

## Citizens' concern on police role and reform

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**T**HE rights of citizens in a democratic polity and the role of police therein, particularly in a fledgling democracy like ours is an issue that engages all right-thinking people. It was thus quite heartening to learn of a two day workshop on "our Rights: The Role of police in a democratic society" organized by Bangladesh Legal Aid and Services Trust (Blast), Nagorik, Uddayog, (Citizens initiative) and 'Commonwealth Human Rights Initiative (CHRI).

In the above workshop lawyers, police officers and human rights activists along with resource persons deliberated for two days and came up with interesting and thought provoking recommendations. Some of those recommendations mentioned hereinafter convey society's concern on a subject that affect every citizen and thus calls for concerted action by all the stakeholders without losing any further time.

The recommendations emphasize on building a human rights and gender sensitive police force. It focuses on the importance of operational independence of police in accordance with the legal and procedural directives and highlights the urgency of an independent police commission to look into recruitment, posting and promotion.

Specific mention is made of the necessity of complaint redressal mechanism to take care of gross police indiscretions, adoption of people-friendly policing policy and reforms in police regulations in the light of constitutional obligations and international best practices.

Keeping in view the requirements at the field level, the workshop recommends that along with proper recruitment there should be adequate training on human rights and gender issues, community policing and skill development on crime prevention. It points to the necessity of interactive dialogues between police and people on policing and ensuring easy access for people to register their complaints, particularly in cases of violence against women and children.

On a broader level, the workshop highlights the necessity of having a human rights and gender sensitive Criminal Justice System, reform in legal education, mass

awareness about rights, obligations and legal remedies, expansion of human rights activities by government and non-governmental organizations and judicial activism for protection of human rights.

Interestingly enough, the UNDP and Bangladesh Government sponsored Police Reform Programme (now in second phase) that has significant involvement of DFID (Department for International Development) of UK and European Commission (EC) strives for goals and objectives that are in line with the recommendations of the above mentioned workshop.

Police Reform Programme was launched in 2005 with the technical and financial assistance from UNDP, DFID & EC. The objective of the programme is to enhance the efficiency and effectiveness of Bangladesh Police by providing support to the key areas of access to justice such as crime prevention, investigation, operations, prosecutions, human resource development and training, strategy and oversight etc.

To fulfil the objectives of reform the role, duties and responsibilities of Bangladesh Police is also being redefined by taking into consideration emerging challenges of policing and imperatives of rule of law and good governance.

Police Reform Programme is promoting community policing as a proactive initiative for identifying problems and solutions with mutual cooperation and joint partnership between the police and the community that will help to create a safe and secure environment where local and foreign investors will be encouraged to invest leading to national growth and development.

Vision and mission of Bangladesh Police have also been changed. Recently drafted Police Ordinance 2007 has kept provisions for historic shift of Bangladesh Police from 'force' to 'service'.

The Government of Bangladesh continues to require considerable support to strengthen the foundations of democratic governance. The PRP aims to provide the Bangladesh Police with much needed technical and financial assistance to: undertake operational, organizational and legal reforms; build training capacity; improve the quality of investigations, operations and prosecutions; consolidate



How much reform do they need?

community policing and crime prevention; make policing more pro-women and introduce cost effective and realistic information communication technology.

The global financial crisis and, in the longer term, the impact of climate change threaten to intensify the social, political and economic issues faced by the community. For example, a rise in unemployment could increase social frustration and crime rates leaving many young people open to politically motivated violence, drugs, organized crime and extremism. An efficient, effective and neutral police service is needed to alleviate the community's sense of insecurity and to help tackle social issues.

The need for police reform is reflected in the media and public concern about impact of crime, level of social unrest and frustration with justice system. Corruption, extortion, violence against women, human trafficking, drug abuse, extremism and violent student politics are viewed by many as increasing problems for law and order. These issues have a fundamental impact on community safety, economic growth and in some cases national security.

The recognition of police as a professional and accountable institution is essential towards the implementation of an ideal policing model. Training reform needs to facilitate organizational shift towards a consultative, community-oriented, professional police service, proactively focused on crime prevention.

The scope of training has to deal with, among others, the themes of leadership and management, crime prevention and awareness, forensic investigation and investigation management, trafficking in human beings, criminal intelligence and

domestic violence and sexual assault.

By its very nature, professionalism also requires adherence to a code of ethics and standards of conduct, a public service orientation, existence of common goals and principles and an organization that promotes high standards and the interests of the profession.

The achievement of these common characteristics through the reform process develops greater public confidence in police, improves the morale of police officers and allows them to fulfill their role as true community partners. It also makes them more accountable and empowers them to be more responsive.

The process of police reform is complex and subject to overcoming many obstacles of political, financial, historical and personal nature. A number of police commissions were constituted in Bangladesh in the past to reform the police; however, hardly any recommendations were put into action and no substantive changes in the public perception of the police were achieved.

With new initiatives such as drafting of the new police ordinance, police training reform, development of community policing approach, publication of gender guidelines and addressing of the gender balance within the organization, the main challenge now is to ensure that these and other reform that will emerge are taken seriously by all, implemented and sustained.

Only then can Bangladesh Police be transformed into a modern police service, worthy of a democratic society, accountable and responsive to community needs that function according to the law and regulations, and respect the human rights of the people and protect their rights.

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## Elusive pluralism in India

It is not only the denial of employment to a Muslim or the refusal to rent him a house, it is something more -- the entrenched prejudice which expresses itself too often and too blatantly. The fact is that India has not been able to establish a secular polity, which the freedom fighters and the Nehru era had promised.

KULDIP NAYAR

**I**T was a laudable judgment of the Supreme Court, which upheld the right of Indian Muslims to inherit the property that their fathers and forefathers had left behind before migrating to Pakistan. I went to town to say that no other country could have delivered such a landmark verdict to prove India's secular credentials. It was another nail driven in the coffin of communalism.

It made sense that those Muslims who did not leave the country and had retained Indian citizenship through thick and thin should be the rightful owner of the property, which belonged to their family. Still the properties remained vested in the custodian, under the tag of "enemy property," even when the owner who had migrated had died.

Yet, it took 32 years for M.A.M. Khan, who is a distinguished son of the soil and once a UP assembly member, to establish the simple truth, his right to the property after the death of his father Raja Mahamudabad. The court rectified the wrong. He had never left the country and had retained the Indian nationality all along.

In 1981, Prime Minister Indira Gandhi's cabinet decided to return properties to all such Muslims who had never left the Indian shores. But the decision could not be implemented because of political wrangling.

The same elements, the communal fringe in the Congress party and the BJP, came to the fore when the Supreme Court upheld the judgment by the Bombay High Court that Khan and his mother Rani Kaniz Abdi (since deceased) continued to reside in India as Indian citizens. The Supreme Court also bemoaned the wrong done by those who were in "the possession of property illegally and in a high handed manner for 32 years."

Had the petition been from an ordinary Muslim, not M.A.M. Khan, the son of Raja Mahamudabad, the treasurer of Muslim League before partition, the judgment

would have probably gone unnoticed. But he was a mote in the eyes of communalists because Khan had stayed on in India and had stuck to his proud position of Indian nationality. He had to be chastised.

The Indian government brought before the last session of parliament a bill to extinguish the rights of Indian Muslims to inherit the property even after the death of their father in Pakistan or abroad. Prime Minister Manmohan Singh saw through the game to deny the right to Indian Muslims to inherit what their forefathers had left behind. And he acted.

The fact that the families head migrated to Pakistan did not mean that their children too had become Pakistani nationals. Since the bill required some time to become an act, an ordinance was issued for the same purpose. But the prime minister's intervention allowed the ordinance to lapse so that the right of Indian Muslims was not usurped by the custodian.

However, the problems of Khan and other Indian Muslims have not ended. The prejudiced politicians and "interested" bureaucracy do not want to release the properties on the ground that the bill would come in the next session of parliament or subsequently. What the officials, probably encouraged by some politicians, are doing amounts to contempt of court.

But in a country where there is a selective implementation of rules and regulations, the contempt proceedings of the court mean little. Even if they are started, the authorities take them in their stride. Khan and Muslims like him are made to run from pillar to post and are at the mercy of the same people who withheld the implementation of the Supreme Court judgment in 2005. They are determined not to allow the properties going back to their rightful owners.

My worry in the whole matter is over the communal angle, which had pushed justice and fair play to the background. Such examples evoke a feeling among the Muslim community that when it comes to recognising their legitimate demands, the



Pluralism: How apparent, how elusive!

unexplainable bias takes over. This means that even the claim to establish a secular society remains on paper after 63 years of independence.

It is not only the denial of employment to a Muslim or the refusal to rent him a house, it is something more -- the entrenched prejudice which expresses itself too often and too blatantly. The fact is that India has not been able to establish a secular polity, which the freedom fighters and the Nehru era had promised. A democratic country, taking rapid strides in the economic field, is yet to imbibe the respect for the rule of law.

This is the reason why there has been so much of uncertainty and fear over the judgment on the title suit of the Babri masjid-Ram Janmabhoomi site. The number of cabinet meetings that the Manmohan Singh government held before the verdict showed that despite all the precautions the government took, it lacked conviction in its ability to enforce the judgment. This is the case of all reports and judgments touching upon controversial subjects, particularly those which relate to communal matters.

The statements by the RSS and BJP leaders, less inflammatory than before, were expected to be one-sided. But their agenda is clear and purpose too well known. They think that the Hindus, a majority in the country, have the right to expect the minorities to bow to their wishes. RSS chief Mohan Bhagwat has no compunction in saying that the Muslims should voluntarily give up their claim to the

disputed Babri masjid site to prove their credentials to Hindus. How can such a statement go unchallenged?

L.K. Advani is once again going to speak from Somnath, the place from where he took a rath yatra to collect money, which remains unaccounted for, and more so to incite the Hindus. Hundreds of Muslims died in the wake of Advani's yatra. Congress president Sonia Gandhi has coined apt words for them, mout ka saudagar (merchants of death). Fortunately, the response of the Muslim extremists has been less provocative, although their counterparts across the border are as shrill and furious as before.

Raja of Mahmudabad is a victim of bias, which is taking the toll on many people in the country. However exasperated and personally hurt, he must go on and see that the Indian Muslims who did not go to Pakistan do not have to wear the cross of partition all their life.

Jaswant Singh, the BJP leader who has refurbished his liberal instincts, has rightly appealed to the BJP to move on and not remain stuck in the Middle Ages. But his plea has not evoked any attention. The RSS militant wing, Vishwa Hindu Parishad, has collected sadhus at Ayodhya, where the demolished Babri masjid stood. All these things tell upon India's pluralism, which is becoming more and more elusive.

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## Deadly trade in a crowded place

The culprits must be brought to justice

**H**ARDLY three months have passed since the devastating Nimtoli fire claimed 124 lives in the Old Dhaka, when 50 residents of a six-storey house were taken ill Wednesday morning after they inhaled toxic fumes from a dyeing factory in the densely populated Madhya Kunipara of Tejgaon Industrial Area of the city.

The incident is a glaring instance of total lack of respect for human lives on the part of the owner of the factory and that of the house.

One wonders how the residents of the house or the local people could allow to run such a factory dealing in hazardous chemicals in their midst. As far as the report goes, the factory, situated at the ground floor of the huge six-storey tin shed on a wooden structure, has a chimney that is only two-storey high to release the poisonous smoke it generates. And as such, it may not be a case of pure coincidence that all the gas victims were from the second floor of the multi-storied dwelling that housed some 200 people. One shudders to think of the terrible consequence had the accident occurred at dead of night or had the toxic smoke gassed the entire six-storey structure.

Though the mishap has not been accompanied by any death report so far, there is still no room for making light of the crime that puts the lives of so many people in danger. Does the duty end with only holding the factory owner or the landlord responsible for the disaster? And how could a dyeing factory run for so long inside a dwelling place unbeknown to the law-enforcers or the industry ministry, especially after the Nimtoli tragedy? And who knows, how many more similar factories or warehouses are being illegally run with gay abandon under the very nose of the police or the relevant government agencies concerned?

Attention may be made here of the task force the government had formed to look into the relocation of warehouses or establishments using flammable or otherwise hazardous chemicals in densely populated areas of the city. Does not the dyeing factory in question also fall under a similar category of setups in a crowded place?

The government should not drag its feet any longer about mounting a strong monitoring mechanism to find out such illegal factories pouring out toxic fumes or warehouses using hazardous chemicals in congested places and take necessary measures to either close down or relocate those to sites removed from residential and densely populated areas.

And in the case of the mishap under review, the culprits behind endangering the lives of so many people must be taken into custody and brought to justice in an exemplary fashion.

## Terror financing

Loopholes in existing laws be plugged

**T**ERROR financing is in fact one of the most important factors in combating terrorism. The adoption of the International Convention for Suppression of the Financing of Terrorism in Dec 1999 had prepared a groundwork on which countries could formulate laws to cut off the terrorist organisations from their sources of sustenance.

The experiences over the last decade, particularly after 9/11, suggest that there is need for Bangladesh to change its tack in respect of countering terror financing. Although we have in place a money-laundering law, and the finance minister is on record saying recently that it would be amended soon, it seems that the focus still is only on the ways and means to prevent money going out of the country or to repatriate money illegally siphoned out. The anti-terror act should also be recast in the light of recent developments both within and outside our borders.

It may be discomfiting but true that Bangladesh is a conduit for movement of illegal weapons and drugs bound for the West, and with the movement of these there is always the prospect of transshipment of bulk cash through couriers. Thus, the recommendations of the Financial Action Task Force (FATF), to amend the current money laundering laws that would help prevent illegal transactions on drugs, illegal weapons and terror finance, are worth considering.

It must be understood that money laundering is not synonymous to terror financing, but nonetheless, the terrorist groups are beneficiaries of incomes that are generated in part from illegal dealings in drugs and small arms; and in fact, as far as Bangladesh is concerned and as the FATF study indicates, the majority of illegal money stems from drugs and human trafficking as well as corruption. And there is a strong nexus between illegal drugs and arms dealers and terrorist groups who help to prop up each other. But money laundered in and out of the country, outside these three sources, are also being used to finance terror groups, as our experience shows. And although most of the radical groups in Bangladesh are homegrown and need only microfinance to exist, there are several proscribed terrorist groups in Bangladesh with international linkages, and at least one of these has admitted to being recipient of foreign finance.

In the overall context of countering terrorism, money laundering and terror finance must be kept in our purview with equal importance. In this regard, side by side with appropriate laws we also must build up capacity, to identify money laundering, to maintain oversight on, among other things, money that come in the name of charities but are diverted to the terror groups, and to enhance capability that would help both disrupt the chain and prosecute the offenders.