

Large-scale arrests are not helpful



MUHAMMAD NURUL HUDA

IN view of the large-scale arrests made by Bangladesh Police in recent times, it would be worthwhile to recollect that various constitutional rights in the nature of human rights of individual suspects come under the direct handling of police in all stages of crime investigation -- from arrest to imprisonment. In a country like Bangladesh, where stricter penal laws have to be enacted to curb the terrorist menace and other criminal mischief -- to be enforced by the police not trained to a necessary level -- there is always likelihood of abuse of powers by the police in negation of the individual's rights.

A realistic approach, therefore, should be made to reconcile the individual rights, liberties and privileges, and individual duties, obligations and responsibilities towards the collective interest. It has to be remembered that no arrest can be made merely because it is lawful for a police officer to make an arrest. Existence of power to arrest is one thing and justification for it is quite another.

STRAIGHT LINE

The remedy largely lies in an attitudinal change in the police whereby our police culture will get relief from several scourges, including false implication of innocent persons in criminal cases. That would be some achievement as substantial remedy would follow from the change in the attitude of the political establishment, the real wielders of power. The colonial mindset has to change.

According to the expert view, a police officer must be able to justify arrest, apart from his power to do so. Arrest and detention of a person in police lockup can cause incalculable harm to the reputation and self-esteem of a person. No arrest can be made in a routine manner on a mere allegation of commission of an offence made against a person.

In the fitness of things it would be prudent for a police officer, in the interest of protection of constitutional rights of a citizen and perhaps in his own interest, not to make an arrest without reasonable satisfaction reached after some investigation as to the genuineness and bona-fides of a complaint, and a reasonable belief as to the person's complicity. Denying a person of his liberty is a serious matter.

The Third Report of the National Police Commission of India mentioned that, except in heinous offences, an arrest must be avoided if a police officer issues a notice to the person to turn up at the police station. The Supreme Court of India issued following requirements for effective enforcement of fundamental rights:

- An arrested person being held in

custody is entitled, if he so requests, to have one friend, relative or other person who is known to him or likely to take an interest in his welfare, informed about his arrest and where he is being detained.

- The police officer shall inform the arrested person of this right when he is brought to the police station.
- An entry shall be required to be made in Diary as to who was informed of the arrest.

The sheer number of arrestees, including men and women, of humble background, as appeared in newspapers, sufficiently demonstrates an abnormal enforcement tactic on the part of the regulatory outfit and an ill-thought policy of the establishment.

The credibility of such arrests is open to question, as no abnormal incident took place before or during the arrests to justify the grounds of so-called preventive arrest under the law. While it is a fact that police may interpose to prevent the commission of cognisable offences and make arrests, the ground reality does not point to such contingency. One would, therefore, be not incorrect to

understand that such arrests, mostly, if not all, were made on subjective grounds and perhaps on considerations not exactly legal.

A large number of people apprehended have been shown arrested in connection with criminal cases lodged much earlier at different police stations. This will definitely raise grave suspicion about the genuineness of the arrests and the alleged high-handedness of the law enforcers. Past experience with regard to such arrests is that mostly an overwhelming majority of such arrestees are released soon without any specific charges being framed against them.

The disconcerting part is that neither does the lower judiciary take a serious view of such indiscriminate and mindless action of the police and issue orders for corrective action, nor are the suffering members of the public in a position to take recourse to civil and criminal remedies for the apparent wrongful confinement and loss of liberty.

The above scenario, undoubtedly, does not augur well for a civilised democratic polity. The pernicious culture has become an anathema to democracy because

in such an environment tolerance, compassion, sympathy, respect for a different view, all essential tenets of a lawful society, take leave of us. Let us not forget that our people mostly are of excitable temper and, thus, if our leaders do not adopt a moderating posture in matters affecting public good then our less-than-stable democratic polity stands to suffer grievously.

A democratic polity may, therefore, reasonably ask why our law-enforcement organisation is plunging headlong into a legally indefensible course, and with such disconcerting gusto? Are our police doing things they ought not to do, or refraining from doing things they ought to do?

By resorting to practicing such lawless law enforcement, which obviously is a contradiction in terms, the police inevitably further tarnish their own image. Paradoxically, such lawless police officers are in high demand in our perilously polarised polity. Believers in the rule of law and followers of strict legal methods are considered to be "cows" and "sissies."

The establishment is, unfortunately, mostly concerned with the

so-called order rather than the observance of law. Therefore, the remedy largely lies in an attitudinal change in the police whereby our police culture will get relief from several scourges, including false implication of innocent persons in criminal cases. That would be some achievement as substantial remedy would follow from the change in the attitude of the political establishment, the real wielders of power. The colonial mindset has to change.

Preventive action of police

What is required under Section 151 of the Criminal Procedure Code is that the police officer concerned must know that the person to be arrested is planning to commit a cognisable offence. An "apprehension" that he may commit an offence is not sufficient under the provision. Apprehension is not the same thing as knowledge. The former is mere feeling. The latter is definite conclusion. If an arrest is made under this section without an emergency being there, the arrest will fall under the category of being illegal.

One may reasonably suspect that the above legal provisions, procedural directions and precautions as envisaged in the code have not been applied while making the staggering number of arrests within a few days as reported in the newspapers.

Remedies to rash action

In a democratic set-up, the members of the police must be made to realise that they are not above the law but subject to it like all other citizens, and all their actions have

to be supported on grounds of legality when challenged before a court of law. The question is, how do we do that?

One way of ensuring that would be to question police indiscretions and excesses, specially the major ones, in Courts. As has been mentioned hereinbefore, the legal authority and responsibility to arrest on suspicion is personal, so each individual officer must be made to account for rash and indiscriminate arrest, if it is so proved.

To be more specific, a wrongful arrest of a grave type should make the arresting officer liable to a charge of wrongful confinement under the penal law of the country. Therefore, if the authority arranges to commence criminal proceedings for wrongful arrest, wrongdoers in the enforcement outfit would get the message and, hopefully, rash and illegal actions will be on the decrease. All segments of the judiciary have to assert themselves.

Our apex court has already given a number of procedural and administrative guidelines in respect of arrest under Section 54 of the criminal procedure code. This has to be followed up in right earnest by issuing strictures and, where appropriate, by arranging to institute criminal proceedings against delinquent officers. One or two criminal convictions of wayward police officers would have a salutary effect. The fear of authority needs to be instilled.

For their part, the senior officers should be able to prove that law observance by the police is the best form of law enforcement in a demo-

cratic country. They should be ready to carry out the behest of the law at any cost.

The concept of legal aid to the poor in criminal cases should be materialised on a war footing. This step will reduce the possibility of wrongful confinement and false incrimination in offences. NGO activism should be encouraged to keep a close watch on police indiscretions, specially the arrest on suspicion. Simultaneously, investigative journalism should expose gross misuse of arresting power.

Claims for damages caused by wrongful arrest should be instituted by activating the law in this regard. There should be no bar in fixing the civil liability caused by wrongful arrest. That would be a damper to highhandedness.

Last but not the least, the government must stop using the police for extra-legal purposes as that would mean compromising impartial and efficient service to the citizens. We have to realise that the right to live is not merely confined to physical existence but includes, within its ambit, the right to live with dignity. Espousing liberal values with a medieval mindset is an exercise in futility.

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Can't we check the decline of Dhaka city?



MD. ASADULLAH KHAN

ILL-conceived policies of the past that still continue have created nightmarish conditions in our cities. Worst affected is the Dhaka city that grapples with oversized population, scanty land space compared to heavy exodus from rural outbacks, noxious emissions and toxic effluents from big and small factories coupled with recurrent threat of natural disasters like flood, and storms. Compounding the crisis resulting from the deterioration of physical environment is the unceasing wave of terrorism, violence and crime committed in the streets even in broad day light because of lax governance and weak policing.

After a series of such dastardly acts of robbery, murder and lynching in the past one week in the morning of June 11 again the citizenry glanced the news report that two businessmen in older part of the city were hacked to death, presumably in consequence of

BITTER TRUTH

With most of the footpaths blocked by street hawkers, vendors and road side shop owners and half of the main road in most places blocked by cars and other vehicles through illegal parking and rickshaws and vans blocking traffic movement at intersections, a ride or even a walk on the city roads is something impossible and it has added to citizen's woes. This is possibly a fitting example how this city has reached a point of stagnation and near-collapse.

business feud, when three alleged criminals including robbers and a leader of the outlawed Sarbahara party were killed in 'shootouts' in encounters with law enforcers in different parts of the country. People are wary and the nagging thought that overwhelms them is: if the livability of the city will continue to be at stake in all aspects with each passing day?

True, the maladies that affect either the premier capital city or other cities and even the countryside with regard to deterioration of physical environment are not merely localized wounds that can be cleaned, disinfected and healed -- they have deep roots. Basically the problem stems from lack of vision, coordinated planning and a clear mindset. One can't lose sight of the fact that from the beginning RAJUK and DCC, the two city development and utility organizations of Dhaka have come up with shortsighted planning and ad-hoc solutions. The result today has been disastrous. These two powerful development authorities in city planning have forgotten the fact

that cities shape civilization and cultural roots and urban discipline can only take roots when there is organized civility.

The picture of this fast growing city is grim. Conscientious citizenry express deep concern about the environmental degradation that evidently manifests its decline. There is no sanitation worth the name for 70 per cent of the urban population. WASA sources say that every day the city dwellers generate around 3.6 lakh cubic metres of excreta, a major portion of which goes directly to the rivers, lakes and other water bodies around the city. Individual toilet facilities are available to only about 30 per cent. With only 59,310 buildings out of five lakh in the city coming under the sewerage discharge connection, as the WASA sources say, and the Pagla sewerage treatment plant having a capacity of treating only 1,20,000 cubic metres of sewage per day, unquestionably, the sewerage system is abysmal.

Speaking about the Dhaka city, experts in the country have expressed concern that encroach-

ment on the river Buriganga, the life line of this 400-year-old city, traffic congestion, pollution, and diseases are turning this once serene city into a teeming choking hell. True, the river Buriganga has turned into a narrow polluted canal due to encroachment on both its sides and indiscriminate disposal of waste and effluent in it. Reports have it that the river and adjacent wetlands receive an estimated 80 lakh metric tons of waste water including excreta and industrial waste, domestic sewage and effluents per day through various points like the Hazaribagh tannery, Dolakhil and Pagla sewage treatment plant.

Shockingly true, the Buriganga has turned out to be the most polluted river in the country with Hazaribagh tannery causing the major pollution. The present dissolved oxygen level (BOD) is much lower than four milligram per litre, the minimum dissolved oxygen required for survival of fish and other aquatic lives. Precisely true, Buriganga's poisoned waters now symbolize not life but death.

In Narayanganj, the sister town 30kms off Dhaka, the river Shitalakhyia receives effluents from textile and dyeing industries located at Kachpur and Tarabo area. Waste water to the extent of 4 billion cusecs everyday is being thrown into Shitalakhyia. These places are a living hell, a fitting example of how human beings are forced to live in squalid conditions.

Even in non-industrialised countries like Bangladesh where pollution through burning of fossil fuel has not reached such a menacing level, auto-emission like carbon monoxide and sulphur dioxide, trash boom including polythene bags and plastic containers have created an environmental crisis with an air pollution emergency of unprecedented severity. The hope and sense of purpose that occasionally prompted the governments in the past days, sometimes just as a political slogan and vote-seeking device, evaporated within days as usual.

In fact the air pollution problem in Dhaka has probably prompted it to be one of the most polluted cities

in the world. The report published by the World Bank sponsored organizations revealed that the air pollution level in Dhaka was often 5-10 times higher than the recommended WHO guidelines for suspended particulate matter (dust), sulphur dioxide and airborne lead.

On the basis of the reports released and other data that are most apparent, people living in Dhaka city are being subjected to slow murder because of the pollution that soars many times over the safe levels. Air pollution is comparatively the new monster. And the device here is the country's vehicle population of all varieties like buses, trucks, cabs, private cars and three wheelers that has increased ten fold since 1990, a direct result of the failure of mass transport. The unrestrained, and often illegal spread of urban industries, most without pollution control devices of any kind also poison the air. Over and above gridlocked city streets with worn out vehicles push up emissions drastically forcing the road users to suffer without mitigation.

Laws exist to book a polluter but law enforcers by themselves shy away from using the laws in most cases may be because of an unholy alliance with the vehicle drivers. In most cases polluting vehicles drive away emitting noxious brown fumes in the presence of the law enforcement personnel without being held or booked even in these days of Emergency Rule.

Garbage has posed a major threat

to health and sanitation in and around the city limits. In most cases it is not picked up for days and even months. In the teeming city suburbs filthy water and human excreta along with other wastes stagnate in choked drains throughout the year till the rainy season washes part of them out to the river Buriganga or other nearby canals. City's garbage collection points, some of them provided with steel frame bins by the DCC years ago but now totally worn out and unusable, are nothing more than rotting, open heaps of refuse. The sight of the wholesale markets and Kucha bazar in different areas of the city and residential areas in the older part and even in some posh new areas presents a filthy look with garbage spilling over the road and reeking of horrible stench.

Undeniably true, Dhaka is symbolic of the ills that usually plague a growing city and a realization must be dawning on all of us, especially the present CTG that this city, once so serene and majestic, is collapsing under the mountains of garbage and seas of sewage. With glitzy malls and shiny high rise apartment buildings shooting up in different parts of the city, no body would deny that a section of the populace in the country, and a sizable proportion of them living in the Dhaka city has prospered. But as society prospers, its trash -- mainly hazardous plastics, metals and other packaging -- is growing exponentially. In the last five years garbage was produced at nearly

twice the rate of population growth. As an official figure reveals, about 17,000 metric tons of garbage is produced daily in areas under four metropolitan civic bodies and more than half of it is produced in Dhaka.

With most of the footpaths blocked by street hawkers, vendors and road side shop owners and half of the main road in most places blocked by cars and other vehicles through illegal parking and rickshaws and vans blocking traffic movement at intersections, a ride or even a walk on the city roads is something impossible and it has added to citizen's woes. This is possibly a fitting example how this city has reached a point of stagnation and near-collapse.

Shockingly true, terrorism, violence and mindless murders on one side and destruction of the physical environment by human induced actions on the other have all played a part in turning this historic city into a choking hell now. But public reaction to all these human factors is most mute. And surely, unless the public takes a unanimous stand, Dhaka's decline will continue. If people showed their outrage all together at what is going on here, it might galvanize the politicians, bureaucrats and the government that would be coming to power through people's mandate in the coming days into real action.

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Achieving food security and becoming food surplus

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DEDICATED planning and timely supports can make Bangladesh food-surplus and ensure food security for its population. This year's net food grain shortage is only 0.1 mil. ton against a total demand of 26 mil. tons (despite 1.8 mil. tons standing crops damage by back-to-back floods and Sids). Bangladesh produced 24.3 mil. tons of food grains in 1999-2000 matching the requirements of the then 130 mil. population and since then it is on the fringe of self-sufficiency. Presently, Bangladesh has 8.29 mil. ha. of cultivable land and about 145.6 mil. population. Each year, the country is losing about 1 percent of its cultivable lands to non-agricultural uses while its population is increasing by about 2 mil. A yearly incremental production of 0.35 mil. ton in addition to 2 mil. tons average deficit is required for food grains self-sufficiency.

World's exportable rice has already been advanced booked up to 2010 by now. World rice price benchmark the Thai variety has risen to 3 times its price of January 2007. Recent world-wide surges in food price are themselves part of a wider range of commodity price hike linking prices of petroleum products, energy, industrial raw materials, food grains and feed stuff. UN World Food Report says that present world food prices are 10 years' high having no chance of appreciable reduction in, at least, within next 10 years. FAO, WFP, IRRI, WB, IFAD, ADB etc. are all unanimous about continuation of high prices in the coming years. The flip side of high price is that surplus producers will get lucrative payments.

Net Food Importing Low Income Countries (NFILICs) have to go for long term strategy aimed at maximizing food production to protect

themselves from uncertainty of unpredictable volatile external markets. An IFRI and John Hopkins University study of 2000 found that self-sufficiency in rice for Bangladesh is necessary not only to meet world market instability, but also for its comparative advantages in production. Bangladesh, the world's 4th largest rice producer, has potentials and capabilities to attain sustainable food security and even become net rice exporter.

Food surplus in short-term
Bangladesh has to produce at least 31 mil. tons of food grains in its 7.88 mil. ha. of cultivable land (available at that time), for a projected population of 156 million to attain food-surplus in a short-term of 5 years. This is not an unachievable target, since addition of the lost 1.8 mil. tons would have pushed this year's production to 44 mil. tons. Some of the attainments necessary for being food-surplus in short-term are:

- Proper planning and effective coordinated implementation: 'Grow More Food' campaign, 'Green Revolution', 'Medium Term Food Production Plan (MTFPP)', 'Accelerated Rice Production Programme (ARPP)' and various national 5-year plans have consistently facilitated and enthused the farmers to grow more food crops. This resulted in higher growths of 1990s and early 2000s. Coordinated implementation of a farmer friendly long-term plan of government is a pre-requisite for self-sufficiency.
- Product price stabilisation and agricultural credit: Drastic fall in immediately post-harvest price is a common local happening. 85 percent of the farmers have to sell immediately on harvest (even sell in advance) for debt payment or other urgent necessity. Ensuring reasonable post-product price and keeping

price-variation within rational limits will hold farmers' interest in food crops. Formation of 'Producers' Food Bank' as is being experimented in India, is worth consideration.

- Financial constraint in procuring inputs is an impediment for majority of farmers: Availability of pre-product agricultural loan will boost production. Disbursement and recovery of loan, with government/private funding can be made through "farmers' cooperatives" in a similar system as PKSF's loans to NGOs. Availability of pre-production credit and post-production reasonable price can do away with agricultural subsidies and their related maladies.
- Population control: Lax population growth is unwarranted in Bangladesh because of limited land and other resource bases. 1974 population growth rate of 2.48 has come down to 1.42 at present. Jobs for rural women, extensive motivation and easy availability of family planning materials at grassroots level will effectively assist in bringing down the growth rate.
- Food habit change: Nation-wide substituting one meal of rice with bread (made of 50 percent wheat/maize flour and 50 percent meshed potato) will reduce our total food grains requirement by at least 15 percent and optimise use of home grown potatoes. Food habit change motivation will need active support of media, civil society and government. Japanese per capita/year consumption of 155 kg of rice in mid-50s has already come down to 60 kg at present.
- Contract farming: Myanmar has offered to lease out to Bangladesh at least 50,000 acres of land for rice cultivation for a period of at least 10 years. 50,000 acres will add at least 60,000 tons of food grains to national inventory. China and Thailand are already engaged in

contract farming there.

- Cultivation of fallow lands: Fallow lands in Bangladesh are either lying fallow in between two crops or remaining vacant for a year or more. About 75,000 ha. lying fallow after an Aman harvest in Rajshahi region is capable of producing additional 0.2 mil. tons of wheat with timely irrigation. 737,363 ha. was lying fallow for a year or more against a net cropped area of 7.97 mil. ha. in 2005. Even raising a single crop there would have increased total national production by at least 9 percent.
- Improvement in seed quality and production techniques; dissemination of information and stable supply of inputs: Wide dissemination of updated and validated information on quality seeds, production techniques, balanced fertiliser use, irrigation, harvesting, storage, marketing etc. to grassroots level augments agricultural growth. Average yield of 1.5 tons/ha. of late 70s has come up to more than 3 tons/ha. A Bangladesh Academy for Rural Development (BARD) experiment has more than doubled per ha. rice production, with timely provision of proper inputs alone. Raising the average rate of production to 4 tons/ha. to achieve food-surplus is not unattainable. According to Dr. Mahabub Hossain, only ensuring availability of good HYV seeds will increase local total food grains production by 10 percent.
- Efficient post-production crop management: Post-harvest loss in Bangladesh, amounting to 30 percent - 40 percent of production, is very high. 50% savings in post-harvest loss by efficient management of production and storage alone can make Bangladesh a food-surplus country.

Bangladesh can immediately become surplus in food grains by accomplishing any one of the factors like (i) cultivation of all fallow lands; or

- (ii) improvement in seed quality and production techniques, stable and timely supply of inputs; or (iii) efficient post-production crop management. Nation-wide food habit change will accrue sufficient food-surplus and make Bangladesh a net rice exporter.

Food security in medium-term

Though availability is a necessary prerequisite, mere availability may not ensure food security for all, as access is also related to economic capability. Individual food security, cumulatively leading to national food security is the choicest option in this regard. To achieve food security in a medium-term of say 15 years, Bangladesh has to produce at least 35 mil. tons of food grains in the 7.05 mil. ha. of cultivable land available at that time, for a projected population of 176.6 million. The factors mentioned before can provide food-surplus in a short-term but for long-term food security, cultivable lands available at that time will simply be not enough. According to Prof. Abdul Bayes, land is the only source of food security at household and at national level.

Much of the land-mass of Bangladesh is created by deposition of Ganges Brahmaputra Meghna (GBM) sediments and the normal delta development is still going on. Retaining the yearly passing 2.4 billion tons GBM sediments would give rise to 200 sq. km of new lands. Natural depositions are random, slow and fragile. Partial sediment retention is neither technically difficult nor economically prohibitive. Land reclamations in Bangladesh require less cost-intensive interventions. Artificial interventions can make land reclamation sustainable by accelerating deposition at desired places and holding them there. New jobs, food

security and rice export, for Bangladesh in the coming decades, are all linked together to adequate cultivable lands and land reclamation can ensure that.

BWDB's Land Reclamation Project, Meghna Estuary Studies etc. were preparatory works for long-term land reclamation activities. More than 1000 sq. km of lands have been reclaimed by hands-on activities like Meghna Cross Dams 1 and 2, Muhuri Closure Dam etc. A 'BWDB Task Force' recommended erection of 19 priority cross dams to assist and accelerate Meghna Estuary's natural land development activities. Present Meghna Estuary and its future vision are shown in Figures 1 and 2 respectively. 'The Royal Netherlands Government', 'Global Environment Facilities (GEF)', 'Cool Earth' partnership of Japan, UN's 'Least Developed Countries Fund' and 'Special Climate Change Fund', JBIC, JICA, DFID, WB, ADB etc. are some of the sources of support funding.

Estuary Development Programme (EDP) initiated by BWDB in March '07, with Dutch grant funding, is a logical follow up of land reclamation activities in Meghna Estuary. The project limped for one year and since then is passing through a scaled down phase, for circumstances beyond its control. Invigorating the EDP will put in motion the process of reclamation of hundreds of sq. kms of new lands from sea and push the national boundary further south resulting in a geographically bigger Bangladesh and expanding the apparently finite land resource base. The process will go on ensuring food security, in the coming decades, for millions of Bangladeshis.

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(Above) Meghna Estuary and BWDB identified cross dams (source-BWDB, IWM)
(Below) Vision of Meghna Estuary of coming decades, after land reclamation.

