

## Convict's arrest in Los Angeles

Bangabandhu murder case must be resolved expeditiously

THE arrest of a convict in the Bangabandhu murder case in Los Angeles is reason for fresh reflections on one of the darkest phases in Bangladesh's history. Retired Major AKM Mohiuddin Ahmed happens to have been directly involved in the assassination of the country's founding father in August 1975 and, therefore, there can hardly be any denying that his arrest in the United States will now lead to justified calls for him to be handed over to the authorities here in Bangladesh. We expect that the Bangladesh and US governments will take the necessary measures to bring Mohiuddin, who was tried in absentia and sentenced to death in 1998, back to Dhaka to face justice.

The saddest part of our post-1971 history has been the dark shadow cast over the country by the assassination of Bangabandhu Sheikh Mujibur Rahman, most of his family members and four national leaders between August and November 1975. In subsequent years, owing to the reluctance of successive governments to try the assassins of 1975, the shadow only grew larger and darker. In the later 1990s, the Awami League government under Sheikh Hasina took the first necessary steps to roll back the national shame through annulling the indemnity ordinance which had for twenty-one years granted the killers immunity from prosecution. Its decision to try the murderers, most of whom were fugitives abroad, under the normal law of the land led to their conviction in November 1998. At the time, it was felt, with good reason, that at last a bad chapter in our history was finally about to close. However, since the convictions were handed down and particularly in the last five years of the BNP-led alliance government, the Bangabandhu murder case has been in the cold storage. With judges feeling embarrassed to deal with the appeals in the higher courts made by four of the convicts held in prison and with the new government displaying no enthusiasm about proceeding with the case, the murder of Bangabandhu has remained a tragedy that stymies our efforts to move into a fully functional democratic future based on the rule of law.

We will expect the caretaker administration which is likely to last longer than usual to ensure that the murders of August 1975 are dealt with by the law expeditiously and judiciously. Nothing that we do towards building democracy at home and promoting diplomacy abroad will be effective as long as the killers of Bangladesh's independence leader are not punished for their crimes. Today, on the occasion of Bangabandhu's birthday, Chief Adviser Fakhruddin Ahmed will visit the founding father's grave in Tungipara. Let the visit be a sign that the darkness caused by Bangabandhu's murder thirty-two years ago will soon lift, through a smooth, uninterrupted operation of the instruments of justice.

## Keep the old mosque untouched

A heritage site worth preserving in original form

A 600-year old structure known as Binat Jame Masjid located at the old town area of the city is planned to be partially demolished. This is aimed at carrying out extension of the mosque at the behest of the concerned Masjid Committee. The historic mosque was built in 1457 during the Sultanate of Nasiruddin Mahmood Shah-I. It is now being altered to accommodate and create a 70-feet high minaret and extend the present 3-storey building into a 7-storey one on the ground that more people could be accommodated during the prayers.

There is nothing wrong with the intention perhaps but the method is not obviously right. Although the mosque for some mysterious reasons have not been declared a protected site, by law, however, no new structure can be erected within 500-feet of a protected monument of the kind.

We find it rather strange that when asked, the Director of the Department of Archaeology came up with a statement that "the mosque is neither a protected site nor has the department any plan to declare it in the future".

Significantly, the head of Department of Architecture of one of our private universities has already opined, among others, "the proposed extension to the mosque should not have more than four-storey or else it may cause too much pressure and result in cracks on the soil affecting the original structure".

We find it rather strange that Masjid Committee is still proceeding with its work despite serious concerns and reservations expressed by various groups of professionals and environmentalists.

Historically Dhaka is well known as the city of mosques. Many of them have not only been a matter of pride for the dwellers but also have become a major attraction for visiting tourists. There is hardly any locality in the city that does not have sufficient number of mosques to accommodate devotees who wish to say their prayers. Surely all those who wish to say their prayers could still be accommodated without having to jeopardise the very existence of a unique heritage of Islamic architecture.

It is our belief that given the right kind of persuasion and dialoguing between concerned parties this tragedy could still be averted.

## Finding a solution to the power crisis



MUHAMMAD ZAMIR

Experts have also indicated that the current shortfall is expected to grow to over 5000 MW by 2011. It has also been estimated that we will require at least US dollar 3.5 billion (at current prices) to meet this shortfall in power generation.

This raises several questions because use of power is one indicator of the rate of development in a country and is vitally inter-linked with eventual poverty reduction.

In addition to requisite financial

undertaken because of vested interests. All these have affected this strategic sector.

It will be stating the obvious if we characterize the existing 'systems loss,' alias for corruption in this public sector as outrageous. It has become rampant within the entire power generation and distribution network. The government claims that there is 300 to 400 MW 'system loss,' but the more realistic figure according to impartial observers is

One way out of this impasse might be for the Interim Administration to set up an independent body to undertake technical auditing of all installed capacity and also project proposals, be it for repairs, maintenance or fresh generation units. This regulatory body could be composed of technical experts both in engineering as well as accounting. Specific laws would guide its functions and its tasks (e.g. evaluating tenders). Their

small power plants with generation capacities of between 10 and 15 MW each. I know the World Bank opposes the idea of small Independent Power Producers. They fear that it might create problems in the transmission and distribution sectors. However, such a step, I believe, could facilitate the additional generation of over 1600 MW within two years. At this hour of crisis, we cannot overlook such potential. Yes there might be difficulties.

a regional power grid as exists in Europe. Bhutan and Nepal have immense potential in this regard. This will require political will. India as the regional power in South Asia and Chairman of SAARC from April 2007 should take the initiative and try to create the necessary paradigm. It would be a win-win situation for all citizens in South Asia, particularly for those inhabiting the eastern and northeastern parts of this region. India would do well to back such an idea because prosperity for this part of South Asia will only enhance their prospects as trading partners and expand the Indian market.

We have reached a point where drastic and innovative steps need to be taken. Let us, in addition to the daylight saving mechanism (as has been suggested by some) also examine alternatives like production of power from garbage, probable use of solar panels as is being already done in Nepal, and more efficient usage of gas and coal. We can also think of wind-powered energy in the coastal areas. Lastly, we may also consider the financial and strategic implications of nuclear energy. We need energy and we need to be self-reliant. Without this there will be no poverty eradication or economic development.

## POST BREAKFAST

We have reached a point where drastic and innovative steps need to be taken. Let us, in addition to the daylight saving mechanism (as has been suggested by some) also examine alternatives like production of power from garbage, probable use of solar panels as is being already done in Nepal, and more efficient usage of gas and coal. We can also think of wind-powered energy in the coastal areas. Lastly, we may also consider the financial and strategic implications of nuclear energy. We need energy and we need to be self-reliant. Without this there will be no poverty eradication or economic development.

resources

for power generation, there are also the broader associated questions related to the production scenario. This will include investment for the possible accessing of gas and coal as natural resource and expenditure related to transmission and distribution.

The electrical power generation situation within the country, over the last five years, has been a victim of inefficient leadership, over-centralization, corruption and greed arising out of socio-metric overlay. Several articles in the print media, talk shows in the electronic media and seminars organized by experts have discussed this issue at length since the past three months. Doomsday scenarios have been painted where we have been cautioned to expect an even worse situation in the coming summer. It has been pointed out that while demand has been growing in absolute terms, availability and growth of electricity generation has been negligible. This inverse equation has been best demonstrated by the fact that while demand has grown by over 2000 MW between 2001 and 2006; actual supply has grown by about 80 MW.

closer to 500 to 600 MW.

Transparency International, in their comments have revealed that 'systems loss' involves a large percentage of the workforce in this utility sector -- starting from meter readers to linemen and then progressively upwards, including those involved in management, maintenance and procurement. It has also been suggested that project planners sometimes enter into a criminal nexus with private sector representatives and agree on non-viable installations that are subsequently unable to meet expectations. One is almost tempted to describe it as a Catch-22 situation.

In view of the serious nature of this problem, experts have been suggesting that the authorities need to consider taking effective steps to contain corruption within this sector. It is felt that if this can be tackled properly, it will add billions of Taka to the exchequer of the power development authorities that will then enable them to invest more in that area.

decisions would also be subject to fixed time period determinations and review through the judicial process. This will then ensure speed and efficiency on cost effective basis. This might also stop undue expenditure through inflated cost estimates.

The second option is to privatize this critical utility sector on a sub-regional basis. That will then create accountability and an effective market operation mechanism. The State, if it so wishes can retain a majority within this Company, but the management could be left to entrepreneurs and their representatives from the private sector. Additional financial resources for such a utility company could also be raised through issue of shares in the stock market. Such a step would remove the burden of loss and unrecovable debts for the government.

The third option would be to persuade the private sector and the existing 'Rural Electrification Samity' to invest on their own in

ties, but that can be solved through careful perspective planning and zoning.

If such a move was agreed upon, it could start with the western part of Bangladesh and extend from Khulna to Dinajpur. I believe that this initiative should start from the western zone because there has been relatively very little addition in terms of power generation infrastructure in that part of our country. It could also access the coal deposits located in the northwestern areas. In addition, such a development would assist in the setting up of decentralized industrialization. This format has already been tried out very successfully in Thailand, Republic of Korea and Malaysia. If necessary, all those who participate in the establishment of such units could be given the incentive of tax holiday on profits for the first ten years of their operation and also be permitted to import the required machinery and spares (for repairs) without duty for the same period.

The fourth option is to help create

Muhammad Zamir is a former Secretary and Ambassador who can be reached at mazamir@dhaka.net.

## Policing citizens: View from within



MUHAMMAD NURUL HUDA

caring approach.

As a result, the police have made themselves a notoriously insular occupational group, and their uniform symbolizes their separateness from the rest of the population.

Many of our policemen are of the view that policing cannot be done according to the book. Such cynicism is also expressed in opposition to police reforms. The "under-life" of policing is very different from the official portrayal of a heroic image

ity came as a bitter lesson. He concluded that maintenance of absolute control of emotions at all times may be the ideal, but hardly has any relation to real-life policing.

Police culture has become a convenient label for a range of negative values, attitudes and practices among police officers. The convenience of the label lies in its condemnatory potential: the police are to blame for the injustice perpetrated in the name of the criminal

are enraged, deranged or intoxicated, but as part of the profession that they enter willingly, and with the knowledge that they would be called upon to perform physically engaging tasks. In democratic societies, the law adopts a sceptical stance in relation to the police seeking to draw the line between lawful force and illegal violence.

The police, therefore, can act both legally and ethically while acknowledging that the morality of

insularity and, as a result, police officers find social encounters with non-police friends, acquaintances, neighbours and others fraught with difficulty.

They feel more relaxed with fellow officers, with whom it is unnecessary to maintain appearances. The reality is that the police are set apart by the authority they wield.

Policing is a dangerous occupation, where normal expectation compels the cop to knowingly enter risky situations. The fact that the authority of the police is coercive entails a willingness to impose that authority by force, or to fight. However, the exercise of coercive authority over fellow citizens leaves officers intrinsically vulnerable to complaint and prosecution.

Instead of pathologising the police, the above analysis of the police sub-culture should convince us of the surprising fragility of what appears at first sight to be a robust powerful social institution. Our pragmatic policemen do not mind being at the receiving end because they are aware of their marginal position in the society.

Muhammad Nurul Huda is a columnist contributor to The Daily Star.

## STRAIGHT LINE

Policing, in our parlance, is a marginal occupation because officers wield authority over fellow citizens, and this sets them apart. It is marginality which police officers are acutely and inarticulately aware of. This marginality gives rise to insularity and, as a result, police officers find social encounters with non-police friends, acquaintances, neighbours and others fraught with difficulty. They feel more relaxed with fellow officers, with whom it is unnecessary to maintain appearances. The reality is that the police are set apart by the authority they wield.

prompted by the highest motives to protect society from anarchy.

A distinguished academic of US, while confronting the realities of police work, narrated that for the first time in his life he encountered individuals who interpreted kindness as weakness, as an invitation to disrespect or violence.

He also came across men, women and children who, in fear or desperation or excitement, looked to the man behind the uniform and shield for guidance, control and direction.

To this academic, who had always condemned the exercise of authority, the acceptance of himself as an unavoidable symbol of author-

justice system.

The theory or assumption is that unqualified, unintelligent, rude, brutal, intolerant or insensitive men make their way into police work, where they express their crudeness under colour of the law.

The efforts geared to organizational changes, with the intention of affecting the corrosive police habits without altering the ground reality, are doomed to failure. In other words, without changing the wider social context within which the police operate, their culture is perpetuated and reform undermined.

The police are in a confrontational assignment not because they

policing is perpetually in doubt. Sociologically, policing is intrinsically an anomalous occupation, for the norms that govern conduct are never clear and the police officer is obliged, proverbially, to sail perpetually and perilously close to the wind.

Policing involves its practitioners in dirty work. Their work entails straying beyond the boundaries of normality, which means creating and maintaining a culture that shields them from the implications of their work.

Police officers at times adopt a fatalistic attitude as a means of coping with a fearful reality. Quite often, the threat they face is to their occupational self-esteem. There

the rationale of the police as servants of justice is challenged and, thus, their sense of occupational self-esteem is undermined.

In an environment characterized by the moral ambiguity of their own role, venality of criminals, tragedy of victims of all kinds of misfortunes, and unrealistic expectations of the criminal justice system, cynicism amongst police officers becomes inevitable.

Policing, in our parlance, is a marginal occupation because officers wield authority over fellow citizens, and this sets them apart. It is marginality which police officers are acutely and inarticulately aware of. This marginality gives rise to

## OPINION

## Clean the mess before election

MOHAMMAD AMJAD HOSSAIN

HERE has been clamoring for holding parliamentary elections by both the major political parties -- Awami League and Bangladesh Nationalist Party. However, the Jatiya Party has expressed that it wants to wait and see what measures are undertaken by the Election Commission. Question has also been raised by certain quarters, including some columnists as to the length of the interim government's tenure. But when a non-partisan caretaker government initiated actions to clean up the civil service, reorganise the Election Commission, strengthen the anti-corruption commission and separate the judiciary from the executive branch and arresting corrupt politicians,

bureaucrats and other violators irrespective of party affiliation, there is no reason to raise that question at this stage.

The interim administration, according to the provision at 58 (D) of section 2 of the constitution, is required to assist the Election Commission in holding a general election that must be peaceful, fair, and impartial. But for that the caretaker government needs unquestionable support from the people of the country to clean the mess that has been accumulated by successive political parties since the inception of Bangladesh. Politically, the whole society has been criminalised. They require sufficient time to hold election peacefully, fairly and impartially. Crime and corruption free society is a sine qua non to creating a congenial atmosphere for holding a general

dissolved. The same Article also mentions that the Chief Election Commissioner could consider holding election later if in his opinion such election could not be held for reasons of an act of God. In view of the anarchic situation in the country being created by politicians such scenario could not be ruled out and for which the administration could seek the ruling of the Supreme Court to defer the election.

The constitution is meant for the

people as indicated in the preamble of the constitution and that the government should safeguard, protect and defend this constitution and maintain its supremacy as the embodiment of the will of the people. The constitution does not belong to any political party or coterie.

Article 118 of the constitution provides for the establishment of an Election Commission whereas powers of the Election Commission are derived from constitutional provisions and Article 4 of the 1972 Representation of the People's

Order. However, the Executive Branch should support the Election Commission in line with article 126 of the constitution and articles 5 and 6 of the Representation of People's Order to conduct elections.

However, the people have heaved a sigh of relief since the caretaker government has been reconstituted under emergency power of article 141 A of the constitution. They have been enjoying normal life without hartal, harassment, extortion or killing. They do

not want to see a repetition of the same caricature by political parties. The people want to give as much time as required to the caretaker government to clean the mess before holding general elections for the ninth parliament even if it breaks constitutional provision.

Now the question arises how long the interim government should remain in power. The emergency provision shall cease to operate at the expiration of one hundred and ninety days. That means six months and ten days precisely. Within that time frame non-party caretaker government should complete the process for holding election. It is understood that non-party caretaker administration is making some laws to conduct election. That looks fine, but any law or an executive action

shall cease to have effect as soon as the proclamation of emergency ceases to operate (Article 141 B). What will happen then? It is not necessary that next Parliament would accept such laws that have been enacted during the period of emergency. Then the situation in the country may be back to the square one. Therefore, non-party caretaker government should take steps carefully keeping in mind the constitutional provisions.

Mohammad Amjad Hossain, a former Bangladesh diplomat, writes from Virginia.