government, and the BGMEA still continue to indulge in playing hide-and-seek games, while the problems keep compounding.

Our environment is in a virtual state of ruination. Trees are being cut down indiscriminately, forests are being cleared for use in all

kinds of construction works or selling of trees by unscrupulous traders. Water bodies both within the cities and alongside riverbanks are filled with illegal constructions. Ships are coming into the country freely, with dangerous toxic chemicals threatening the public health ending up in the ship-breaking dockyards of the country on a regular basis. Toxic industrial wastes are routinely released and find their way into ponds and into the rivers, polluting our water resources.

It looks as though everybody knows as to who are responsible for this unprecedented price hike of essentials. Yet no one seems to be dealing with it with any degree of seriousness. Some people tell me that this cannot be streamlined, as long as the syndicated gang of importers is unbroken, shuffling of ministers will not help.

Talk to a trader in the market place, and you will find that he is

facing the TV camera wearing a broad smile on his face while answering to questions most casually with regard to prices of individual items of merchandise. Government does nothing, the traders are busy profiteering, in the meantime, retirees and people belonging to fixed and small income groups continue to suffer.

Things are getting more and more complicated due to the bombardment of lofty dialogues held by both the intellectual community and a select group of high-profile members of the civil society. They are leading the public too hastily into too vast a territory of utopian thinking. I am afraid at the end of the day no matter how well intended, this may not only turn out to be counter-productive but also get the people more confused.

The problem with us is that we want to clear tons of debris collected over decades in just a few months. To me, it appears as

though many of these high-profile deliverers have two purposes: first they want to be seen and known as the do-gooders and well-wishers of the country, second make a mark for themselves in the political arena. I refuse to believe that Election 2007 is the end of the world for Bangladesh as projected by these self-styled saviours of the country.

Let us turn to the politicians and the political leadership. The only agenda of the opposition is to pull down the ruling coalition. They say they will not leave the agitation on the streets until this government is removed and then they say that they are fully committed and getting ready to contest the election.

The leader of the opposition says she will not allow elections to be held on the soil of Bangladesh until all her party's reform proposals are met in full. On the other hand, she and her party are also talking vigorously about holding

dialogue with the ruling coalition on all contentious issues.

Well, if you are insisting on all conditions to be met, then why talk of any dialogues? The leader of the opposition, to me, appears to be more interested in having her way, come what may, right or wrong.

To me, she also appears to be unduly arrogant as the one-time head of our government and leader of the house. This is totally unbefitting of a national level leader of her stature who once headed this very government.

Not only that, clearly some of her statements are rather irrelevant, uncalled for, and shocking, such as when she made some remarks on the sickness of the president of the country while he was being flown off to Singapore where he subsequently had bypass surgery. I do not know about others, but I, for one, was highly disappointed.

While the leader of the opposition says too much that means too little and is often too exaggerated and highly motivated, the prime minister says too little. She either talks of conspiracy all around her or about the politics of development (unnayaner rajniti) that she is so vigorously pursuing.

Her overall attitude is reflective of a queen who takes the position that she and her people (including her own family) can do no wrong, no matter what. Nearly all her colleagues under her leadership have amassed unprecedented amount of ill-gotten wealth and yet she could not be least bothered; after all, the queen cannot be involved in such petty matters.

You see, to my mind, in the final analysis, we all are guilty for the present state of our country. The politicians are acting against the interests of the country while posing as its only saviour and well-wisher, while we the people are held hostage by them, totally confused and helpless.

Hasan dilemma: Constitutional or political?

SINHA MA SAYEED

ARTICLE 58C, in particular sub clauses (1), (3) and (7) (b) markedly and unambiguously made the provisions for forming non-party, neutral caretaker government and provided required qualifications for becoming chief adviser and advisers accordingly.

There is no denying the fact that it is really the toughest task to cause happy marriage between constitutional provisions/arrangements and political crisis/crises. That's why effort and tolerance of the opposing parties have to be on to suit the purpose positively. It is on record in history that political needs paving the way for tailoring the constitution by way of amendment with or even without logic only giving weight to the sentiment or emotion or call of the people may be an unavoidable reality.

The present scenario concerning immediate past chief justice KM Hasan's assumption to the office of the head of the non-party, neutral caretaker government has been overheated, leading to complexities of compromise/reconciliation between or among the opposing political parties. Constitutional

As dialogue between the secretary generals of BNP and AL is on they are likely to be reaching a compromise formula on the basis of "give and take". There is a possibility that the compromise may be mutually rewarding which means that Justice Hasan will survive at the cost of Chief Election Commissioner Justice Aziz, who has been an object of worst type of criticism.

choice has been questioned from a political point of view; whether such political point of view is sustainable or not is likely to be depending on the proper, unbiased interpretation of Article 58C & 58C(7)(b) in particular. It is not so easy to go for any mutually rewarding constitutional arrangement/provision embracing the highly talked about and the most difficult opposing political views.

The moot point is what Article 58C clauses (1), (2) and (7)(b) say and for a ready reference there seems no option but to quote them from the pages of the Constitution: 58C(1) reads -- The non-party Caretaker Government shall consist of the Chief Adviser at its head and not more than ten other Advisers, all of whom shall be appointed by the President.

58C(3) reads -- The President shall appoint as Chief Adviser the person who among the retired

Chief Justices of Bangladesh retired last and who is qualified to be appointed as an Adviser under this Article.

And for the qualification of an adviser Article 58C(7)(b) reads -- (7) The President shall appoint Advisers from among the persons who are not members of any political party or of any organisation associated with or affiliated to any political party.

The burning question of the day centering immediate past Chief Justice KM Hasan, a possible constitutional choice as Chief Adviser to the next caretaker government, appears to have been put into this "trap of constitutional interpretations." Whether KM Hasan will be finally acceptable by the political parties, in particular, by AL is a matter of political dialogue between the parties concerned mainly between AL and BNP which has hopefully started now.

Meanwhile, as ill luck would have it, opposing views of BNP backed four parties alliance, and AL backed fourteen parties combine portend to tough stand on the respective interpretation of Article 58C (7)(b). Fourteen parties alliance warned that they would go for continuous strike all over the country subject to the ruling party's handing over power to KM Hasan as head of the caretaker government; the arguments and logic AL put forward are that KM Hasan was international secretary of BNP before his becoming a judge of the High Court and even as the Chief Justice he felt embarrassed to give any judgment on the killers of Bangladeshu Sheikh Mujibur Rahman. They further alleged that Justice Hasan was still having rapport with BNP persons. BNP led four parties alliance refuted such allegations as politically motivated. It is also very interesting to note

that foreign delegations including European Union and NDI have spoken in favour of Justice KM Hasan's assumption to the office of head of the caretaker government, apparently siding with the first choice of interpretation of the Article 58C(7)(b).

Meanwhile as dialogue between the secretary generals of BNP and AL is on they are likely to be reaching a compromise formula on the basis of "give and take". There is a possibility that the compromise may be mutually rewarding which means that Justice Hasan will survive at the cost of Chief Election Commissioner Justice Aziz, who has been an object of worst type of criticism for his equally worst performance. If so, the first choice of the interpretation of Article 58C(7)(b) shall in the end prevail. If not so, the alternative is the Hobson's choice.

Then the President shall

assume the functions of the Chief Adviser of the non-party Caretaker Government in addition to his own functions under this Constitution. But then it will stand opposed to sub-clause (7)(b) provided the president is a political personality. Therefore the question of 'political and non-political' for the office of the Chief Adviser is caught in a most confused vicious circle.

Under any circumstance, if no compromise or consensus is arrived at then only chaos, confusion, ambiguity and misunderstanding, widening the gap between the opposing political parties will continue; and the nation and the country shall have no option but to suffer.

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The forgotten shores

In America, where the secret for economic success so far has been a diverse workforce drawn from the best and the brightest of the world, job opportunities may soon exceed job applicants.

AYESHA AKRAM

BANGLADESHIS eager to pursue the elusive American dream should start shifting their sights elsewhere. American employers have always been hesitant to hire foreign workers, but after 9/11 they've become extremely reluctant to even glance at the resume of a foreign worker.

A woman with two Masters from Ivy League universities recently told me she was applying to the UK. After six months of submitting job applications and donning suits for job interviews, she had resigned herself to not finding employment in America. A Bangladeshi friend, also the graduate of a prestigious university, is worried sick over whether his firm would sponsor him for a green card once his current visa runs out.

There was a time when a great education and commitment to hard work meant you had as good a chance as anyone at getting ahead in America. Not any more.

In 2004, employees of some of New England's largest companies were stuck overseas for months waiting for visas, or were sent back home immediately after arriving at Logan Airport in Boston, or were simply made to wait months while mysterious background checks delayed their green card applications, according to the Boston Globe newspaper.

Even worse, the fear of being stuck outside America for months, maybe even years, has prompted many foreign employees to indefinitely abandon plans of going home. Since 2001, many South Asians I know have stayed put in America, often missing family weddings, funerals, and births back home.

Though international students have an easier time getting into America, for most it takes a lot more than determination to make it to their universities. An Iranian student who enrolled in an American university after 9/11 said he was finger-printed four times. A student from Chile told the Pittsburgh Post-Gazette that he had to show proof of owning a house and a car before he was given a student visa, while a Swiss student was made to endure a five-hour wait for a three-minute interview.

The irony is that in the long term, American institutions and firms are getting the short end of this deal. Many prestigious universities utilize tuition fees from foreign students as a major form of funding. But with security restrictions tightening, students from Bangladesh and elsewhere are

finding schools on other continents. Three years after 9/11, Carnegie Mellon saw its international student enrollment drop to a quarter of its usual numbers. Overall in the US, the international student body only increased by one percent as opposed to the pre 9/11 growth rate of six percent.

Where are all the ambitious students from Bangladesh and elsewhere heading? At least some are going to Australia, where universities have seen an 11 percent increase in the enrollment of international students. Many are traveling to the United Kingdom where universities have experienced a 23 percent increase in international students enrolling in higher education.

And with American firms becoming so reluctant to hire foreign nationals, many qualified applicants are opting for the UK, which recently announced the Highly Skilled Immigration Program, promising permanent residency to students with Masters from prestigious universities.

This immigration option was announced in England after surveys revealed that one in four British employers was facing difficulties in finding workers. Other studies reveal that in the next decade alone, Britain is expected to need more than 250,000 people to fill jobs in the Information Technology sector alone.

In America, where the secret for economic success so far has been a diverse workforce drawn from the best and the brightest of the world, job opportunities may soon exceed job applicants -- as they already do in the field of medicine. Every year, America advertises more medical jobs than there are graduates to fill them.

The message for ambitious Bangladeshis with perfect grades is obvious: shift your sights elsewhere. America might be unwelcoming but other countries are standing forth to embrace talent.

The message for America is also pretty clear: this country was once built on the shoulders of hard working immigrants. It might be wise to remember that now and then.

The writer is an NYC-based journalist currently working on a book about Islam in America to be published by Beacon Press in 2008.