

Railway crossing is but a death-trap

How many accidents do we need to act on the lethal hazard?

ONCE again it has happened, sending shudders through the spine of teeming onlookers and numerous others who saw its photograph the following day splashed across the front pages of newspapers. This time, it is more frightening than before; for, just not one, but two buses got ensnared in an accident on a rail-crossing near Syedabad Bus Terminal. While passengers of the ill-fated vehicles got off to safety at the nick of time, one of the buses having been tossed away by the impact of the incoming train fell pell-mell on a rickshaw and some makeshift shops killing seven persons and injuring 25.

As usual, the tragedy is put down to human failure; as the train trundled on, one of the four cross-bars was not lowered timely to prevent entry of any vehicle from either side. Result: two buses coming in on the vulnerable side were trapped between the lowered cross-bar and a long traffic tailback.

The accident was thus waiting to happen as had been the case with previous such rail-crossing disasters. But all these are avoidable provided we put the right precautions in place taking into account the reality of vehicular spillage edging on to a forbidden zone given the stupendous uncontrolled increase in the number of vehicles vis-à-vis the extremely constricted road spaces. Poor signaling, callous guarding at crossing points and train driver's carelessness as he approaches a crossing point contribute to tragic accidents. When the train driver is supposed to have slowed down to a point where he could apply the brake in a reflex on sensing any danger ahead and thus avert an accident, he is hardly trained to cope with such an emergency. When the transports roll on to the danger zone some effective traffic police presence could be helpful.

That we are having to live with so many railway crossings all over the city into the 21st century is the bigger tragedy because all the modern metropolises have dispensed with them taking the railway tracks outside the city.

We recall that such a plan for relocating crossing points away from the city through a circular railway system touching at the outer edges of the metropolis was talked about at length some time back. But as it happens, with the pall of anxiety dying down, we quickly revert to business as usual. So, let's then pursue it vigorously before more accidents take place, more mother's laps are emptied and families lose their only earning members. In the meantime, the railway authorities and the traffic bosses sit down in earnest to map out a safety strategy amidst all the existing constraints and go on to implement it.

Congratulations to China on her founding anniversary

Looking forward to concrete partnership for progress

WE felicitate the government and the people of China on the occasion of her 61st founding anniversary which also coincides with the 30th year of China-Bangla relations. So we are doubly keen in sharing the Chinese moments of rejoicing and celebration as partners in progress.

The People's Republic of China is highly regarded for the stunning example she has set of sustained economic growth averaging 10 percent. She has emerged as the fastest growing economy in the world in spite of global recession and even moved ahead of Japan as an economic power house. The way she has managed and utilized her resources, harnessed technology in implementing mega growth plans and, above all, invested in worldwide projects is simply spectacular. China has pulled out millions from the grip of poverty. There is so much to learn from China and how much more can it indeed do for Bangladesh.

Moving on to relations between Beijing and Dhaka, China regrettably siding with Pakistan in our liberation war notwithstanding, engagement between Bangladesh and China has moved from strength to strength in the last 30 years. A process of maturation of ties has been perceptible as China came forward in assisting development of infrastructure in Bangladesh and showing interest in regional connectivity. This needs to be carried forward. We are looking to prospects of more active partnership in terms of qualitative transfer of technology, bridging trade deficit that is heavily tilted against Bangladesh and investment in and relocation of industries with buy-back arrangements by way of reducing the trade hiatus. In fact a greater inter-penetration of markets is awaited.

Both India and China are emerging economies of great import and we would like to have useful and productive ties with both without in any way being drawn into the sensitivities of their relations. If China and India despite some angularities in their relations could evolve close economic and trade cooperation, why can't China-Bangla relations and Indo-Bangla relations grow to their full potential in quest of a stable, prosperous and peaceful region.

We take this opportunity of wishing the government and the people of China sustained economic development and greater prosperity and well being in years to come.

The executive-police relationship

It is indeed very difficult to work out the precise contours of police-executive relationship and its delineation in legislative terms. However, there should be earnest efforts in working that out in order to have a clear understanding of the respective jurisdictions.

MUHAMMAD NURUL HUDA

THE citizen's aspirations for good governance would surely seek clarity as to the relationship between the political executive and police. Coming to specifics, the particular interest would be to see how the relationship can be delineated in statutes. There is, understandably, a pressing need to understand how police organisations are held accountable in democratic polity and also the role of political executive in police accountability.

In our case, the sad reality on the ground is that in a system of governance historically blemished by the abuse of political authority, the victimisation of adversaries through police force has not been adversely taken note of. Interestingly, as extraneous interference in police work grew, so did the calls for stricter police accountability. Cynics say that these calls for more accountability were used to gain greater operational control over the police thereby debilitating the internal command and control structures, thus perpetuating the vicious cycle.

There cannot be any two opinions on the paramount necessity of securing professional independence for the police to function truly and efficiently as an impartial agent of the law of the land. At the same time it is equally important to enable the government to oversee the police performance to ensure its conformity to law. The core problem, therefore, is one of insulating the police from illegitimate political, bureaucratic or other extraneous influence.

The National Police Commission of India in 1979 stated that transfer and suspension are two weapons frequently used by the politician to bend the police officers down to his will. The Supreme Court of India in 1997 observed that fre-

quent and arbitrary transfers besides "demoralizing the police force" and "politicising the personnel" constitute a practice that is "alien to the envisaged constitutional machinery."

In the subcontinent, there is a loud complaint that the "political control" of policing has eroded internal chains of command, obstructed police functioning and made it extremely difficult to fix the responsibility of wrongdoing. Policing has unfortunately revolved around partisanship, currying political party favours and interests, and influence peddling, thus largely blurring the statutory duties of the police. The uneasy police-political executive relationship has paradoxically resulted in unhealthy political manipulation of the police and a police force with very few limits on its power.

There are complaints of legislative ambiguity in the Police Act in respect of "superintendence" and "control" over police force and that the same has facilitated political manipulation. Upon examination it is found that in police regulations there is guidance on the important aspect of superintendence. The terms of jurisdiction and general rules on transfer and promotion have been provided. The question, therefore, is, have the political executives been actually exercising the power around transfer themselves in violation of the rules?

The police, undoubtedly, must be subject to democratic superintendence, control and accountability for their activities through the usual political, judicial and administrative processes. It needs to be clearly understood that lawfully and democratically elected governments stand as guardians of the public interest and exercise of supervision by such governments does not constitute "improper political interference."

At the same time, the police should be



A police-public interface on executive order.

enabled to act impartially with regard to law enforcement. The police should be independent to decide about whom to investigate, search, question, detain, arrest and prosecute in a particular case. The government should not seek to exert undue pressure, and acknowledge that the ultimate decision in investigation of criminal cases rests with police. The principle of police accountability through standard political, legal and administrative processes remains applicable in all cases.

The point to note is that the investigative tasks of the police must remain beyond intervention by the executive or non-executive. In respect of preventive and service-oriented functions the government should lay down broad policies for adoption. There should be no instructions with regard to actual operations in the field. Policy directions should be given openly and made known to the parliament.

In order to enable the government to discharge its superintending responsibility in an open manner under the framework of law, can we think of statutorily establishing a security commission that may be charged with the following func-

- tions:
- Lay down broad policy guidelines for the performance of preventive and service-oriented functions by the police;
- Evaluate the performance of police every year;
- Function as a forum of appeal to dispose representations from officials regarding their being subjected to illegal orders and regarding their promotions.

It is indeed very difficult to work out the precise contours of police-executive relationship and its delineation in legislative terms. However, there should be earnest efforts in working that out in order to have a clear understanding of the respective jurisdictions.

For obvious reasons, the distinction between appropriate political direction from a government and inappropriate political interference in operational policing needs to be understood and acted upon. The political executive has to craft policy and seek accountability from an essential public service paid for by the taxpayers.

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UPAZILA PARISHAD

Facing some pressing issues

Upazila Parishad in its existing structure would not be able to fulfil its ultimate objectives which is to establish it as a focal point of development. Of course the present government has ratified the upazila parishad ordinance, but still lack of commitment on the part of the government is evident.

PRANAB KUMAR PANDAY

LOCAL Government Institutions (LGIs) can play a significant role in the overall development of a country. Since majority of population of developing countries live at the local level, structure of the local government bodies should be designed in such a way that these bodies are administered by elected representatives. At the same time, avenues should be created for participation of local people in the decision making bodies. Involvement of citizens in the political decision making process can be considered as a prerequisite to establish good governance and democracy. Nowadays it has been realized that real development is difficult keeping citizens away from the policy-making process. Realizing the essence of strengthening LGIs, the government of Bangladesh reintroduced the Upazila Parishad (UZP) in 2009.

Upazila Parishad has started functioning from January 2009 onwards meaning that it has already crossed a landmark of one and a half years. Thus, it would not be improbable to assume that UZP is working within the purview of the Upazila Parishad Act of 2009. Now a pertinent question: whether UZP is functioning properly or not? Before we answer this question it is important to note that like the immediate past caretaker government, the present government also remained sincere to establish UZP as the focal point of development. But, lack of commitment was seen on the part of the government as well since they have made some controversial amendments to the Upazila Parishad Ordinance issued by the caretaker government. The present Upazila Parishad is suffering from following fundamental flaws:

The government has made the MPs as advisers of the UZP whose advices have been made obligatory for the parishad to follow. Such action of the government is an indication of the fact that they want to keep UZP under the control of the MPs. In the context of a confrontational political culture, it is unrealistic to presume that

two power holders would discharge their duties in a coordinating way. Under such circumstance, one could question about the sincerity of the government. As we all know main responsibility of a MP is to formulate laws. But this does not necessarily mean that he/she would not get involved in the development activities at the local level. Of course, he/she would get involved with the process of development, but the provision of making his advices obligatory for the parishad has created enormous amount of discontent among the elected representatives of the UZP. Such step was certainly taken for political region.

There is an ongoing debate on the issue of the role of UNOs in the UZP since it has not been specified in the laws. Being an elected representative UZP chairman perceives himself as the supreme authority of the UZP. Such belief has been derived from the previous experience of Upazila Parishad under Ershad regime when Upazila chairmen were most powerful. On the other hand, in the absence of a strong elected body at the Upazila (during 1991 to 2008) the generalist bureaucrats have established their supremacy at the upazila. Thus, when they have been made chief principal officer or some thing like that, they have found it difficult to accept.

As we all know, bureaucracy in Bangladesh which was inherited from the British Civil Service has become the master in stead of servant of the citizens. It is very difficult for them to come out from the trauma of exercising supreme power. Thus, it is an utmost necessity on the part of the government to specify roles of UNOs in the parishad and ensure a sound balance between powers of the chairmen and UNOs.

There is a pressing need to redefine roles of the two vice-chairmen in the parishad. Virtually they have no role to play. Situation for the female vice-chairman is more vulnerable than the male. On the one hand, the act has not specified their roles in parishad clearly, on the other, female vice chairmen, in absence of orientation, lack adequate capacity and knowledge to discharge their



A Upazila Parishad taking oath.

responsibilities. When it comes to the issue of male vice-chairmen, in most cases chairman of the Upazila Parishad does not like a parallel existence of another office holder. Thus, there is enormous amount of discontent among vice-chairmen.

In the Upazila Parishad Act of 2009, functions of thirteen government departments have been brought under the supervision of the parishad where role of the Upazila Parishad Chairman is to coordinate activities of all the departments. Extended jurisdiction of the Upazila Parishad has made the chairman ambitious about gaining power of writing ACR of the heads of the thirteen departments. This has created a tension in the upazila parishad which would certainly exert a negative impact on the overall functioning of the upazila. Moreover, supervision of activities of 13 departments requires extensive professional knowledge and expertise on the part of the upazila chairman. But in most cases, it is found that upazila parishad chairmen lack adequate knowledge and expertise. Thus, it has exerted an additional pressure on the elected representatives.

Resource base of the upazila parishad have been found very weak. The act provides for preparation of long term and short term projects and making yearly budget without specifying adequate sources of financing. We should not forget the fact that for making any LGIs viable and strong, financial autonomy should be given to them. Thus, government should delegate more financial power to the UZP. The act provides for formation of four-

teen standing committees for smooth progression of the upazila parishad. However, the terms of references (TORs) and rules guiding formation of those standing committees have not been specified. Thus, in most cases, upazila parishads have been found reluctant about formation of those committees.

Finally, based on the experiences of working as a researcher in a UNDP funded project on the working of twelve upazila parishads in Bangladesh, it can be concluded that Upazila Parishad in its existing structure would not be able to fulfil its ultimate objectives which is to establish it as a focal point of development. Of course the present government has ratified the upazila parishad ordinance, but still lack of commitment on the part of the government is evident. Thus, upazila parishad is functioning in a way the upazila system used to function under Thana Development and Coordination Committee (TDCC).

Admittedly, both upazila chairmen and UNOs have established themselves as opposed to each other. Such situation is not desirable at all since cooperation of bureaucrats is necessary for realisation of government's, and for that matter people's, hopes and aspirations. Thus, it is an urgent necessity on the part of the government to take actions in order to overcome the above mentioned flaws for the purpose of establishing an effective Upazila Parishad.

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