

## Teachers on remand again

*Deal with them with care and respect*

THE news that the two senior teachers of Dhaka University, Prof. Anwar Hossain and Prof. Harun-or-Rashid, both of whom are already in custody, have been shown arrested in yet another case and placed on remand for four more days is disconcerting. We are further concerned to learn that the teachers have told before the Metropolitan Magistrate Court that they have been subjected to mental torture during interrogation following their arrest.

We believe that no one is above the law, yet we feel such treatment of respected teachers of the country's highest seat of learning should have been avoided. They are known to have good track record as teachers, administrators and academic counsellors, therefore the method of interrogation in their case should be different from that followed in the case of ordinary criminals. In this respect, the authorities concerned may also consider the option of questioning them at the jail gate, as there is such a provision in our legal system.

It needs to be said that when the law enforcing authorities have been successful in defusing the situation within a short time and without any loss of life, detaining the Dhaka University teachers for such a long time would smudge their achievement to some extent. Furthermore, the public apology that has come from Prof. Anwar Hossain for the unfortunate incident on the campus should be viewed with compassion and seized as an opportunity to find ways to forget and forgive and work jointly towards establishing peace. In the melee, we must not be forgetful of the loss of academic hours of the general students.

Teachers are kept in very high esteem in every society, therefore, great attempts should be made to ensure that no action against them is interpreted as harassment or intimidation. In the same breath we would like to say that teachers are also expected to perform their responsibilities of maintaining healthy environment on the campus to the best of their abilities. In this connection we must point out that during the vandalism no loud voice from the teachers could be heard urging students to desist from such acts.

## Garments export stuttering

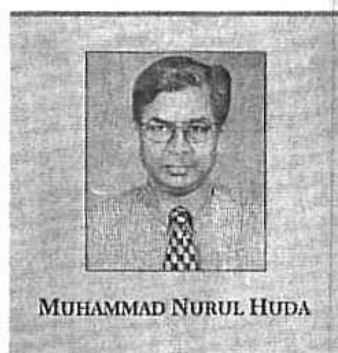
*Special measures needed to rev it up*

AFTER successfully weathering the storm of the post-MEA era and recording a 35 percent export growth in apparel market in 2004-05, the garments sector is showing signs of taking a tumble. Just to understand the magnitude of the decline in the 12-month period ending June this year, the sector registered a modest growth of 16.5 percent compared with 23.12 percent in 2005-06. Translated in monetary terms, we have lost potential earning to the tune of US\$ 1.5 billion on account of orders being diverted to countries like Cambodia, Vietnam and China.

Our image took a drubbing due to a sharp deterioration in worker-employer relationship marked by widespread unrest in garment factories over minimum wage and job security problems. This resulted in extensive damage to 400 factories and Dhaka Export Processing Zone being shut down twice in just eight weeks sending wrong signals to our buyers.

Given the above state of affairs, we need to take a hard look at the sector and adopt a strategy that can help revitalise it and restore its full market share. In the month of October, a surge in winter orders is expected which BGMEA should be able to cash in on. The workers, employers and the government must work unitedly to make it happen. Let them start a fresh dialogue to pull the sector out of the woods. As the first step towards a forward movement of the sector, the tripartite agreement signed between the government, BGMEA and the sector's labour force should be implemented in full by all factory managements without ado. There is no denying the fact that if the industry continues to be in a state of turmoil and disarray with an undercurrent of discontent amongst its work forces things are bound to worsen as time progresses, even if other factors improve or remain favourable. The overall business climate will also have to be improved to dispel any misgivings in the minds of our RMG buyers.

## Discretion in law-enforcement



MUHAMMAD NURUL HUDA

THE unusually violent happenings of August 20th to 22nd last reminds us of a highly charged scenario in which abnormal postures and actions were painfully prominent. Discreet response by the concerned parties was perhaps not expected in our predominantly reactive culture. Discerning observers say that the establishment's behaviour was not helpful while the actions of the agitators bordered on madness.

Now that the situation has sufficiently cooled down and the authority has instituted a judicial commission to look into the unfortunate incident in its entirety, it may perhaps be relevant, at least academically, to focus attention on the element of discretion in law enforcement.

Recognising that the police are custodians of the state's ultimate monopoly of legitimate coercion leads us to consider the abiding concern -- the issue of discretion. Discretion is the pivot upon

which the exercise of authority revolves. However, discretion is still poorly understood.

An important task is to identify the criteria that the police employ in arriving at a decision. The issue has become one of apportioning influence on police discretion between legal and extra-legal factors. There is evidence that clearly points to the vast extent of police discretion and the influence of extra-legal consider-

stable tend not to be arrested, whereas their unemployed and rootless counterparts are more likely to wind up in jail. Thus, instead of equality before the law, different groups receive different treatment according to wholly extra-legal considerations.

The selective exercise of discretion means that those who offend the prejudices or whose arrest serves the interests of the

young, and residents of deprived neighbourhoods, and contributes to the distortion of our understanding of crime. Often, this manifests itself across a wide range of policing activity and criminal justice procedures, and is targeted mainly at the powerless and dispossessed.

True, discretion involves considering any decision on its merits, taking all relevant factors into consideration, weighing avail-

are rarely perplexed about which values should apply, because certain values prevail since they reflect the interest of dominant groups in society. In other words, the exercise of police discretion is intrinsically discriminatory, because it imposes dominant social values upon subordinate sections of the population.

Since the police do not simply enforce the law they do not restrict themselves to those who

fighting.

It would seem that the police exercise their discretion to keep people "in their place," not only the young and the members of lower class but also victims and members of the public whose respectability is affirmed by the care and attention they receive from the police.

The principal interest of the police is the maintenance of their authority; for that is the principal resource that they deploy when dealing with incidents. The police do not enforce the law because they cannot. Laws must be interpreted, and that interpretation is always context-specific. Therefore, discretion is unavoidable. However, discretion is also discriminatory, since it inevitably depends on imposing the prevailing interests of dominant social groups who set the standards of applications.

The police patrol the boundaries of "respectability" and, thereby, subordinate and exclude those whose claims to full citizenship are, at least, doubtful -- youth, lower social classes, and at times minorities. It is, therefore, no surprise that most police attention is concentrated on the lower class and the youth -- particularly young men.

Muhammad Nurul Huda is a columnist of The Daily Star.

## STRAIGHT LINE

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ations. The discovery of police discretion and the influence of extra-legal considerations upon it have ramifications that are much wider than legal theory and constitutional propriety.

If the police can use their extensive discretion to define crime, they can use that same discretion to concentrate attention on vulnerable sections of the population and cast them in the role of "criminals." Enforcement officers are influenced by the character and social circumstances of the violator. Those who are employed and residentially

police are subjected to routine harassment. Often, what passes for justice is dispensed, not in the public forum of the criminal court with all its safeguards, but by officials, such as the police, on the street. Thus, for civil libertarians, the exercise of discretion is often equated with the abuse of civil liberties.

It seems at times that the exercise of police discretion is not only an intrinsic usurpation of the law, but is also discriminatory against the poor, ill-educated,

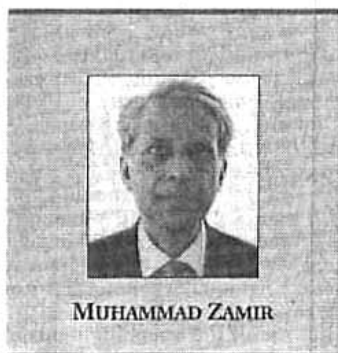
able options, and arriving at the most appropriate conclusion. Of course, discretion can become a cloak under which prejudice and discrimination hide, but that does not make discretion itself offensive.

There is a debate as to whether delinquency and criminality are actually concentrated among certain sections of the population, or whether they arise from discriminatory practices throughout the criminal justice system. Often, the police exercise their discretion within a social context of domination and subordination. Practical police officers

have violated it. The wider discretionary authority possessed by the police is used to protect prevailing interests from those sections of society that pose a threat to those interests.

As illustration, we may consider the particularly vexing issue of stop and search. Not only is this a controversial practice, it also epitomizes the exercise of police discretion and the issues associated with it. The authority given to police officers to stop people in public places, question and search them is justified in principle as a weapon in crime-

## Strategic rift among the 'coalition' in Iraq



MUHAMMAD ZAMIR

IRAQ, as well as the entire neighbouring region in the Middle East, today, is facing a serious and unstable situation. Disappointment and despair stalk the streets of Baghdad, Kirkuk, Basra, Gaza and several other cities. The efforts of the 'Coalition of the willing' to jump-start democracy and initiate democratic traditions do not appear to have taken root despite the enormous expenditure of more than one hundred billion US dollars. Inclusiveness and tolerance have crucially failed to surface, and this has led to impatience in the manner the war is being conducted in Iraq.

Some are pointing out that peace is not just the absence of conflict but also the absence of inner conflict. They are reiterating that the emerging sectarianism in Iraq is only underlining that eventual peace requires withdrawal of foreign presence from that country.

London and many other places in Britain are rife today with demonstrators loudly seeking the withdrawal of British troops from southern Iraq. The electronic media showed one carrying a sign with John Lennon's stirring remarks from his immortal song 'Imagine' about peace. "Imagine all the people living in peace. You may say I am a dreamer, but I

am not the only one. I hope some day you will join us, and the world will live as one". Some others had quotations from United Nations General Assembly Resolution 55/282 of 7 September 2001 that decided to observe the International Day of Peace on 21 September each year. Another demonstrator carried a sign with an excerpt from former UN Secretary General Kofi Annan -- "All those engaged in conflict

government is not portrayed as having failed in facing its own 'Saigon moment'.

It is anticipated that very shortly the British will pull back from their last base located in Saddam's old summer palace (where about 500 British troops are camped and facing regular missile attacks) in the city of Basra in southern Iraq. The British Ministry of Defence is already keen to avoid any photo-

on the deteriorating situation has attempted to euphemistically portray British armed forces efforts as being directed 'to put the Iraqis back in control'. Such a view, according to Sarah Baxter and Michael Smith, is not consistent with US military assessment which has warned that British forces will have to fight their way out of Iraq in an 'ugly and embarrassing retreat' towards the southern Iraq port of Umm Qasr.

invasion, when officers were told that their war aims were to bring democracy and stability to Iraq.

Mr Brown is expected to report on the current situation in Iraq to the British Parliament in October. In the meantime, the British Conservative right, due to influence of the ultra conservatives within the US Administration (headed by Vice President Dick Cheney), is pointing to Brown's close advisers that Britain should

with escalation of US presence in the southern areas of Iraq.

Mr Brown, in keeping with his cautious nature will, in all likelihood, take wider concerns into account before he reaches a decision that has political as well as military implications. He knows that he has a tough six months ahead. At the time of inheriting his mantle, his party was trailing the Conservative Party. That has slightly changed in the last few weeks. Labour is again in the lead.

Brown today is faced with a dilemma -- to withdraw as soon as possible out of Iraq and lose political support of President Bush or stay till it is clear that Bush is a truly lame duck President. He also knows that undue delay and more British bodies coming back from Iraq will affect his chances in the next election.

The only way out for Gordon Brown seems to be to wait for General Petraeus presenting a mixed report and pleading for more time for the US surge strategy to work. If this happens, and the number of US fatalities continues to grow, there will be additional pressure on the US Administration (from the embattled Republicans) to reduce their presence in Iraq. I believe that such a situation will enable the British Prime Minister to spell out plans for a British withdrawal. This scenario would also permit the Prime Minister to make public sometime in November or December, before Christmas, his decision to scale down British presence. It will also depend on when Brown wants to call the next election.

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## POST BREAKFAST

**The only way out for Gordon Brown seems to be to wait for General Petraeus presenting a mixed report and pleading for more time for the US surge strategy to work. If this happens, and the number of US fatalities continues to grow, there will be additional pressure on the US Administration (from the embattled Republicans) to reduce their presence in Iraq. I believe that such a situation will enable the British Prime Minister to spell out plans for a British withdrawal.**

should reconsider the wisdom of further violence.

It is very clear that there is today a serious re-examination in Britain about its continued presence in Iraq. Analysts, political activists and some retired defence personnel have jumped onto a bandwagon and are now urging the new British Prime Minister to forget Iraq and think only of Afghanistan.

The initial period of political honeymoon for new Prime Minister Gordon Brown appears to be ending and senior military commanders are taking that opportunity to advise Brown to withdraw from Iraq at the earliest and take the fight to the Taliban in Afghanistan. While doing so, they are trying their best to portray such a step not as retreat but redeployment. This latter interpretation is being specially underscored so that the British

graph of the last helicopter taking off from Saddam's old palace (which supposedly also houses intelligence agency personnel from other countries). Analysts have claimed that such an image would be too close to that of the last helicopter taking off from the American Embassy in Saigon in April 1975 -- an enduring symbol of US defeat.

Damage containment is already underway by British Authorities pointing out that unlike the case in Vietnam, the troops on the British helicopters will not be leaving Iraq -- they will just be pulling back to their base at the airport outside the city to await the final order to withdraw.

In the meantime, British Air Chief Marshal Sir Jock Stirrup, Chief of Defence Staff, has denied claims by certain US analysts that the British have been defeated in southern Iraq. The spin being put

Some are already calling it the 'Basra blunder'.

The British newspaper 'Independent on Sunday', known for its lack of support for the invasion of Iraq has now gone one step further. In a recent comment it has drawn the attention of Prime Minister Brown to his assurance at Camp David, USA, where he said that 'he would listen to the commanders on the ground in deciding whether British troops should remain in Iraq'. Many other commentators like this publication are now urging Brown to take a sober stock of reality.

These latest developments are providing fodder for peace activists within Britain and also the neo-liberals. They are all urging Brown to re-think. They feel that the present situation is a long way from the role envisioned for British troops during the 2003

'uphold the standards which the world has come to expect from the British army in the most demanding circumstances.'

It is quite clear that Gordon Brown will be making his final decision about troop withdrawal after US General David Petraeus delivers his report to the US Congress in September on the progress of America's 'troop surge' strategy. In the meantime, serious efforts will obviously be undertaken to contain the deteriorating situation.

Clearly, the US Administration is less than happy with the evolving situation in the southern front in Iraq. They feel that absence of a credible British presence will certainly impact on ensuring security of its vital supply line from Kuwait. Consequently, there is now a US strategic view that British depletion will have to be supplemented

## OPINION

## Who vandalise? Why vandalise?

NAZRUL ISLAM

THE mind-less vandalism that we witnessed recently is definitely unwanted. But vandalism and arson have become forms of protest in Bangladesh over the years. Aggrieved people in a democracy stage protests for redressing of their grievances; it is not unexpected, but it should have been made in a peaceful manner. If we analyse the street protests in recent years, we notice that most of them turned violent and ended up in damaging of vehicles and establishments, and arson attacks.

Vandalism is the crime of destroying or damaging something, especially public property, deliberately and for no good reason (Oxford Dictionary), and is not a strange thing in our country. I can recall the first instance of vandalism I saw in my boyhood

in 1969 during the mass upsurge, when high school students flattened the house of a District Board member in a neighbouring village. In independent Bangladesh, the trend intensified during HM Ershad's rule in the 80s.

Students, particularly those of Dhaka University, had taken an all-out stance against the dictator and staged numerous rowdy demonstrations along with the activists of major political parties. However, at that time, mainly state-owned BRTC buses and vehicles of government offices having red-number-plates came under attack. The government then had to change the colour of the number plates so that no one could distinguish between government and private vehicle. During the 90s, the propensity for damaging vehicles and arson attacks increased. The AL-sponsored movement during

1995-96, and BNP-led protests during AL regime, saw innumerable street protests when hundreds of vehicles were damaged or torched.

The vandalism spree got a new height post-2001 period. During the 2001-2007 not only political activists but also other elements in the society joined in the rampage. The 2006 unrest in the garments industry was one of the country's most troubled times, when damaging of vehicles and arson attacks on factories became the order of the day for about nearly two months. The garment workers at that time, and later on, turned into dominant players in carrying out vandalism. Apart from such organised forces, impromptu mobs now and then damage or destroy vehicles at any places across the country at any time. Now the question is: Who are the vandals and why do they vandalise?

There must be an organised force to carry out vandalism. Street protests of political parties, trade unions, working classes, religious groups, and other organised sections may turn violent when instigated either by the fiery speeches of their leaders or by the vested elements within the masses. But once someone initiates the act, it spreads fast among the co-activists, and the rampage continues until it is prevented or stopped by any means.

If we closely examine the people who took part in vandalism in the past, we will find that most of them were from the poorer section of the society. Most of them were street urchins, slum-dwellers, vendors, small shop owners, rickshaw-pullers, transport workers, low-paid employees of various organizations, and so on. Of course, a good number of students also made up the vandal groups. But students

generally remain confined to the vicinity of their institutions.

Soon after initiation of any violent street protest, people of the above classes are seen taking the forward position. They take part in brick-batting, chase and counter-chase with law enforcers, and damaging vehicles or setting fire to them with enthusiasm. They might be political elements or members of any socially organised group, but their main identity is that they are from the unprivileged and deprived section.

By definition, vandalism is a criminal act. The law of the country also provides for stringent punishment for vandals. Despite knowing the consequences, people participate in vandalism. But why do vehicles and other inanimate objects fall prey to the wrath of the street protestors? Why this act of damaging property

According to John Stuart Mill, the happening of any event is caused by the summation of all essential conditions of the event (Law of Causation). Interestingly, we always see the act as a conspiracy, and try to find conspirators behind such acts. We also blame politicians for instigating unrest to reap political gain. Al right, I'm not rejecting the hypothesis. But is such conspiracy or instigation enough to initiate vandalism? I think there must be some conducive condition which encourages the players to take part in such criminal acts. And the condition is the existing contradiction between the haves and the have-nots.

The glamour, splendour, and wealth around them are elusive. The vandals don't possess those. The vehicles they damage are not their's, they don't ride on them; moreover they think that there is no distant chance of having similar vehicles of their own. Not only that, they think the vehicles are responsible for their woes as they are mainly purchased with ill-gotten money or other crooked means.

They have resentment against the owners of those, but they (the rich) are very powerful and out of reach. On the other hand, the hapless are very fragile individually, but when they forged unity they turn very strong. And whenever they get the chance, they assuage their anger by damaging the 'signs of affluence'.

Then why the students of the highest educational institutions? As the most conscious section of the society, many of the students see a bleak future ahead and feel frustrated. The social inequalities and injustices also affect their minds and push them to resorting to protest that sometimes culminates into vandalism.

Bangladesh is becoming a

country of unequal economy, with widening discrimination between urban and rural areas. The upper 20 percent of the people hold 80 percent of the resources, and 80 percent hold 20 percent. The rural land distribution pattern is almost the same. The upper thirty percent of the households own 71 percent of the land, while the remaining 70 percent holds 29 percent. There must be inequality in a capitalist system, but that must be within a limit. The GDP growth itself can't be dubbed as development unless a minimum quantity trickled down to the poorer section.

A country can't thrive for long nurturing so much inequality. The rich must devise ways and means to distribute wealth among the deprived sections.

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