

Commendable step

A major fetter on free expression removed

THE parliament has removed a disability imposed since the British era on media and free but responsible writing. The JS passed a bill scrapping the legal provision for directly issuing arrest warrant against journalists, writers and others for writing or saying something 'defamatory'. This meets a persistently articulated demand of journalists for striking out the clauses in the Criminal Procedure Code (CrPC) that hang as a Sword of Damocles on media freedom. The government and the parliament have made a momentous gesture.

We are fully agreeable to the provision for issuing summons. First, all are equal before the law. Second, if by reporting or commenting on an individual or an institution we appear to have defamed the persona or the image of an organisation we should be prepared to explain our conduct before the court.

The repeal of the provision was called for because of its gross misuse. Whenever something went against a high government functionary or any powerful coterie, warrant of arrest would be issued in hot haste to exact vendetta. This has had the effect of not only harassing an editor, commentator or any scribe but also led to self-censure stifling objective reporting and analysis. No responsible journalist can balk at revealing truth.

Consequent upon the liberal gesture, onus is squarely on the journalists to be responsible in their performance and conduct. They must be fully respectful of the established reputation of an individual or an institution. If there is something negative to say it must be based on fact with due opportunity given to all concerned to have a say.

We request a consideration vis-à-vis issuance of contempt notice? For, it's our conviction, shared by jurists, that the court and the media can and do play mutually reinforcing roles in ensuring rule of law, justice and fair-play. They are complementary to each other. In stead of contempt notices, the court can issue warning pointing out where a particular news story has erred. Such consideration will greatly strengthen the mutually supportive role between judiciary and the media.

PM prioritising railway

Some immediate concerns

THAT Prime Minister Sheikh Hasina has turned her attention to modernising the railway by 2015 strikes a responsive chord in us. Because this important state-run mass mode of transportation is in an ailing, derelict state. The impelling demand is now for expanding domestic and regional reaches of the railway.

As a bulk carrier of passengers and cargo railway is second to none. But road transportation received massive doses of investment at the cost of railway. Resultantly, we are left with an extremely lopsided infrastructure. To correct this imbalance, it appears, the government is moving in a big way to upgrade the railway service.

127 projects with a total allocation of Tk 43,500 crore have been envisaged in the sixth five-year plan (2011 to 2015). Some 689km-long railway tracks, 130 locomotives, 539 passenger coaches and 500 wagons will be added.

Of immediate necessity, however, is the task of rehabilitating a broken down railway system. The flawed signaling, unguarded railway crossings need attention. Year 2012 is targeted for completion of the rehabilitation work. The timetable should be maintained to avoid intruding into other components with cost overruns.

Mismanagement and lack of maintenance have been the railway's Achilles' heel. Grabbing and illegal occupation of railway land and plundering of the rolling stocks and fixed assts have divested the railway of the bare minimum inventory to run on an even keel. Add to these, the utter disregard for passenger convenience and comfort. No sooner had shiny coaches and engines been introduced, people scrambled to stripe away the embellishment into a burrowed frame.

Our immediate concern is three-fold: one, overhaul the railway administration; two, have enough trained personnel and, above all, ensure optimal utilisation of the allocations under the watchful eye of a high

THIS DAY IN HISTORY

February 5

1900

The United States and the United Kingdom sign a treaty for the Panama Canal

1917

The Congress of the United States passes the Immigration Act of 1917 over President Woodrow Wilson's veto. Also known as the Asiatic Barred Zone Act, it forbade immigration from nearly all of south and southeast Asia.

1958

Gamel Abdel Nasser is nominated to be the first president of the United Arab Republic.

1962

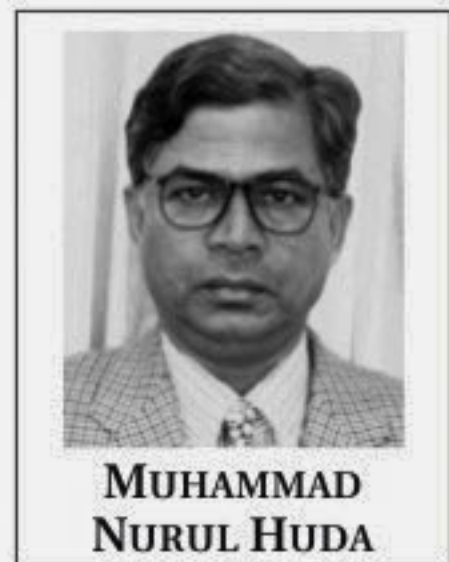
French President Charles De Gaulle calls for Algeria to be granted independence.

1966

The Six Point programme of regional autonomy for all the provinces of Pakistan was announced in Lahore by Sheikh Mujibur Rahman at a conference of Pakistan's opposition leaders.

STRAIGHT LINE

Police and the confrontational scenario



MUHAMMAD
NURUL HUDA

officer and injury of scores of people has distressed many citizens. The political establishment has not been happy with the way the situation was handled and a Bengali daily reports that the Police Super of Munshigonj District is being suspended for failing to maintain order.

The above scenario has been further complicated by the alleged implication of the leader of the opposition as the instigator of the violence that took place on Monday last. The opposition party has reacted to the accusation by calling a dawn to dusk 'hartal' on 7th February next and has also demanded cancellation of government's plan to build a new airport.

It now appears that no airport will be built in the affected area and that is expected to effectively calm passions, and hopefully there will be no further loss of life and property. While that is an encouraging prospect one needs to study the engagement of coercive organ of the State in such incident that brings police and the people in dangerous confrontation.

The role of the police in Bangladesh has to be viewed in the perspective of the historical process, the changes in the social situation, the values and aspirations of a developing society. The situation in the post-Independence era and the specific law and order requirements arising out of continuing conflicts have, unfortunately, not permitted the full development of new traditions and attitudes.

While on the one hand, the police are expected to get closer to the people, they are repeatedly called upon, on the other, in their role as the agents of authority, to deal with violent agitations and disturbances of a wide variety. Challenges to authority are inherent in a plural society. These

are accentuated in a democratic polity and lead to agitations and disturbances. Additionally, there is the problem of the right use of authority by parties which are in power.

In the political sphere, the enunciation of national goals has resulted in rising expectations and aspirations among the masses. Any gap between the promise of constitutional ideals and the reality leads to strains and tensions which are mobilised for the "politics of agitation". There is no

serve but also to preserve. This makes the policeman's task both delicate and complex.

The police have admittedly a difficult role, and a role that they are often called upon to perform in the most provocative and trying circumstances. The police have always had to handle problems of law and order. What is new in the situation today is that many of the agitations have a claim to social legitimacy because they are undertaken in furtherance of

democratic society.

The police are in a confrontational assignment not because they are enraged, deranged or intoxicated, but as part of their profession that they enter willingly and in the knowledge that they will be called upon to perform physically engaging tasks. In democratic societies the law adopts a skeptical stance in relation to the police seeking to draw the line between lawful force and illegal violence.

The police, therefore, can act both legally and ethically while acknowledging that the morality of policing is perpetually in doubt. Sociologically, policing is intrinsically an anomic occupation, for the norms that govern conduct are never clear and the police officer is obliged proverbially to sail perpetually and perilously close to the wind.

Policing is a dangerous occupation where the normal expectation compels the cop to knowingly enter risky situations. The fact that the authority of the police is coercive entails a willingness to impose that authority by force or to fight. However, the exercise of coercive authority over fellow citizens leaves officers intrinsically vulnerable to complaint and prosecution.

Instead of pathologising the police, the above analysis of the police subculture should convince us of the surprising fragility of what appears at first sight to be a robust powerful social institution. Our pragmatic policemen do not mind being at the receiving end because they are aware of their marginal position in the society.

Bangladeshi society that remains afflicted with divisive tendencies is unable to come up with a consensus on major national issues. Most political discourses and deliberations, unfortunately, are not characterised by logic but by politicised emotion and the principal differences have given rise to the tragic social divide. Social cohesion would be impossible in these conditions. Enforcement becomes a nightmare in such an atmosphere of opposing push and pulls. Sheer good luck and sudden good sense may prevent us from plunging into anarchy.

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Muhammad Nurul Huda is a columnist for The Daily Star.

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PHOTO: SHAWKAT JAMIL

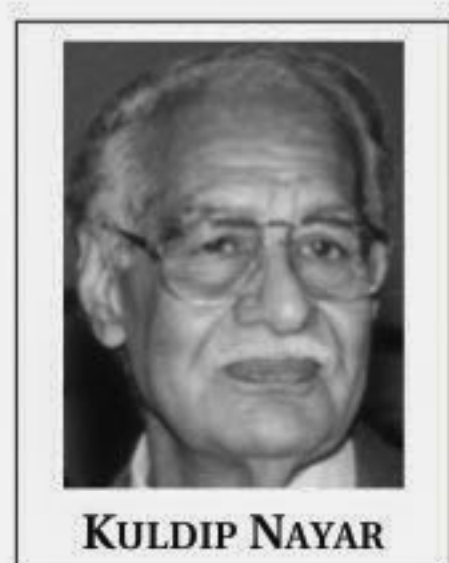
Confrontation at Arial Beel, Munshigonj.

doubt that while these processes lead to the politicisation of the masses and the development among them of a greater awareness of their rights and of the methods of their achievement, they also intensify the ferment and lead to confrontations with authority. Those entrusted with the maintenance of stability in society thus often come into conflict with the forces generated by the political system which they are intended not only to

goals which are recognised by the constitution. The police, therefore, are being cast in an anti-people role. Even so the police have to maintain law and order and support the constitutional processes in society. Both in a negative as well as a positive sense the police have the obligation to defend and promote the normal legal and constitutional processes in the country. It is only through these that the desired social objectives can be achieved in a

BETWEEN THE LINES

Laundering black money



KULDIP NAYAR

unaffected, is sounding horrified. They are also taking a stand against the scams which have put the ruling Congress in the dock. The party is isolated. None of the coalition members has defended either the Manmohan Singh government or the Congress.

I fear the different disclosures may create the atmosphere which is reminiscent of the days when Prime Minister Rajiv Gandhi was alleged to have got the kickbacks of Rs.64 crore from the purchase of Bofors guns. His government tried to cover up the scandal and even held the joint parliamentary committee's probe, something which the Manmohan Singh government has refused to constitute to look into different scams. Rajiv Gandhi's explanation made matters still worse. In fact, the Bofors came to substitute the word corruption even in the countryside.

Consequently, after the polls, Rajiv Gandhi's tally of 421 members in the Lok Sabha tumbled down to 197. He lost the prime ministership. The Manmohan Singh government does not face such a situation. Parliamentary elections are still three and a half years away. Yet the withdrawal of support by 12 odd parties cannot be ruled out. The strength of the Congress in the Lok Sabha is 207 in the 535-member house.

Presuming that the parties which have its ministers in the cabinet -- Sharad Pawar's Nationalist Congress Party (9) and K Karunanidhi's DMK (18) -- stay with the Congress through thick and thin, they number only 27. Nothing much can be said about another ally in the government. The mercurial Mamata Bannerjee of

Trinamool Congress (19) has already criticised the Congress for rising prices. Even with the support of all the three parties, the Congress does not reach the magical figure of 267, the midway mark.

The 2G spectrum scam, running into Rs.1.75 lakh crores has, no doubt, held the public attention so far. Parliament was stalled during the entire winter session. The corruption of the Commonwealth Games has got confirmed by the Shunglu Committee which the government had appointed. Yet I feel the 2G spectrum and the Commonwealth Games are elitist in appeal. Civil society is avidly interested, but not the general public.

The popular issue that is beginning to rock the length and breadth of the

"wanted" the government to be put under an obligation not to disclose the names on the plea of confidence. There is yet no reason given why it opted for the double taxation method.

The Supreme Court has observed that the government should not presume that the money hidden at Switzerland was from the evasion of tax. It could be laundering of money earned through gun running, drugs, terrorism, or some other criminal act. The government is yet to give justification for choosing the double taxation method.

Indian black money in Swiss banks, according to Swiss Banking Association report, 2006, was the highest -- as much as \$1,456 billion.

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country is the money stashed away in Swiss banks. What makes it more explosive than other scams is the Supreme Court's involvement. It has begun to hear public interest litigation (PIL) petitions. They have sought the court's intervention to force the government to bring back the money that has been kept at Swiss banks. The petitions have also prayed for the disclosure of account holders.

The government has been caught on the wrong foot. It had received some time ago as many as 26 names from Germany under the double taxation treaty. Berlin had got hold of names of hundreds of beneficiaries and had offered them to all the countries for the asking.

And why is Finance Minister Pranab Mukherjee saying that the names of beneficiaries cannot be disclosed? The fault is that of New Delhi, which preferred to go through the double taxation route because it

The amount is reportedly more than that of all deposits put together. Dishonest industrialists, tainted politicians, corrupt bureaucrats, cricketers and film stars have put in foreign banks their illegal personal accounts sums which they misappropriated. No wonder everyone in India loots impunity and without any fear.

The stashed away cash is about 13 times larger than the country's foreign debts. With this amount 45 crore poor people can get Rs.1 lakh each. From whichever angle you assess, this huge amount has been appropriated from the people of the country by exploiting and betraying them.

Once India gets back this huge amount of black money, it can clean the entire foreign debts at one go. After paying the entire foreign debt, we will be left with surplus amount, almost 12 times larger than the total foreign debts. If this surplus amount is invested in earning interest, the

amount of interest will be more than the annual budget of the Central government. So even if all the taxes are abolished, then also the central government will be able to maintain the country very comfortably. I am talking on the basis of the 2006 figures. More money must have accumulated since.

Some 80,000 people travel to Switzerland every year, of which 25,000 travel very frequently. New Delhi should find out how many of them are Indians? "They may be travelling there for some other reason," believes an official involved in tracking illegal money. And, clearly, he isn't referring to the commerce ministry bureaucrats who have been flitting in and out of Geneva ever since the World Trade Organisation negotiations have begun.

Fortunately, Congress Secretary-General Rahul Gandhi has said that the money stashed abroad belongs to the poor and must be brought back to India. I see the statement as a silver lining in otherwise dark clouds of secrecy and manipulation. He has said earlier that once his family takes up a matter it carries it to the logical conclusion. Let him prove this. The nation waits for the results.

The BJP and its allies in the National Democratic Alliance have said that they have no money abroad. This statement will act as a pressure on the Congress and its allies. And some of the allies may begin to keep distance from the Manmohan Singh government. It has no option except to make the 26 names public.

Maybe, the Supreme Court will force the government to do it. Then the fat will be in the fire. The situation can meander first to the fall of the Manmohan Singh government because of the allies deserting it and then leading to a hotchpotch government which may not last for more than a year. Ultimately, the country will be left with no option except to go for a mid-term poll.

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Kuldip Nayar is an eminent Indian columnist.