

E-stalking

Stop the faceless menace in its strides

It seems that a new form of evil is raising its head in our midst. A report front-paged in this newspaper recently exposes this nasty phenomenon, a new way of sexual harassment through mobile phones. This is quite unlike the other forms of harassment that women folk in Bangladesh have been subjected to so far. It is inobtrusive and faceless yet equally potent in its damaging impact on the victim. It appears from the report that this latest manifestation of evil mind has assumed a level of epidemic proportion.

It is rather astonishing that of all the 30 women interviewed at random by The Daily Star, every single one of them has been subjected to this kind of pestering, some by people well-acquainted and some by unknown persons. Some were threatened with serious consequences if she did not do as told on the phone.

The phenomenon, unfortunately, is one of the travails of progress of civilization, a detestable consequence of technological development and its attendant hazards. Electronic teasing is an example of how a facility designed to make life easy can be misused to make life difficult for some.

Needless to say, this has reached such a point that it can no longer be allowed to go unchecked. This nuisance must be nipped in the bud before it's too late, before some unfortunate women are driven to desperate actions to escape the torment, because this is what e-stalking has become.

The question is what can be and should be done to put a stop to this.

To start with, we feel that the parliament through legislation should make this practice a criminal offence. The cyber crime prevention cell should be reinvigorated, with both qualified staff and appropriate technology. The government should make use of the existing technology and innovate ways which would help to put a stop to such practice through quick identification and location of the stalker. The private telecom companies should also be taken on board in formulating various measures to combat this crime. Merely blocking of SIM cards is not enough, and there is need to create disincentive through exemplary punishment.

It may also be worth learning from the experiences of other countries that have had to deal with similar phenomenon, as to how they have gone about the matter. There is also the need for the civil bodies and the media to initiate a mass awareness campaign against this.

However, there is a word of caution that we would like to sound in this regard. The government must guard against the misapplication of the anti-e-stalking measures because there is always a possibility of the system being misused. A mechanism ought to be put in place to prevent unnecessary harassment and victimisation.

BNP's vow to 'oust' government

The party must not get its priorities wrong

KHANDAKAR Delwar Hossain, secretary general of the BNP, has vowed that the people of the country will oust the government if it fails to live up to their expectations. That voters in any country have it in their power to elect and remove a government through an exercise of the ballot is a truth in our times.

What is equally a truth is that once people choose a government they think it will uphold their interests for the period in which it holds office, and it is for the political opposition to respect that electoral verdict, to go into an analysis of why it lost the election and to explore the modalities by which it can influence the electorate into giving it a fresh opportunity to govern at future elections. These being the underpinnings of democratic politics, the BNP's leading lights are unfortunately fanning an atmosphere that can only undermine our fragile democracy and only deepen further the animosities between and among political parties.

To be sure, the BNP is not the first political party to talk of ousting an elected government. The divisive history of politics in Bangladesh remains testimony to the repeated moves made by politicians and parties to strike at democratic aspirations even as they have pledged to promote democracy. It has seemed that the parties believe in democracy when they win elections and cry foul when they lose them.

We had thought that after the elections of 2008, when the people of Bangladesh made their choices clear following a difficult transition, the political classes would make a fresh new beginning through a promotion of tolerance and participation in the political process.

The BNP's vow to oust the government belies that expectation. We are indeed troubled greatly by the employment of such terms as 'oust' and 'overthrow' in the democratic dispensation we are part of today. These terms may have been potent and effective in our struggles against autocracy and dictatorship. In today's circumstances, they are absolutely misplaced.

The BNP must not get its priorities wrong. Its clear responsibility is to its voters in particular and the nation in general. That entails its meaningful participation in the Jatiyo Sangsad, where it must raise the issues it feels strongly about. Its cavalier attitude to the JS has not helped it anyway. Besides, the disarray in which the BNP finds itself ought to be reason for it to reassess its politics through offering its members and followers a new dimension in thinking.

The BNP must do something it has not done so far, namely, a necessary soul-searching that will allow it to understand the reasons why it lost the last general elections. For it to suggest that the elections were a conspiracy to keep it out of power flies in the face of objective reality. Voters do not conspire to keep a party out of power. They only go for those who they believe offer them a better alternative.

Confrontational politics does immeasurable damage to a country. For the BNP, the time has come to move away from street agitation and into parliament, to engage the ruling party in meaningful debate over the issues that affect the lives of citizens day after day.

101 Q&As about police

Can we expect that in the not-too-distant future our police outfit will be a body of citizens in uniform exercising their right to make arrests in a lawful manner, and be accountable for their actions? Would we be able to fondly expect that the majority of citizens would obey the law for the majority of the time and police would be applying force sparingly?

MUHAMMAD NURUL HUDA

THE Bangladesh Legal Aid and Services Trust (BLAST), Nagarik Uddayog and Commonwealth Human Rights Initiative (CHRI) have published a booklet titled 101 Q&As about Police. It was formally launched on August 30 in a function that was graced by the chief guest, Minister for Law and Parliamentary Affairs Barrister Shafique Ahmed, and chaired by eminent jurist Dr. Kamal Hossain.

The above three organisations have, without doubt, undertaken a laudable venture, as, according to them, the public needs to know about the necessity of police in the society, the organisational dynamics, their mode of operation, deeds and misdeeds. Some would say that it is high time serious efforts are made to demystify police work in public interest. The cynics would say that the public is so weary of police malfeasance and indiscretions that they would rather be happy to remain at a considerable distance from police.

The question is, can we all live in separate compartments with our fixed ideas and conditioned behaviour and still expect that a desirable order and crime situation would prevail to our advantage? Can we deny the phenomenon of inevitability of dissent in a pluralist society where police, as agents of the establishment, have to intervene?

As far as the political and executive establishment is concerned there is understandably a need to appreciate that to achieve the constitutionally enshrined rights and objectives individuals and groups have to struggle and wage movement. It is in the process of such movements that the police, as agents of author-

ity, encounter people and force is applied.

The important issue is, what circumstances warrant or justify use of physical force and who decides the appropriateness of the much-discussed proportionality? Are officials of the republic properly briefed, motivated and sensitised in such difficult tasks of law enforcement?

Coming to specifics, do our protest organisers and demonstrators often get easily excited and resort to violence without any reason? These are issues that acquire relevance while deliberating on police indiscretions resulting in the violation of human rights.

The members of the public have a right to know about the police and their activities. At the same time, we have to agree that if the rule of law is to be maintained then the laws must be enforced comprehensively, impartially and effectively. Towards that end there must be manifest agreement to the effect that the police are the official and legitimate law enforcement agency.

In Bangladesh, in the course of educating both the law-enforcers and members of public about their respective rights and responsibilities, we have to ensure that the primary role of the police is to enforce the law at the implicit wish of the society, so as to make legitimate government effective. The question is, how can we develop policing to provide service in addition to enforcement of laws?

In Bangladesh, there have been instances where governments have been accused of using the police machinery for political ends. There have been incidents of politicians interfering with the administration and the work of police. The question is, how long shall we wait for desirable norms governing the relationship between the party in power, the individual



politician and police to develop?

One has to appreciate that the enunciation of national goals has resulted in rising expectations and aspirations among the masses along with intensification of the ferment that lead to confrontations with authority. Those entrusted with the maintenance of stability face an admittedly delicate and complex task.

The pertinent issues is, are we ready to take steps that would make our police appreciate that any situation of confrontation is short-lived as against the permanent nature of over-all public good and, therefore, has to be handled with patience? Are we ready to create awareness amongst our police about the essential nature of the ferment in a developing society? The phases of turmoil have to be crossed with an intelligent understanding of the basic processes of social development.

Can we expect that in the not-too-distant future our police outfit will be a body of citizens in uniform exercising their right to make arrests in a lawful manner, and be accountable for their actions? Would we be able to fondly expect that the majority of citizens would obey the law for the majority of the time and

police would be applying force sparingly? Will our police be enabled to gain and renew the consent of the society by the way they went about their duties?

Do we have a scenario where the first purpose of our para-military police force is to support the state? Is their primary role a political one? One would not be wrong to presume that in such eventuality the state is supreme rather than the law. In such a situation, the major enemy is the political subversive rather than the criminal.

The above stipulations need to be kept in mind while we venture to inform the public about the role and functions of police and its powers and likely abuses, along with the rights and obligations of the citizen vis-à-vis the police.

We have to remember that the police are only one part of the overbearing criminal justice system while the justice system is one part of the government and the government is one part of the society. It, therefore, follows that a holistic view has to be taken to plug the deficits in our policing with a view to ensuring the unfettered enjoyment of human rights.

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Waiting for Rahul Gandhi?

In fact, this is an ideal time for the Congress to rise above politics and take certain decisions that have long been pending. For example, the draconian laws that have shrunk space for democracy need to be withdrawn. In particular is the Armed Forces Act, which gives right to the security forces to kill without being accountable.

KULDIP NAYAR

SOME 80,000 farmers thronged near Parliament House in New Delhi last week to protest against the paltry compensation paid by the government for the land it took over in "public interest." An act as old as 1847, empowers the state to acquire land in dire eventuality.

The UP government has taken over hundreds of acres to build an express Yamuna corridor for industry. True, the state is paying more or less the market price, as enjoined by a Supreme Court ruling. But the farmers' contention is that the land is their only asset and if it is taken away, they are left with only the cash, which does not give a living to their generation that depends on farming for livelihood.

Is invoking "public interest" for industrialists justified? Essentially, it raises the same old question; how far the land or natural resources can be appropriated in the name of development? With the emphasis on growth, the question has assumed importance for the government and the people.

It is a similar situation, which forced the government to dilute the scheme of Special Economic Zone (SEZ). Large tracts were acquired "in public interest" and passed on to big industrial or business houses, which would put up a factory on a small tract of land and use the rest, hundreds of acres, to establish hotel and entertainment facilities. There was so much protest that the government diluted the SEZ formula and had to leave it to the buyer and seller to decide. Now that there is pressure on the UP government -- one farmer is on fast unto death -- it can consider applying the same formula.

Therefore, the amendment to the Land Acquisition Act was a foregone conclusion. Unfortunately, politics has devalued such an altruistic step. Rahul Gandhi, the Gandhi family's rising star, announced his opposition to the Act, while addressing the farmers' rally. The government has promised to follow his advice.

But this is not the first time that the

government has allowed him to take the credit for "doing good." Only a few days ago he succeeded in having a project wound up in Orissa, where the tribals were up in arms. They were against the installation of a factory next to a mine-mound, which they worshipped. The centre is probably right in rejecting the project on environmental grounds. But must it be seen to be at the behest of Rahul Gandhi?

Politics is very much there because the tribals, once the vote bank of the ruling Congress party, have gone away from it. His address before them in Orissa that he was their "sepoy at Delhi" is sheer propaganda for the Congress, which has appointed him the secretary general.

It is conceded that development may need to step on the toes of environmental or natural resources. But such decisions have to be rare and explained to the public in detail. There are many instances to show that a party in power, or sheer graft, has tilted a particular decision. So long as there is no transparency, the government action will be seen with suspicion.

At least the farmers in Punjab have a grievance. On reports of rotting food grains, the Supreme Court appointed commissioners to ascertain the fact. They have reported to the apex court that as much as 50,000 metric tones of grain have already gone bad. They dubbed negligence by officials as "genocidal" and recommended that responsibility and accountability be fixed at the highest level in central and state governments.

They also warned that this was just a third of the 1.37 lakh MT of wheat lying in the open since 2008-09 in Punjab, and the entire lot could have become unfit for consumption as the FCI norms allow grain to be exposed to nature for only a year. In Haryana too 31.574 MT of grain have been lying in the open since 2008-09.

The rice, which the farmers in Punjab grew last year, has not yet been picked up. All godowns are full to capacity. The new crop is still to arrive in three weeks time. Agriculture Minister Sharad Pawar, ordered by the Supreme Court to distrib-



ute free the rice, which is lying in the open, dilly-dallied before the Court snubbed him. The basic problem is that Pawar's heart is more in cricket than in the ministry he heads. A sensitive person would have resigned long ago.

The mishandling of food grain is only one example. The shame of the Commonwealth Games is another. The government doesn't seem to be doing anything competently. It reflects some kind of panic in the ruling party. Elections are three and a half years away. No doubt, the party has lost some ground because of its ridiculous stand on the Nuclear Energy Bill.

Yet, there is no viable opposition emerging on the scene. The communists, who have been reduced from 60 to 16 in the Lok Sabha, look like losing even their citadel, West Bengal, in the state election next year. The BJP is not gaining either. It will soon be in the midst of the Babri masjid-Ram janmabhoomi controversy -- the court judgment is due by the end of September.

In fact, this is an ideal time for the Congress to rise above politics and take certain decisions that have long been pending. For example, the draconian laws that have shrunk space for democracy need to be withdrawn. In particular is the Armed Forces Act, which gives right to the security forces to kill without being

accountable. The 10-year-old agitation in Manipur will come to an end if the 52-year-old act is withdrawn. Even otherwise, the democratic face of the polity has been deformed by giving the armed forces the power to kill on suspicion. The very mention of the act evokes anger in Kashmir and in the northeast.

Still, the government continues to make mistakes. It has decided to enumerate castes, the bane of Indian politics, for the census, which started in the beginning of the year. The Manmohan Singh government has undone the work of decades that Jawaharlal Nehru and his successors had put in to efface the curse of caste from Indian body politics. Caste was the British government's innovation to create dissensions in the country.

One would have expected Prime Minister Manmohan Singh or the powerful Congress President Sonia Gandhi to take control of the situation. But it is Rahul Gandhi coming to the people's rescue. It does not take time to add 2 to 2. Rahul Gandhi is being projected by the ruling Congress as the next prime minister. How does the country run till then because, as of today, the system does not work and the entire apparatus of the government is reeking with inefficiency, ineptness and corruption?

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