

Police must act as friends of the people

The perception of scam-free bureaucratic, mercantile and political institutions, indeed, revolves around democracy, rule of law, human rights, equality of opportunity irrespective of caste, sex, creed and socio-economic status, and a sense of strong abhorrence for the impunity culture, exploitation, arrogance of power and any manner of venality.

ABDUL KHALEQUE

WE may remember that Rajarbag police inaugurated armed resistance against the artillery assault of Pakistan army on March 25, 1971. Memorable are the laudable sacrifices of life of Bangladesh police in the theatre of the liberation war, and the contribution of the devastated force to the restorative efforts of the new Bangladesh government. It is certainly a calamity that the police occupied first place in corruption for consecutive five years in the Transparency international report. We cannot deny the state of acute corruption in Bangladesh. People want criminals and corrupt persons in chains, and the police to perform their duty honestly.

The perception of scam-free bureaucratic, mercantile and political institutions, indeed, revolves around democracy, rule of law, human rights, equality of opportunity irrespective of caste, sex, creed and socio-economic status, and a sense of strong abhorrence for the impunity culture, exploitation, arrogance of power and any manner of venality. The pendulum of police profile, in

practice, swings in the direction of crime trends, demographic issues like over-population, disease, physically and mentally handicapped people, urbanisation, terrorism, lack of education and moral values, recurrence of natural disasters and their impact on agro-based economic and mass poverty.

Absence of tough execution of criminal laws and long pendency of trial of cases in courts promote crimes, violence and socio-economic upheavals.

Reforms of criminal laws along with the justice delivery system will promote humanism and human rights. Police reforms cannot fully avoid the beaten track of the past regimes of kings, emperors, dictators, colonialists, and military rulers, as well as criminological and penological principles and practices in adjustment with social visions. In this context, we may mention that more than 100 countries have either abolished or suspended the death sentence. Great Britain took the lead in this in the mid-1960s.

It will be proper for our police reformers to go through the reports of police commissions of past decades to look for learned views of social groups. Reformers'

zeal is always supposed to be slow, so that any failure will not have any effect on reform efforts. We urge upon revival of a lot of benign preventive measures which went out of use in recent years. Details of some preventive laws and regulations of the past have been noted under "DO" and "NOT DO" in this write-up.

The reform zeal may centre round some preventive laws and practices which lost their effectiveness for non-use.

Laws and practices: (1) Action under Sections 107-110 of CrPC; (2) Maintenance of history sheet, card index, photographs, finger and foot prints of criminals and veteran suspects, defaulting motor vehicle drivers, terrorists, druggists, alcoholics, smugglers, money launderers, invoice-using businessmen, corrupt persons etc.; (3) Effective use of rural police, periodical conference with journalists, UP chairmen and members, municipal commissioners and many other professional or civil society groups; (4) Check of patrol at night; (5) Regular and critical inspection of police units by superior officers; (6) Proper use of Section 54 CrPC and addition to Section 54 the Indian CrPC Section 41; (7)

Launching of gang cases; (8) Informing citizens of their responsibility in crime control as per provisions of our CrPC.

Police reform may be launched in three phases:

First phase: (A) What police should DO: (1) At least an ASP to supervise investigation of all serious crimes like gang case, terrorism, smuggling, trafficking of women and children, dacoity, extortion, murder, rape, kidnapping for ransom, persecution of women by husband and others, dowry, unauthorised fatwa etc.; (2) Arrest criminals in 10, 15, 20, 30 cases who act with impunity; (3) ASP to send copy of all absconders with date of absconson to SP every month; (4) OC of thana to send to SP the monthly statement of cases pending trial, mentioning date of submission of chargesheet; (5) SP to arrange separate hajat for women arrestees and accommodation for women personnel; (6) SP to supply necessary stationery, furniture for visitors, law books on criminal laws, procedure and evidence, constitution, literature on human rights, charter of duties specified in rules and regulations for study of police personnel in each thana; (7) Monthly grant of sumptuary allowance to OC for local gentry of the community police and Open Day, distinguished visitors and journalists, teachers, local political leaders.

(B) What police should NOT DO:

(1) Misbehave with anybody; (2) Show arrogance of political-

supported power and attitude; (3) Torture arrested and remanded suspects for statement; (4) Take bribe to record complaints, investigate and manipulate section of law; (5) Show bad manners to women and poor persons; (6) Neglect dress while on public duty (wearing cap); (7) Use retired sub-inspectors of police in writing case diaries on behalf of the I/O; (8) Use baton/gun unless absolutely necessary for self-defence; (9) Harass people, hawkers, motor-car, bus and truck drivers for bribe etc.; (10) Commit crimes.

Modernisation commences

Second phase: (1) Properly set up organogram of police units -- thana, district, range, police headquarters, CID, SB, DB, training institutes, armed battalion, RAB -- according to practical and modern needs; (2) Impress government to invest on law and order forces in the interest of peace and development; (3) Jettison the overload of corrupt, diseased and incompetent elements by screening operation to be followed by correct recruitment and training in substitution; (4) Organise training of new recruits and trainers with international assistance, if possible.

Modernisation projects continue

Third Phase: 1) Recruitment at all levels of non-gazetted ranks by a board, as in defence services; (2) Determination and execution of

physical qualification of men, women and tribal candidates; (3) Training under trained and capable teachers; (4) Recruitment and training of constables of two grades:

Grade I -- For patrol and general duty. Education -- Graduate with maximum one third division. Promotion prospect open.

Grade II -- For driving motor vehicles, serving as orderlies and guard duty. Education -- SSC 2nd division. Promotion prospect open in SAF, armed battalion.

Training of trainers may be organised in cooperation with foreign experts.

Recruitment: (1) Sgt/SI: Recruitment by a board as in Defence Services, and educational test. Education -- Graduate with no 3rd division but with at least one 1st division.

(2) ASP: Recruitment by PSC. Honours graduate and masters. No 3rd division at any exam. Professionals -- simple graduates.

Reservation for females and others as per government decision, but no relaxation of educational requirement.

Further details of recruitments may be figured out by a consultative committee formed by government.

Decentralisation

(1) In tune with the model of general administration; (2) Zonal perception of administration of army may be followed in terms of administrative divisions under Addl. IG; (3) Instead of being a

director, police must have a Ministry of Peace and Order with an Inspector General of the rank of Lt. General; (4) Control of appointment, transfer, promotion, disciplinary action as per rules under the authority of police chief, as in the case of the head of the defence services.

There must be a national political accord for peace and non-interference in police matters. A galaxy of educationists, journalists, administrators, police high-ups (retd.), criminal law speciality, ladies, etc, should be constituted by the PM to ensure execution of the accord. There shall be an elaborate Police Code of Conduct to specify what principles should guide police acts and deeds.

Scientific laboratories and research cells to be established in each divisional headquarters.

Metropolitan Police: (1) The present metro-police structure is defective. Metropolitan police, highway police, river police and port police to be separately organised as full-career services, with specific training on the job. Metropolitan police must have urban-life training with particular reference to floating population and slums (hide-out of criminals and terrorists).

Police tells tales: A policeman is a citizen in uniform, and the most visible employee of the government. People do not like to report crimes for fear of reprisal, and to avoid evidence-giving; there is no protection of complainants; policemen cannot express griev-

ances or agitate like other employees; they are ridiculed in dramas, political speeches and intellectual discussions, against which they cannot protest; they are closed from duty/post without proper enquiry; they have no rest and respite; their pay is poor; they do not get over-time payment; they cannot enjoy festival and weekly holidays; they do not have accommodation/house rent according to need; they have no transport, work tools and stationery as needed.

We may accept some of these handicaps as genuine, such as political interference, tendency of people to tell lies etc., but we cannot but express shock and utter disapproval of commission of crime and bribe-taking, physical and mental torture meted out by police to citizens, and misbehaviour of police.

The reformers may visualise formation of a police commission to act as a "watch dog" of police functionaries. The commission to have a wide range of responsibility to keep a watch on every act or deed of the functionaries.

Conclusion: It goes without saying that for a fantastic finish in any venture we need a perfect start. We do not like to see political muscle flexing to kick out adversaries, or to bring them into their own net. There is unauthorised use and deployment of the police. Misuse of police must stop.

Abdul Khaleque is a retired IGP and Secretary.

K.M. Sobhan in twilight remembrance

It was my privilege to know Justice K.M. Sobhan. He was of a club of wise men from whom I have learned about politics, about the values that energise the zest in us toward doing all the good we can in a furtherance of the interests of this independent Bengali state.

SYED BADRUL AHSAN

JUSTICE K.M. Sobhan belonged to the class of the courageous and the principled. It is a matter of record that when the Awami League returned to power in the general elections of 1996, many expected him to seek reinstatement as a judge in the Supreme Court. It was an expectation that did not reach fruition, for Sobhan was averse to the idea that the new government place him back in a position that had earlier been seized from him by a military government. Not many men in his circumstances would have acted in similar fashion.

My interaction with Justice K.M. Sobhan began sometime in the late 1980s, as the mass movement against the Ershad regime gathered pace. To see him turning up at public rallies organised to demand the ouster of the regime,

and to spot him arguing vigorously for a return to secular democracy in Bangladesh were experiences that gladdened the soul.

I was young, relatively new in the field of journalism. And, yet, my write-ups, couched as they were in careful language (owing largely to the policy of the management of the newspaper I worked for, a policy that saw nothing wrong in airbrushing Bangladesh out of Bangladesh's history), had come to Justice Sobhan's notice. He appreciated them, made me feel close to him and to others like him. For me, being in touch with one who had been part of the nation's higher judiciary was enlightening.

In the years following that first link-up with Justice Sobhan, my respect for him grew at an enormous pace. His columns and his

statements on issues dear to the hearts of Bengalis revived the feeling in me that all was not over for us. At a time when many superannuated judges lapsed into silence or ended up serving the military as well as elected autocratic politicians, K.M. Sobhan chose to be on that side of the barricade where the general masses were gathered.

His was a vocal presence at all the campaigns against religious extremism. He defended Taslima Nasreen's right to life when a band of fanatics put a price on her head.

As the Khatme Nabuwat elements tried stirring up hatred against the Ahmadiyya community, Justice Sobhan was quick to rise in the defence of the community, indeed in the defence of the right of all people to the practice of their chosen faith. As a significant cog in the wheel of anti-

communalism, he threw in his lot with the nation through being part of the Ekatturer Ghatak Dalal Nirmul Committee. And in the Bangabandhu Parishad, K.M. Sobhan focused on the great and grave need to uphold the legacy of the greatest man in the lives of all Bengalis.

It was an activist K.M. Sobhan that I had the great fortune to interact with. At receptions where he and I went, the happiness that glowed on his features at seeing me was palpable. We would talk for a while, he doing most of the talking, on the priorities the country needed to set for itself.

There was no snobbery in him. But there was in him a clear disdain for anyone who so much as tried to question the underlying basis of the free Bangladesh state. Unlike other judges, who even in retirement have chosen to remain circumspect in the matter of their attitudes to political parties and philosophies, Sobhan was unambiguous in taking a position. He never wavered in his feeling that politics based on religion was a serious assault on the intelligence of the peo-

ple of this country.

Like all men of conviction, Justice Sobhan held strong opinions about the way the country needed to take. Not for him the need for compromise. Not for him the subtlety necessary for an assessment of political realities. He was blunt, as blunt as the Father of the Nation was in his own time, in an articulation of his point of view. And he was a man of intense self-esteem, in the manner of his contemporary, the late Justice Syed Muhammad Hussain. As far as K.M. Sobhan was concerned, hollow men did not have to be indulged, even if they occupied positions of power.

His view of the local collaborators of the Pakistan occupation army in 1971 was withering. Respectable men and women, he believed, could have no truck with anyone who has committed treason. Quislings must not be permitted to step outside their dark caves.

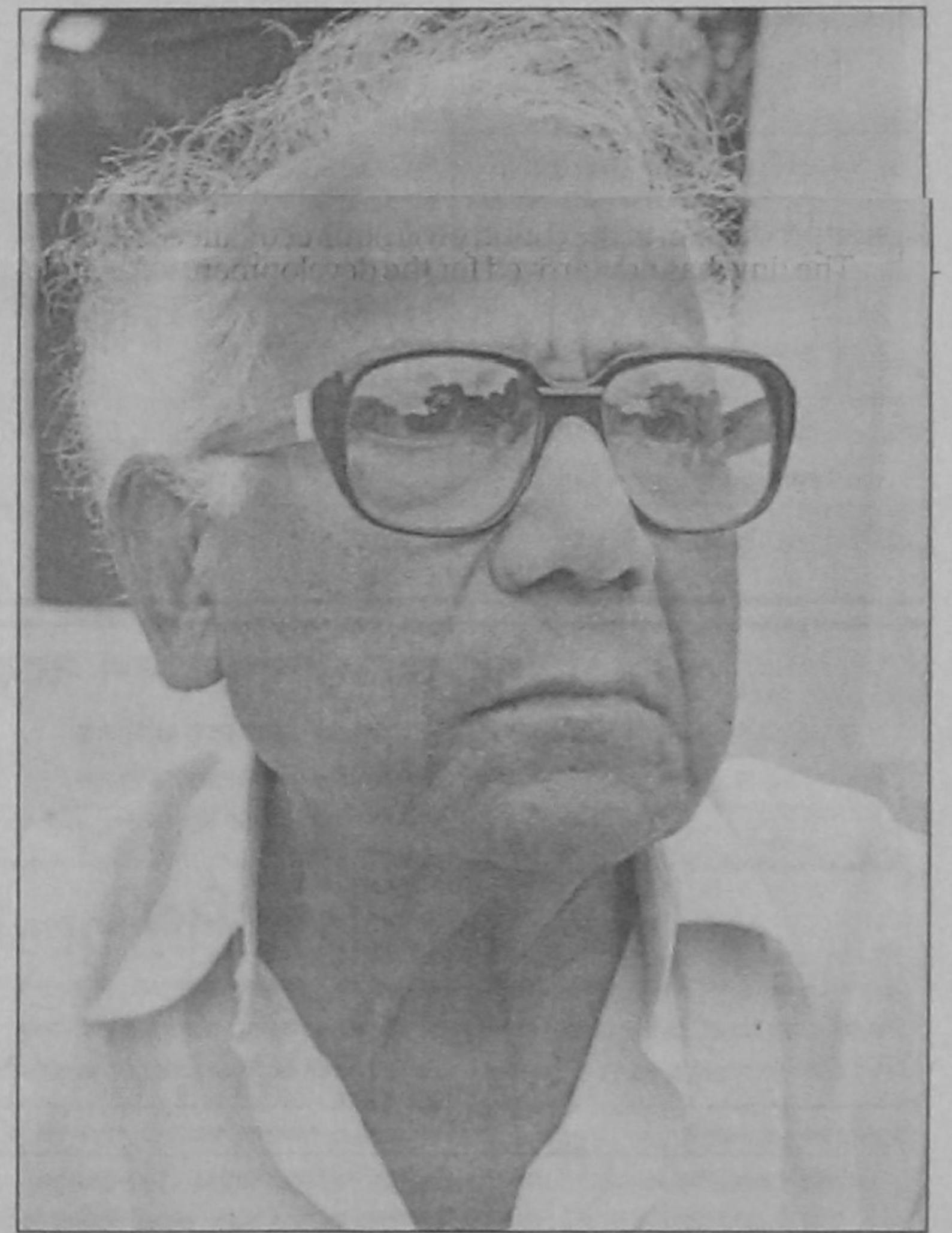
Justice Sobhan was a brave man. His enemies, all in the camps of the old collaborators and the fanatics and the pseudo-nationalists, were legion. But that did little to curb Sobhan in

carrying on with his crusade against untruth and evil. His advancing years were no barrier to his continued involvement with political and social causes. He seemed to be everywhere, at rallies, at news conferences, at seminars. He walked long distances, the better to keep himself in good shape. He talked animatedly, and laughed from somewhere deep inside. In his eighties, he could easily make you think he had just stepped into his sixties.

It was my privilege to know Justice K.M. Sobhan. He was of a club of wise men from whom I have learned about politics, about the values that energise the zest in us toward doing all the good we can in a furtherance of the interests of this independent Bengali state.

In winter twilight, I remember Justice K.M. Sobhan and the times that have flown. The soul says "thank you" to a man who instilled courage in us and would not stop doing so right up to the end, when the heart in him gave out.

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Reviving Camelot?

What Obama has is Kennedy's ability to inspire and to play the generation card. When Obama talks about "the fierce urgency of now" and warns against those counseling patience, he's dissing a return to the Clinton years, but he's also echoing JFK's Inaugural declaration, "The torch has passed to a new generation of Americans."

ELEANOR CLIFT

WHEN John F. Kennedy sought the presidency in 1960, Lyndon B. Johnson, the seasoned Senate leader who would become his running mate, looked down on the young upstart and complained he hadn't done anything to warrant such lofty ambition. Kennedy was an undistinguished senator, but he had been in the Senate for eight years after moving up from the House, where he was first elected in 1947. Imagine what LBJ would say about Barack Obama, who has barely three years in the Senate, one of which has been spent running for president.

The Senate is not an institution eager to accommodate people who want to make a fast start, and Obama has gained the endorsement of only two colleagues, Richard Durbin, the senior senator from his home state of Illinois, and Kent Conrad of North Dakota, a state no Democrat will carry. By contrast, Hillary

Clinton, who's paid her dues on Capitol Hill, has 10 endorsements from Senate Democrats. We can only guess what earthy expression LBJ might employ to assess Obama's meager accomplishments in the Senate, but it's beside the point because that's not how the voters are sizing him up.

What Obama has is Kennedy's ability to inspire and to play the generation card. When Obama talks about "the fierce urgency of now" and warns against those counseling patience, he's dissing a return to the Clinton years, but he's also echoing JFK's Inaugural declaration, "The torch has passed to a new generation of Americans." How can we know whether Obama--now buoyed by his victory in Iowa--will prove comparable in substance and actual performance to the figure that lives on in our collective imagination? Bill Clinton, on the Charlie Rose show some weeks ago, said a vote for Obama is a "roll of the dice." It was characterized as a negative attack, but

it's true.

In the Senate gallery, tourists hang over the balcony to catch a better view of the junior senator until the cops shoo them back. Obama represents the possibility of reclaiming the national unity America has lost, and his appeal transcends race and party. Republicans are more fearful of him than Hillary Clinton as the nominee because they don't know how to run against him any more than Hillary does. Portraying Obama as too liberal is an old saw that has lost its resonance. As for experience, it fell flat for Hillary in Iowa. Ted Sorensen, the venerable wordsmith who advised JFK, asks, "What experience? Just because she lived there? I have three boys who played hide and seek in the White House."

Sorensen has overcome age (he'll be 80 in May) and disability (he's lost much of his sight but not his vision) to campaign for Obama. It is the first time in more than 40 years that he has gotten

this excited about a candidate. He recalls that Kennedy was not yet 40 years old when he began exploring the possibility of becoming president. Obama is 46. It's not how many years you live in the White House, or your contacts with foreign leaders, or even your personality, he says, that make a great president. "What matters is judgment." The first chapter of Sorensen's upcoming memoir is about the Cuban missile crisis and those 13 days in June of 1962 when the world teetered on the edge of a nuclear exchange. Kennedy broke with conventional thinking to negotiate with Soviet leader Nikita Khrushchev at the height of the crisis. Soviet missiles were withdrawn after an exchange of personal letters.

Sorensen's memoir is due out in May with the title "Counselor: A Life on the Edge of History." He recalls with wonder that JFK hired him, a Nebraska boy who had not gone to Harvard, who hadn't served in World War II, and who was untested by Washington standards. His admiration for Kennedy is undiminished by time, and what he sees in Obama is a similar willingness to have an open presidency, to consider new ideas, and to break with Washington groupthink. "I don't

want this book to be a partisan screed, but I do reflect on what happened to the Kennedy legacy and why I'm taking part in this campaign despite age and disability." Sorensen believes that electing Obama would represent such profound change in the image America presents to the world that it would help regain much of the ground lost these last seven years.

Unaccustomed to writing in the first person and struggling with his diminished sight, the result of a stroke, Sorensen took almost six years to complete the book. He promises a fuller account of familiar events, some new correspondence from Jackie Kennedy, and perhaps more light on the widely held belief that he wrote Kennedy's Pulitzer Prize-winning "Profiles of Courage." He jokes that if there's another book in him, it would be titled, "I'm Not the Author of 'Profiles of Courage,' But If I Were, This Is How I Would Have Gone About It." For now, he's settled into a familiar role as counselor to another young upstart whose sense of possibility rekindles a time long past but never forgotten.

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Modi, a saviour for India's BJP?

The more critical question staring the party in the face now is: Can Modi's "charisma and personality" and his "leadership qualities" create a similar magic for the BJP in all the subsequent elections in the run up to the next parliamentary elections?

DIPANKAR CHAKRABORTY

THE "feel good" factor that let the BJP down in the 2004 parliamentary elections is back to "haunt" the BJP again, thanks to the chief minister, Narendra Modi's fourth consecutive victory in the Gujarat Assembly elections.

Above the din and high-decibel chants over the "Modi's triumph," the BJP is now eyeing for similar feats in four states that would go to polls in 2008, just a few weeks away.

This will be followed by the important electoral battle of 2009 general elections. LK Advani himself underlined that the Gujarat outcome marked a crucial "turning point" in national politics as, he claimed, it signalled the BJP's comeback as a "front-runner" in the next Lok Sabha elections. But repeating the Gujarat victory may not be as easy elsewhere.

The more critical question staring the party in the face now

is: Can Modi's "charisma and personality" and his "leadership qualities" create a similar magic for the BJP in all the subsequent elections in the run up to the next parliamentary elections?

The issue of whether Modi posed any danger to the BJP central leadership might appear to have become inconsequential, as Advani has already been nominated the party's Prime Ministerial candidate. The party central leadership is to utilise Modi's emergence as a "crowd puller par excellence" in the coming elections, entrusting him with more responsibilities at the national level.

The BJP is also faced with the poser whether the Modi concoction of no-nonsense Hindutva (Hindu philosophy) and development planks could as effectively work in other states to boost the party's attempts to capture power at the centre. A section of the Sangh Parivar termed Modi's feat as a victory of Hindutva. Similarly a section of leader-

ship in the BJP asserted (contrary to what Advani today claimed that development, even sans Hindutva, can bring the BJP to power) that any downplay of Hindutva plank could cost the BJP dear again and dash all its hopes of returning to the centre.

It is also being asked as to how could the Gujarat CM "weave the same magic" for the BJP in other parts of the country.

Gujarat might be the BJP's "model state for development," but this is far from true in case of other BJP-ruled states of Rajasthan, Madhya Pradesh and Chhattisgarh. Modi might not cut much ice with the people of these states. This brings one to the next big question: Can Modi minus any strong Hindutva appeal really help the BJP's and NDA's cause in the next Lok Sabha elections. Some BJP leaders said what Modi today had come to symbolise was a "determined, strong leadership."

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