

The establishment and police reforms

STRAIGHT LINE

There is a need to specify areas where government interference is justified and others where it is not. The recommendation of setting up of Security Commissions/Public Safety Commission as proposed in the new police ordinance can do this job effectively as its members are likely to be non-political persons. The enactment of a new police ordinance brooks no further delay.

look back at past happenings to understand and appreciate the hesitancy and alleged procrastination in matters relating to substantive Police reforms. The crisis of Bangladesh Police system has been inherited from British and Pakistani period and has never been examined seriously in independent Bangladesh. There is no denying that the paramilitary and repressive organizational features of our police impact daily on the struggles of Bangladeshi people in their fight for social, human and legal rights under the constitution, and the general and specific laws of the land.

Our police system grew in the light of colonialism's need to establish a relationship of control, coercion and surveillance over a subject population. It suited the objectives of a regime of surplus extraction. Unfortunately, public order

maintenance and political intelligence collection take up most of the time of our police with little left for crime prevention, crime detection and service provision. The police leadership has remained a prisoner of the political party in power at nearly all levels and has not succeeded in contributing to organizational renewal and revitalization, research and training, and the nurturing of professional skills.

The inherited system has been expanded and strengthened and continues to perform its repressive role and political surveillance functions at the cost of its proper role. Bangladesh Police is accused of involvement in partisan politics. Internal incentives do not exist to professionalize the service, insulate it from group conflicts in society and enable it to act in a non-partisan manner. Politicians do not want to professionalize the service

because control over it is central to political conflict in a polarized society.

It is worthwhile to recollect that Bangladesh State was the product of a bitter and violent freedom struggle. The state adopted a written, liberal democratic constitution but retained the colonial administrative, police and judicial structures without recasting them to meet the changed situation. The repressive character of police emerged when the ruling class of a decolonized society decided to retain the inherited police organization, ignoring justified need for change.

For the colonial rulers, crime and politics were inseparable; defiance of State authority was a serious crime and a prelude to rebellion; political resistance was a crime of a likely occasion for crime. The resources and skills developed

in combating the former were freely deployed in countering the latter. The political purposes behind the origin of the sub continental police are thus of great importance and has to be appreciated as such.

Ironically, our political leaders who since 1947 occupied positions of power were enamoured by the administrative and police system left behind and enjoyed exercising power and authority, oblivious of their own demand of yesteryears for far-reaching administrative reforms. The periods of unconstitutional rule in Bangladesh brought out in full virulence the repressive role of the inherited police system.

Politicization of the police has been a serious malady. Pressures have been exerted for dropping proceedings against those with political connections and also to filing trivial charges against political enemies to harass them. Local politicians, at places, even sat in the police stations to serve as a buffer between their supporters and the police. Many felt that Bangladesh had developed a dual system of justice, one through the formal channels of the criminal justice system and another through political channels.

In Bangladesh, political manip-

ulation, especially between 1991 - 2006, led to decline in discipline and senior officers were often unable to control undisciplined juniors with political connections. A situation developed wherein intrusion of politics in matters of police management led to solicitation of further political influence. Pervasive disillusionment, loss of pride and collegiality was the result. As against being the professional imposition of a coherent moral consensus on society, policing largely transformed into disconcertingly partisan political activity.

The establishment has to realize and appreciate that politicization of the Police, its unaccountability to the people and its outdated managerial practices largely results from lack of professionalism and accountability within the organization. Political misuse of the police has been the direct result of internal organizational problems and poor performance. One cannot, however, lay all the blame on the political class, ignoring the negative role of the police leadership.

For the British, the maintenance of their rule in India was the prime consideration. Crime control was only a secondary objective to be achieved through fear of the police. The Penal Code, Criminal

Procedure Code and the Evidence Act put in place a legal framework and a police force equipped for the maintenance of British rule by force. The Penal Code prioritizes offences against the State and the maintenance of public order. It begins consideration of traditional crime only from Section 299 onwards. The Criminal Procedure Code begins with the 'arrest of persons' and the 'maintenance of public order and tranquility' before getting to grips with criminal procedure relating to investigation and trial.

We have to remember that the Police Act of 1861, despite its preamble, prioritizes collection and communication of intelligence affecting the public peace. The prevention and detection of crime is included among the duties of the police only in section 23 of the Act. The Act further provides for punitive policing at the cost of local residents in the event of 'disturbances' and for the appointment of private persons as special police officers.

It would be relevant to remember that our political leaders have failed to introduce administrative changes in tune with the provisions of the republican Constitution of Bangladesh. The police remained distant from the people and are as

hated as before. It is very important to note that the blanket power of superintendence vested in the government by the Police Act, 1861, is not appropriate in a democracy. Further, the role of intelligence agencies has not been redefined to protect the fundamental right to freedoms of association, expression and movement. The police in Bangladesh still keep a watch on all political activities without discrimination and exclude only the ruling party of the day, which gives them authoritarian powers antithetical to the democratic spirit.

There is no denying that in a democracy police could not be wholly autonomous and political intervention is both inevitable and necessary to some extent. Therefore, there is a need to specify areas where government interference is justified and others where it is not. The recommendation of setting up of Security Commissions/Public Safety Commission as proposed in the new police ordinance can do this job effectively as its members are likely to be non-political persons. The enactment of a new police ordinance brooks no further delay.

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MUHAMMAD NURUL HUDA

THE Inspector General, Bangladesh Police has expressed his frustration at the lack of speedy action in enacting revised Police Ordinance. Senior Police Officials who have served in the past have also echoed their concern at such a state of affairs. 'The Daily Star' has editorially impressed upon the necessity of a revised ordinance and wondered why the establishment does not evince sufficient interest in the matter when the Police hierarchy itself is earnest in reforming their organization. The Adviser, Home Affairs assures that a revised Police Act would be a reality soon during the incumbency of present Caretaker government. Nothing significant has happened thereafter to generate hope. It may be time once again to

'Teachers matter'

QUAZI FARUQUE AHMED

TODAY is World Teachers' Day. On this day in 1966, the UNESCO/ILO Recommendation Concerning the Status of Teachers was unanimously adopted by nations around the world in the inter-governmental conference. Bangladesh is a signatory to the Recommendation.

Theme of the day
Education International (E.I.), which has 394 affiliated teachers' organisations in 171 countries and protects the rights of teachers and education-workers, and the students, has adopted 'Teachers matter' as the main theme for the World Teachers' Day 2008. To quote from the Education International: "Every day, in millions of classrooms around the world, the universal endeavour of teaching and learning takes place. The gift of literacy is passed from one generation to the next, along with love of learning and thirst for knowledge. When knowledge is shared, skills are gained and lives can be

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changed. At the heart of it all is that key relationship between teachers and their students, a relationship based on every society's caring for, and investment in, the next generation. Teachers shape the future in the most profound ways, by inspiring the hearts and minds of tomorrow's leaders. World Teachers' Day is set aside by the world community to celebrate teachers and the central role they play in nurturing and guiding infants, children, youth and adults through the life-long learning process."

The National Front of Teachers and Employees (NFTE), the largest united platform of 11 organisations of the non-government teachers and employees, representing about half a million teachers and employees serving in educational

institutions, has acknowledged the services rendered by NFTE co-chairman and President of Bangladesh Teachers' Association (BTA), Principal Quamruzzaman, who passed away on 25 September. Late Quamruzzaman contributed to teachers' cause for more than half a century, and was also affiliated with Education International and its predecessor World Confederation of Organisations of the Teaching Profession (WCOTP).

Salient features of "Recommendation"

Since education is a service of fundamental importance in the general public interest, it should be recognised as a responsibility of the state.

Since education is an essential

factor in economic growth, educational planning should form an integral part of the economic and social planning undertaken to improve living conditions.

Teachers' organisations should be recognised as a force which can contribute greatly to educational advance and which, therefore, should be associated with the determination of education policy.

Both salaries and working conditions for teachers should be determined through the process of negotiation between teachers' organisations and the employers of teachers.

Teachers salaries should: a) reflect the importance to society of the teaching function and hence the importance of teachers; b) compare favourably with salaries

paid in other occupations requiring similar or equivalent qualification; c) provide teachers with the means to ensure a reasonable standard of living for themselves and their families.

The participation of teachers in social and public life should be encouraged in the interest of the teacher's personal development, development of the education service and of society as a whole.

Teachers should be free to exercise all civic rights generally enjoyed by citizens and should be eligible for public office.

Where the requirements of public office are such that a teacher has to relinquish his teaching duties, he should be retained in the profession for seniority and pension purposes and should be able to return to his previous post or to an equivalent post after his term of public office has expired.

Violation of 'Recommendations'

The teachers and employees of about 30,000 educational institu-

tions experienced harassment, political repression and vengeance, and termination of jobs from 2001 to 2006. The Education Ministry during that time violated the provisions, especially of 9, 10, 46, 47, 49, 61, 62, 63, 71, 72, 73, 82, 89, 90, 115, 117, of UNESCO - ILO Recommendations. On January 8, 2005, 9 orders were issued to stop due salaries, deprive teachers from higher scale on seniority and promotion, downgrade senior teachers etc. The ministry took all such decisions without any consultation with the teachers' representatives, in clear violation of the UNESCO-ILO Recommendations

It may be mentioned here that ILO and Unesco in Bangladesh jointly arranged a seminar on December 29, 2005 on "The findings of the study: assessing service rules and conditions for teachers and staff of non-government post-primary educational institutions in Bangladesh."

Allocation
Allocation in education is yet to exceed 2% of GDP, though succes-

sive governments claimed highest allocation in education. Non-government teachers and employees have been getting only Tk.100 (less than \$2) as monthly house rent since 1984. There is no allocation for libraries and laboratories in most of the educational institutions. Provision for research work is also virtually absent. The meagre allocation is decreasing in view of inflation and increase of educational institutions every year.

Ray of hope

Teachers believe that governments, irrespective of political hue, think and act alike in regard to teachers' cause. No government concedes anything unless pressed for it. However, a ray of hope was visible when further politicisation of the educational institutions was discontinued and some new measures were taken. Steps were taken to bring some needed reforms in the education sector, though the view-points of grassroots teachers are yet to be accommodated. Teachers' organisations also are

left out in the process of determination of education policies as before. Teachers have been debarred from contesting elections to public offices, in violation of constitutional provisions and UNESCO-ILO charter.

On the other hand, the legacy of the previous government in many areas of education, like stoppage of salary of teachers and education workers, continues to remain unchanged. There are as many as 6000 cases filed by the teachers and the employees against salary stoppage by the Education Ministry. Court judgments instructing the concerned authorities to pay the salaries, for example, are also not honoured sometimes. Still, in the changed circumstances teachers continue to hope for the better.

Today, half a million teachers in Bangladesh observe the "World Teachers' Day" with that hope.

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Microcredit: Altruism or exploitation?

UWE BUSE

MUHAMMAD Yunus is the banker of the poor. He took a risk and transformed a bank, the most important tool of capitalists, into an instrument to fight poverty. And he turned the loan, for centuries a privilege of the affluent to increase their wealth, into a human right.

Muhammad Yunus is on a par with Nelson Mandela, Martin Luther King and Mother Teresa. Like them, he won the Nobel peace prize and, like them, Yunus believes in man's inherent ability to be reformed.

Like Yunus, Shafiqul Haque Choudhury is also involved in the business of eliminating poverty.

Both manage banks. Yunus is permitted to use the word Bank to refer to his organization, Grameen Bank. But for legal reasons Choudhury's organization, ASA, cannot call itself a bank. It is formally a non-governmental organization (NGO).

Yunus' most famous client

Yunus changed the lives of millions of people, like Laily Begum. In their former life, her husband Atiqullah was a day labourer and Laily was a housewife. They lived in a mud hut, which they shared with their children, and their livestock. They lived on the food they grew in their garden and from their earnings as manual labourers. On many an evening, they had to decide who should be allowed to eat his fill -- the children or the husband.

Microloans were invented to help the poorest of the poor help themselves. Now major banks and pension funds are getting into the business, as they discover that the interest paid by the poor can produce high returns. Is it aid or exploitation?

decisions. Should the eldest study abroad after finishing high school? Should they buy a new television set? Are three mobile phones enough for a family of six?

The source of their affluence is a row of five shops on the main road, each of them around half the size of a garage, protected against burglars with metal shutters. The shops belong to Laily Begum. She had them built, then rented them out. Begum also owns a small apartment building next to the row of shops. There are nine apartments, and she rents them unfurnished. Behind her house is a stable with cows in it. The milk and the rent for the apartments and shops provide Laily Begum, her husband and their three children with a daily income of about \$23, or \$698 a month.

The Begum family has Yunus to thank for its success. More than 30 years ago, he recognized that an important cause of poverty was the fact that the poor are excluded from the services that financial sector offers. Banks don't lend money to poor people, because they can provide no collateral. In the average banker's opinion, lending them money is tantamount to "gradual suicide."

Yunus, a professor of economics at the University of Chittagong at the time, disagreed. He issued his first loan to 42 female basket weavers. The

total loan amounted to \$51. All of the women repaid their shares of the loan in full.

Women handle money more responsibly

That was the beginning of Grameen Bank. To this day it issues small loans to the poor, and to this day its repayment rates remain phenomenal, above 98 percent, according to the bank. Although Grameen Bank's loans are disbursed to individuals, a group of borrowers -- of which each customer must be a member -- is liable for repayment. If one borrower doesn't pay up, the members of the group are responsible for his or her payment. This method has been profitable for Grameen Bank, which has reported an average annual earnings of \$7.3 million in the last 10 years. The bank reinvests its profits in new branches.

Grameen Bank charges 20 percent interest. "That's extortion," says Yunus' critics. His response is that they understand nothing about his business. His employees travel out into the villages and collect the loan payments during the borrower groups' monthly meetings. This personal form of collection costs money.

Laily Begum felt that the terms were acceptable, and she received her first loan in 1997. She used the money to buy a mobile phone. Anyone who

wanted to call friends or relatives paid 7 taka a minute. Begum kept 4.4 taka, and the rest went to the telephone company. It was a good business -- and a brilliant idea. Both Begum and the villagers benefited from her new business.

Grameen Bank currently has microloans issued to more than 7.5 million women in Bangladesh. This is an astonishing success, but not all women are capable of handling their new power and opportunities. Some entered the village phone business too late in the game, others unwittingly bought sick or old cows and yet others had to look on as their husbands drank away the money. According to estimates, roughly one in two borrowers has been able to pull her family out of poverty with the help of microloans.

'The problem with charity is that you get lazy'

An estimated 10,000 micro-lending organisations operate in 93 countries worldwide, issuing loans to 60 million poor people. Some organisations, like Grameen Bank, were founded by dedicated individuals, while others are the continuation of former aid projects. For a long time, many founders adhered to Yunus' principles and rules, but now a new class of poverty eliminator is entering the picture. It includes people

like Choudhury who, unlike Yunus, are no longer interested in reforming capitalism, but instead intend to fight poverty and make a good living at the same time.

"The problem with charity is that you get lazy and begin to lose transparency. You spend money instead of saving it," says Choudhury.

"People accuse me of turning my employees into robots. They're right. For the work I do, I don't need a bunch of creative people. What I need is reliability and predictability. I'm creative enough myself." He takes out a pad of paper and draws two rectangles that form a T, then a circle. "This is what it looks like in my branches," says Choudhury, tapping dots onto the paper with the tip of his pen. "Two tables with employees sitting at them. One fan. No extras, no guards at night. Two employees who are required to sleep in the office at night. That's how you save money and that's how you remain effective."

Perfecting the system -- or destroying it?

Choudhury is the man who is perfecting Yunus' system -- or destroying it, depending on one's perspective.

He is famous in the microcredit industry for the manner in which he transformed the ASA business model from one day to the next. In the 1980s, ASA was an aid organisation that issued microloans as a secondary activity.

Choudhury is in the same business as Yunus, but he doesn't conduct it like a missionary

who is familiar with human weaknesses. Instead, Choudhury conducts his business like a staff sergeant.

He prides himself on running the world's most effective micro lending organisation. The business magazine Forbes supports his claim. In a comparative study conducted last year, ASA was ranked first among more than 600 micro-lending organisations.

Like many others, Choudhury copied the principles of Yunus' bank, but he also made some important changes. It was these changes that led Ratna Akhtar to take out her loan with ASA.

Akhtar lives in the countryside, in Bhaturia. Akhtar owns a few cows and some fields, which she and her husband bought using loans. They sell the milk and the vegetables they grow to a wholesaler at a nearby market. Their business has been sufficiently profitable for a two-room house, a television set, a mobile phone and a savings account with a balance of \$93.

Akhtar and about 20 other women meet in a courtyard once a week. They squat on the ground, holding money and their account books in their hands. An ASA employee sits in front of them on a chair, collecting the money and recording the amounts into the account books.

There are groups, as with Grameen, but there is no group liability. ASA employees apply pressure to delinquent customers. They are instructed to camp out in front of the respective borrower's door until the borrower pays up. Choudhury also boasts a 95-percent repayment rate. He charges 23 percent

interest.

Enlisting the help of egoists

The biggest difference between the two men is that Yunus wants to convert people, while Choudhury does not. Choudhury wants to fight poverty by enlisting the help of egoists. In the last two-and-a-half years, he has traveled around the world, visiting investment bankers and pension fund managers, hoping to convince them to invest in ASA.

A few listened to him as he explained the system and told them about his repayment rates, and they asked him for more information. Then they offered Choudhury money, sums like \$100,000 or \$200,000. Choudhury was outraged. "What do you want me to do with that?" He would ask. "I want to establish a fund that's worth \$125 million. With that much financial backing, I will set up ASA branches in China, Pakistan, India, Nepal and Sri Lanka. I can promise a 10-percent annual yield over 10 years."

Choudhury got his money. His investors now include major pension funds, like ABP in the Netherlands and the American TIAA-CREF mutual funds, together worth \$775 billion. But they are not the only ones that consider an investment in the poor to be worthwhile.

In the last four years, the amount of foreign investment in micro-lending organizations has tripled. From more than \$1 billion to \$4 billion. New entrants to the business include Credit Suisse, Morgan Stanley, the French insurance group AXA, the

Blackstone and the Carlyle Group. All are attracted to the idea of helping the poor while turning a profit.

Exploitation behind a humanitarian façade

Many of these companies use the combination of capitalism and altruism for promotional purposes. But in some cases it is difficult to detect any altruism at all. Compartamos is a case in point. For Yunus, this Mexican micro-lending bank is the epitome of modern exploitation hidden behind a humanitarian façade.

Today Compartamos is Mexico's most profitable bank, and it still specializes in issuing microloans to the poor. But Compartamos charges annual interest rates of close to 90 percent. About 850,000 Mexican women are paying off the loans they received from Compartamos. The bank, a darling of investors, boasts returns of 55 percent.

Usurers disguised as do-gooders

Muhammad Yunus is unhappy about the development. He fears that the micro-lending industry will pay more attention in the future to investors' returns than to fighting poverty. "Our goal was to force out the usurers," says Yunus. "Now they're coming back, disguised as do-gooders."

Nowadays, everything revolves around more, not less: more for the poor, and more for the investors.

Translated from the German by Christopher Sultan. Courtesy: Spiegel Online.