

## STRAIGHT LINE

# Police State accusation



MUHAMMAD NURUL HUDA

**T**HE markedly suave Mirza Fakhru Islam, Secretary General of Bangladesh Nationalist

Party (BNP) was visibly angry on June 5, 2011, while reacting to police actions during *hartal*. According to the Bengali daily *Prothom Alo*, he said that there is no democracy in the country, which has now turned into a police state where the police obstructs a peaceful *hartal*. He further added that their workers were not even allowed to stay on the footpath and warned that such actions would compel them to resort to longer *hartals*.

Without doubt, a senior politician has spoken quite pejoratively of the law enforcement actions by saying that the country has been converted into a police state. According to Oxford Dictionary, a police state would mean a "country controlled by political police, usually a totalitarian state."

The expression is quite clearly derogatory. Therefore, if one has to agree with the aforesaid observation, then we have at hand an alarming scenario. The question is, are such alarmist statements a logical outcome of our intolerant and confrontational political culture; and by extension its unwholesome impact on the law enforcement norms and practices?

If we retrace our steps we would sadly find that howsoever eloquent our political class may be on the issue of freedom of speech and assembly of movement, they can be the worst of autocrats, in that, under a clear democratic dispensation the government of the day would not allow an assembly and protest gatherings of the opposition party to venture beyond the immediate confines of party office.

From the law enforcement's angle,

the above situation is often confounding as the authority would not issue prohibitory orders but would transmit verbal instructions to virtually quarantine the protesting elements in a limited space. This is the unpalatable experience of preceding years.

On the issue of peaceful protest actions and the legality of preemptive police responses in the instant case, one may recollect that on June 4, 2011, in Dhaka metropolis alone, a total of eleven trucks and a taxi cab were torched. Have these incidents com-

hold of public roads and places and maintain it.

The point to note is that very few felt ashamed as politics in our parlance acquired a pejorative connotation by the fact of its manifest association with conflict and violence. Our society has been undermined by the stimulation of politics based on division and acrimony.

Cynical observers of our social scene have a viewpoint that there is a functional utility of violence for politicians. We need to prove them wrong.

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pelled police to take preemptive actions the following day?

From the point of law, it is quite pertinent to note that Section 149 of the Criminal Procedure Code states: "Every police officer may interpose for the purpose of preventing, and shall, to the best of his ability, prevent, the commission of any cognizable offence."

Section 151 of the same Code says: "A police officer knowing of a design to commit any cognizable offence may arrest, without orders from a Magistrate and without a warrant, the person so designing, if it appears to such officer that the commission of such offence cannot be otherwise prevented."

Even if one did not take note of the intent of the protestors and the maintainability of police actions, one has to admit that in a highly charged situation there is a desperate and frantic bid to defy the authority. Breaking the ban or being able to defy the quarantine is considered a very important achievement. The criminally disposed elements are no small players in the game where the imperative need is to take

The problem in the enforcement parlance has been that the real interests of the State were allowed to get diluted and mixed up with the interest of the government of the day. Our politicians did not display adequate understanding of the demarcation between the State and government's interest. The deficit adversely affected enforcement professionalism and consequently interests of the State often took a back seat; providing increasingly greater space to narrow partisan considerations.

On account of the above dilution, our intelligence agencies maintain files and shadow the leaders of pronouncedly constitutional politics-oriented parties belonging to the opposition who are recognised partners in the supposedly edifying act of politics.

At some point of time when such opposition party assumes power, there is an uneasy relationship between the political leaders and the professionals.

The question is: Are we passing through an illiberal phase of democratisation? Is our intolerant political con-

duct reflective of an immature political culture wherein politics has been a game in which winner takes all in a zero-sum format?

In our environment, political divide and rivalry often degenerate into personal enmity and infuse an unhealthy element of acrimony that leads to violence. The pressure on law enforcement apparatus could be well imagined.

It needs to be noted that a police officer in Bangladesh often comes across conflicting situations when he finds that he has to enforce directives which are not strictly legal and which the public wishes that the police would discreetly ignore.

Fulfilling public expectations and living up to its organisational role pose a difficult and stressful situation. Inadequate deliverance by political actors has meant demonstration of arrogance by incumbents to somehow stay in power; along with the fierce and desperate manipulation by the opposition to grab power.

In such a scenario, the people are kept on the tenterhooks, and the process carries within itself multi-dimensional enforcement and security implications.

Bangladesh was a product of a freedom struggle. It had adopted a written, liberal democratic Constitution but retained the colonial administrative, police and judicial structures without recasting them to meet the changed situation.

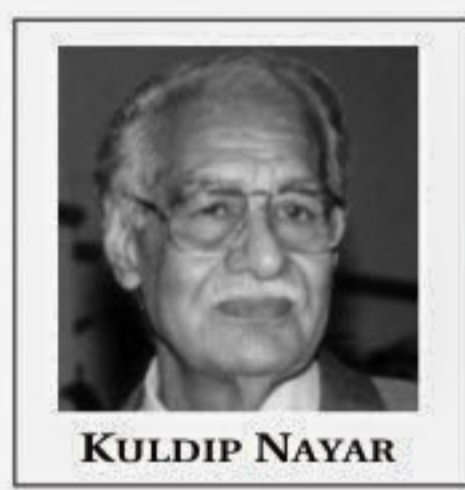
The colonial-repressive character remains to ignore justified demands for changes in tune with the provisions of our Republican Constitution.

Our leaders have to prove the cynics wrong by not remaining enamoured of the trappings of the colonial system, and demonstrably exercising authority and power; bearing in mind their own demand of yesteryears for far-reaching administrative reforms.

Muhammad Nurul Huda is a columnist for The Daily Star.

## BETWEEN THE LINES

# Prime minister is fed up



KULDIP NAYAR

**T**HE terrorist and the policeman both come from the same basket. This was proved again at Delhi this week when a

religious leader, Baba Ramdev, was fasting before thousands of his followers. Policemen of different organisations belonging to the centre and the states came like tons of bricks on the sleeping crowd and dispersed them, using even tear gas. The Baba was physically removed, leaving many injured, some seriously.

All this happened at midnight on the lines the British would do. The demand was that the government should promulgate an ordinance to declare the black money stacked by Indians abroad as national asset and bring it back. The rough estimate of the black money is more than Rs.280 lakh crores. Getting back the money may be somewhat difficult because foreign banks and their governments have to be involved. President Barack Obama, however, made it easy by freezing in US the assets of Switzerland, a haven for unaccounted money. He got the list of American nationals having money deposits in Swiss banks within 48 hours.

It is obvious that the ruling Congress would not go to that extent because some of its own stalwarts in the party and the government are reportedly involved. But if the party has nothing to hide or fear, it can declare the money stashed abroad as national asset. The country has seen how kickbacks from the Bofors gun deal were never brought back. So much so that even the go-between Italian businessman, Ottavio Quattrocchi, was allowed to go out of India when numerous charges were pending against him. Obviously, he had the protection of the Congress.

When the matter of corruption has

come to the fore again, the government is found evading the issue. It feels that political rhetoric or brutal force would suppress the demand. And what it has done is to swing public opinion in favour of Baba Ramdev. His credentials were being doubted and he looked like he was wearing communalism on his sleeves.

When the BJP and its mentor, RSS, threw their weight behind him, people began to distance themselves from the Baba. When the police action followed, doubts about him receded into the background and the police methods became the topic of debate. The dutiful prime minister again came to the rescue of the police by saying that the

action was "unfortunate but inevitable." Since when has lathi-charging peaceful demonstration become "inevitable?" Why couldn't it be avoided?

One, a peaceful demonstration is guaranteed under the constitution. We won independence through *sat-yagraha* and such other non-violent methods. Two, must police action be conducted furtively in the middle of the night? And should tear gas be used on women and children sleeping in the *panda*?

Manmohan Singh and Kapil Sibal, a major *domo* of the government policy against corruption, are nice people. But why do they change when they occupy their chair in the government? Why do they behave like rulers when the democratic system enjoins upon them to be elected representatives?

Another thing which the police action has done is to bring the agitation of Baba and the Gandhian Anna Hazare on the same page. The latter had to

defer talks with the government on the establishment of Lokpal (ombudsman) to supervise the machinery to eliminate corruption in high places. Again, Sibal was indiscreet in his remark that the government would go ahead with the drafting of the Lokpal bill even if the Anna Hazare team, representing civil society activists, does not participate. They have never talked about the boycott. Why does the government behave in a manner that reflects arrogance? They are people's servants, not the masters.

The CPI has woken up to the question of sanction behind talks between the government and civil society. The party cannot appreciate that there can be movements outside trade unions and kisan sabhas (congregation of farmers). Civil society matters and the Left parties have ignored it to their peril. In fact, the CPI (M) is reading the situation realistically because it has condemned the police action.

When it comes to tackling the agitations, the government is clueless. The Congress comes to abuses and the government resorts to force. See in comparison the reaction of the Anna Hazare team. It asks for permission to go on fast and when one site is not given it chooses another with the approval of the police. Thousands collected there in support of Hazare. Had police lathi-charged the peaceful participants in the fast, the authorities would have faced the same situation they did where the Baba fasting was disturbed at midnight.

However, the question before the nation is corruption, neither Anna Hazare nor Baba Ramdev. They have

only articulated the debate. The government looks like clouding the real issue by resorting to diversionary tactics. There may be some more scams which it is trying to hide. It is difficult to say with certainty who among the ministers or the Congress leaders have not stashed away their "commissions" abroad. Belatedly, the prime minister has asked his ministerial colleagues to declare their assets and business connections, along with statements by their spouses and near relations.

The anger against the government for not taking up charges of corruption and black money earnestly is so high that you can taste it. The Congress would lose heavily if elections were to be held in the next few months. Since there does not seem to be an acceptable proposal emerging on fighting corruption, the country is relentlessly pushed towards fresh elections. Probably, there is no way out.

Had the constitution been amended, as former Chief Justice M. Hidayatullah had suggested to provide for a referendum, the present crisis could have been averted. The matter could have been referred to the people through a referendum and a decision arrived at one way or the other. But the Congress is behaving as if it does not owe any explanation to the nation. This attitude does not help.

The movement against corruption may take such a dimension that the government may find it difficult to cope with. I believe the prime minister is fed up, and says that "he had enough of it." By threatening to resign, he may be able to jolt the party from its slumber. But the manner in which the Congress has distanced itself from the government makes me suspect something ominous. Manmohan Singh was not invited to a recent meeting of top Congress leaders and ministers to discuss the fallout of both fasts. Congress President Sonia Gandhi, who presided over the meeting, is mum. She has to take a stand. The loss is that of her party.

Kuldip Nayar is an eminent Indian columnist.

## Disturbance in RMG factory

### Stop recurrence of the menace

**U**NREST in RMG factories, which results in damage of the factory and street vandalism, has become a recurring feature in Bangladesh and which, regrettably, has assumed menacing proportions. The latest of these incidents occurred on Thursday last in the capital. The reason we are told is because the said factory was locked out, and the agitated workers, finding it so, ventilated their anger. And the victims were not even remotely related or responsible for their woes.

The consequence was scores of injuries including to policemen and damage to many public and private vehicles; and Begum Rokey Sarani remained closed to traffic for several hours. What is most reprehensible is that they damaged a garment factory next to it because its worker refused to join them.

There is something very wrong with our psyche that prompts us to violence in settling disputes or ventilating our grievances. The RMG sector, unfortunately, has been the worst victim of this phenomenon. A very random survey would give one a very dismal picture in this regard.

As we understand, the garment factory in question was shut down on June 1 first but was reopened last Tuesday and trouble arose when the owners refused to withdraw termination orders of some sacked employees.

It is only natural that in an enterprise there would be issues between the workers and the employees, for many reasons. But while in most sectors there are mechanisms to address these issues, and which is done through the representatives of the owners and the workers, in the RMG sector that particular mechanism is virtually non-functional, wherever and what little of it that exists.

But, unmet demand of the workers notwithstanding, it defies logic that they would set upon the very factory they work in, as have happened in the past, and come on to the streets and indulge in senseless violence.

While we call upon the management to ensure that all the dues of the workers are timely met, we must remind the labour leaders that it is they that must prevail upon the workers to abjure violence. Destructions do more harm to the interest of workers in the long run.

## NGOs in development

### Help them work smoothly

**T**HAT most of the NGOs have been playing an important role in the country's socio-economic uplift hardly needs an elaboration. These have been playing key role in micro credit financing; health sector; non-formal education; rights issues; environment and other related social development fields, enabling the marginal classes to engage in national development activities. In fact, major NGOs are supplementing the government in its efforts to accelerate socio-economic development programs.

Speakers from a few leading NGOs of the country at a discussion meet in Dhaka expressed fear of gradually losing space of work due to hassles facing them through interference by certain government agencies. They observed that when NGOs deliver service they are good to the government, but when they speak of people's rights, they invite wrath.

They further accused the government of trying to establish unnecessary control over the NGOs. They also alleged that previously the NGOs used to be accountable only to the NGO bureau, but now they are obliged to submit reports to six government agencies. They observed that it is now tough to obtain intelligence clearance to open an NGO. Although we cannot underplay the need for regulations, we urge the government to see that they are sensibly dealt with.

We have heard of mere signboard NGOs and NGOs with dubious agenda and those with alleged questionable funding sources. Such organisations have been tainting the image of the good ones. By all means authorities must discourage lack of transparency in NGOs but those with established reputation should be treated with respect.

The government needs to rationalize its NGO policy. It should have an integrated monitoring system under a single body, instead of delegating power to different bodies. Weak supervising policy and conflicting attitude of some quarters in the government will not help matters. The government must look upon the NGOs as trusted associates and partners in progress.

## THIS DAY IN HISTORY

June 11

**1938**  
Second Sino-Japanese War: The Chinese Nationalist government creates the 1938 Yellow River flood to halt Japanese forces. 500,000 to 900,000 civilians are killed.

**1942**  
World War II: The US agrees to send Lend-Lease aid to the Soviet Union.

**1963**  
American Civil Rights Movement: Alabama Governor George Wallace stands at the door of Foster Auditorium at the University of Alabama in an attempt to block two black students, Vivian Malone and James Hood, from attending that school. Later in the day, accompanied by federalized National Guard troops, they are able to register.

**1963**  
Buddhist monk Thich Quang Duc burns himself with gasoline in a busy Saigon intersection to protest the lack of religious freedom in South Vietnam.

**1968**  
French student rebel arrives in UK. French student rebel leader Daniel Cohn-Bendit arrives in Britain stirring up fears of campus unrest.

**1987**  
Thatcher wins record third term. Margaret Thatcher declares she is "raring to go" as she wins a record third term as prime minister.