

STRAIGHT LINE

Public order, politicians and police

Get a hold on the state agencies

The PM must set the tone

SOMETIMES state agencies step out of their defined terms of reference, which can create havoc for the state. And that can happen under several circumstances. One, if they are left alone to their own devices, or, secondly, if they are used for partisan purposes. And if the agencies happen to be those that are reposed with the responsibility for the security of the state, their actions may spell disaster for the state, if left unchecked.

And we have in hand the examples of two apex intelligence agencies gone awry, either under higher direction or on their own volition, and neither condition speaks much about the capacity of the government of the day to control and direct their functions.

One is greatly distressed to learn the alleged complicity of the two agencies in two most dangerous incidents related to law and order and security of the state, which undoubtedly, had the potential for serious consequence for Bangladesh; the August 21 bomb attack could have created an irrepressible internal upheaval in the country, and had the arms intercepted at Chittagong port found their way to their destination, it would have further destabilised the already unstable eastern neighbourhood of ours, and we would not have been spared the inevitable fallout.

What we have witnessed in the two instances are effects of blatant politicisation of state agencies. It is regrettable that with an already heavily politicised bureaucracy we now have security agencies whose assets had been misused for partisan purposes. And no one seemed to have been concerned about the consequences of such ill advised actions on the state.

We can hardly countenance a situation where those that are supposed to provide security to the state become the cause of its insecurity. And this is perhaps the right time to focus on the intelligence agencies and their operation.

We recall the stance of the PM on politicisation of state machinery while she was in the opposition. Regrettably, there has not been any change in the situation. We would hope that, given the revelations, the matter of employment, direction and control of these agencies would receive the PM's unmitigated consideration.

Reckless abuse of power

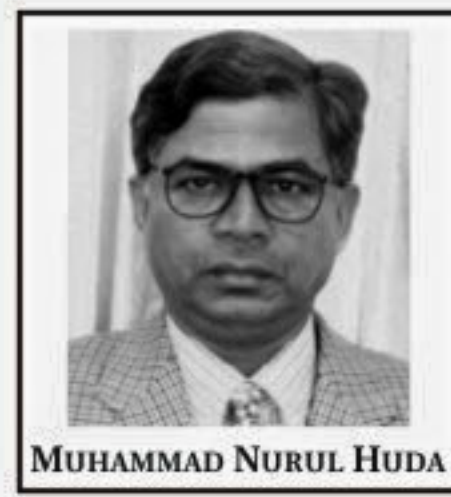
Shame of a lawmaker!

FOR the Member of Parliament from Cox's Bazar-4 constituency there seems to be no lid on his use of muscle power, right, left and centre. And if anyone wants to point to this trait of his, he might just get the stick.

This is our lawmaker, a member of the ruling party, almost always under the microscope but oblivious of public sensibilities. Law is a plaything to him. The lowdown of the incident is that Baharchhara union Ulama League General Secretary went to Shamlapur High School on Sunday to occupy the playground of the school. Any open land is always up for grabs. The headmaster of the school, local AL leader and influential people protested. The Ulama League General Secretary complained to the MP saying that the headmaster prevented them from setting up local unit office. How dare the headmaster refuse a facility for the ruling party's progress!

The headmaster alleged that the MP called him and bashed him up before handing him over to police. A local AL leader, reportedly, was also beaten up as he came to rescue the headmaster. Quite a serial beating! But they are not the only ones to feel the wrath of the lawmaker's stick or the fist, for that matter. Allegations are endless against the lawmaker; he had earlier assaulted a magistrate, an engineer, a lawyer, teacher, and some district officials too. So basically, whoever stands in his way, smite him. The question that begs answer from the authority: how could he have committed these excesses with impunity for so long?

In these days of media activism and human rights advocacy, it is a surprise to see such absolute disregard for law and decency continue without him being held to account for his misconduct. As a lawmaker, he cannot take law into his own hands. That is the lesson that top brass of the rul-



MUHAMMAD NURUL HUDA

PHOTOGRAPHS of the assaulted opposition chief whip that appeared in newspapers are undoubtedly unfortunate spectacles that

speak of the aberrations in the law enforcement culture. It is, however, heartening to note that the speaker of the parliament has been quick to express his unhappiness at the police action and has promised to write to the home ministry to enquire into the matter in order to take appropriate actions.

The home minister has assured to look into possible excesses and fix responsibilities. The state minister for law has condemned the assault of a member of parliament by police officers.

This writer is not in agreement with those who say that the chief whip provoked police action by furiously attacking and swearing at the law enforcers and also abusing them in unprintable words. The reasons are obvious as police in a democracy shall remain restrained in the face of provocation and when required apply only force as and when necessary and legally permissible to accomplish their lawful duties.

The exact nature and extent of the police's suspected delinquency in the instant case would be clear following the enquiry that has reportedly been ordered. It might be relevant to ascertain if the protesters, which included lawmakers, were actually violating a prohibitory order on assembly in the precincts and periphery of parliament in session. Such statutory order as per provisions of the Dhaka Metropolitan Police (DMP) ordinance is a long-standing practice.

While we will have to wait to know the actual incidents, we need to remind ourselves that this was not the first assault of a high profiled politician by law enforcement personnel during a highly charged public-ordered situation.

In the not-too-distant past prominent politicians, including the former home minister, were subjected to assault in public places by police personnel too.

Under the above circumstances, it would appear reasonable to presume that

the enforcement practices may have been instrumental in fostering highhandedness. A principal regulatory organisation like the police cannot remain unimpacted by political stewardship. Therefore, one needs to look at the police organisation and our socio-political reality.

The first purpose of our near paramilitary police force is to support the state; therefore their primary role being a political one. The state is supreme and the major adversaries of the police are the political activists.

Supposedly, we live in a liberal democracy, with major emphasis upon individual freedom; upon the rights of individuals as they choose, provided that their actions do not interfere with the liberty of others to act as they choose. This needs to be kept in mind in the backdrop of our *hartal* scenario.

We need to remember that the British Empire prided itself on its civil engineering and fair administration rather than its legal system; and there was no attempt to

tion of political power by allowing unequal rights to political protest; the use of coercive measures to inhibit the forces of political change and opposition; and direct police involvement in the political process,

- Visible lack of autonomy from the political system,
- An absence of effective mechanism of public accountability,
- Relatively unrestrained use of force, and
- Polarisation of attitudes towards the police and their conduct.

The police in transitional societies like ours often appear as disconcerting spectacles of hapless meat in the sandwich, squeezed by the intransigence of two opposing groups; compelled to use force to implement whatever decisions they take.

Bangladesh today witnesses the politics of violence, which means resorting to physical violence to promote a political objective as well as violence of politics. In effect this means violence slowly creeping

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promulgate the principles and practice of English law throughout the empire including the Indian sub-continent.

It is quite logical to evince interest in the tactics chosen by the police to achieve what is perceived as a questionable goal; and the general relationship between police and the public always carries the risk of degenerating because of what is perceived as unnecessary or over-active postures to enforce a law. The police have both the compliment and difficulty that they are seen as having discretion in applying laws which they did not make.

It is relevant to note that in the sub-continent one may describe it as a near colonial policing of divided societies. In a divisive society where divisions appear as fundamental, real policing can be affected by the following deviations:

- There will be instances of selective enforcement of the law in favour of the dominant group,
- There will be political partisanship in upholding and enforcing the distribu-

into the institutional structure of politics. However, our liberal ideology does not take note of the existence of violence of politics. The predicament of police in such a situation has to be appreciated.

It needs to be understood that while security of the state is important, it often exceeds the limits of legitimacy and indulges in unacceptable levels of violence. The state at times becomes provider and predator of security, a dimension which needs to be examined while evaluating police responses.

For our rulers, reforms in police practices have been a low priority. Consequently, our inherited system has been expanded and strengthened and continues to perform its repressive role and political surveillance functions at the cost of its proper role. There are not enough incentives to act in a non-partisan manner.

Policing in all countries is politically partisan to some extent and portraying police as neutral arbiters in public order

situations could be misleading. Our problem relates to the fact that the governing elite of a supposedly decolonised society has decided to retain the inherited police organisation, often ignoring the justified demands for change. There are still visible marks of control, coercion and surveillance over the people.

The questions is: Are our leaders disproportionately enamoured by the administrative and police system left behind by the colonial power, and more occupied in exercising and enjoying power and authority oblivious of their own demand for far-reaching administrative reforms?

The norms that should govern the relationship of the party in power, the individual politician and the police have still to be developed. The development of these norms is connected with the larger question of accountability.

Bangladeshi society remaining afflicted with divisive tendencies is unable to come up with a consensus on major national issues. There are contrary views on these 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.

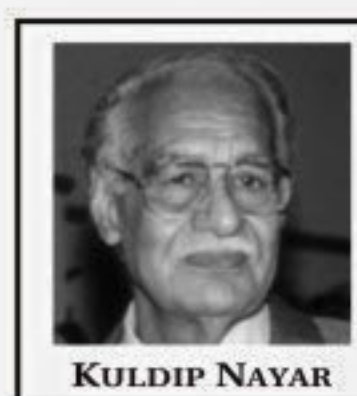
Expecting our policemen, belonging to a predominantly reactive environment, to behave in a phlegmatic manner would be wishful thinking. However, notwithstanding recent pressures we have to live in a society which wishes to be a liberal democracy, and the police have to be committed to policing in an appropriate style for that aim.

They must be prepared to use legitimate and requisite force on occasion. The distinction between society and state and between state and government needs to be appreciated. Policing has to be the professional imposition of a coherent moral consensus on the society.

The writer is a columnist for The Daily Star.

BETWEEN THE LINES

Mere storm in a tea cup



KULDEEP NAYAR

WE must reckon that at least 25% of the population of Bangladesh swears by the Jamaat-e-Islami and they are very anti-Indian and

they are in the clutches, many times of the ISI." These words by Prime Minister Manmohan Singh are part of the record that his office has released on his informal talks with five editors a few days ago. Why a cautious person like him should be so indiscreet is beyond me and why the PMO has uploaded this portion of talks on the prime minister's website leaves me confounded.

One, the following of the Jamaat-e-Islami is not one quarter of the Bangladesh population. In the last general election, the party was routed. Two, how has the prime minister come to the conclusion that all members of the Jamaat-e-Islami are anti-India? They are fundamentalists, no doubt, but every fundamentalist is not anti-India. The Jamaat has justifiably protested against the remark.

I have always held that the chiefs of IB and RAW who daily brief every prime minister are seldom accurate in their assessment. I cannot imagine that he would have spoken about the Jamaat without their inputs. Their sources are dubious. I have had an unhappy experience of RAW and IB when I was India's High commissioner at London.

The entire blame comes to the PMO which released the recorded talks without listening to them beforehand or reading the transcript. The office is meant to correct the version which might carry some words of prime minister that he spoke at the spur of the moment. He could not have meant the remark in the way it is being taken in Bangladesh. This is the reason why he has rung up Prime Minister Sheikh Hasina and why the ministry of external affairs has offered the Bangladesh government an apology.

In fact, the five editors who talked to him for an hour have been more discreet before the media on what the prime minister said. Even in their writings they have avoided anything controversial, if there was one. They were sensitive to what their writings might convey because there was no official briefing. Probably, they were conscious to avoid the criticism of the prime minister. The remark on the Jamaat fell in that category.

The PMO realised its mistake but too late. After uploading the record of talks on the website, which remained for 30 hours, it withdrew the portion referring to the Bangladeshis. The damage was done because the Bangladeshi media had gone to town on the prime minister's remark.

The prime minister, tense as he is these days, is obviously under pressure. He is fighting against the opposition, the dissidents within his own party and the carping of the coalition partners, some of whom are flirting with the opponents. That he said what has been attributed to him should not indicate that he is helplessly dependent on a few in his office.

His only blunder is that he does not pursue his own instincts as the scandal on 2G spectrum in the ministry of telecommunications has proved. It is a welcome report that there will be wholesale transfers in the PMO. In fact, it needs to be pruned. Ms. Indira Gandhi expanded it unnecessarily because of the type of government she ran.

Naturally, the diplomatic circles are shocked because they do not expect such remarks coming from Prime Minister Manmohan Singh who is mature and an

international figure. India has a standing in the world and every word it says and the action it seeks is taken seriously, particularly least by the neighbouring countries.

Bangladesh Prime Minister Sheikh Hasina is doing everything in her power to come closer to India. Prime Minister Manmohan Singh has himself acknowledged that "Bangladesh government has gone out of its way to help us in apprehending the anti-Indian insurgent groups which were operating from Bangladesh for a long time."

Prime Minister Sheikh Hasina has given the much needed transit facilities to India to reach the states in the North East more quickly than it did because the goods had to be carried on a road which ran zigzag to circumvent Bangladesh

The opposition leaders in Bangladesh, as it happens all over the world, react to certain situations to reap political dividends. But to dub them or a portion as anti-India is neither fair not correct.

h. She has taken a number of steps to bring the two countries nearer economically. Indeed, the prime minister's remark must have come as a shock to her.

Yet Bangladesh reacted in a mature manner. It summoned to the foreign office India's high commissioner at Dhaka to tell about New Delhi's version on the goof up. He reportedly assured that India's relations were far deeper to be affected by a remark here or an indiscretion there.

Nonetheless, Prime Minister Manmohan Singh's words have come in handy to the Bangladesh Nationalist Party (BNP) and other opposition elements which were only waiting for an excuse to take people on the streets. They want to put a spanner in Sheikh Hasina's efforts to straighten things internally and with foreign countries, including India. Not

everything she does is correct but that is her domestic problem, not ours.

Sometimes I have wondered whether there is a clique in the PMO which is purposely trying to blacken Manmohan Singh's face. Even the formation under which the five editors were called was ill-conceived and ill-executed. It was a subjective selection by PM's press adviser who did not think in detail how to meet the public demand for a more communicative PM. It is a natural corollary to the prime minister's own promise that his government would be transparent.

Like so many other things in this government, this blunder by the PMO will too go unaccounted. Nobody will be held responsible because the PM has the reputation of being a soft person. He has seldom taken any action against the person who has made a mistake. Even in the matter of corruption, he has been forced to remove former Telecommunications Minister A. Raja and former CWG chairman Suresh Kalmadi

Yet it would need a lot of explaining to the people in Bangladesh because they are far from pacified by New Delhi's apology or the announcement that Prime Minister Manmohan Singh will visit Bangladesh on September 7-8. The Bangladeshis are not an anti-India lot and they nostalgically recall the time when the Indian army fought by the side of *Mukti Bahini* during the Bangladesh war.

The opposition leaders in Bangladesh, as it happens all over the world, react to certain situations to reap political dividends. But to dub them or a portion as anti-India is neither fair not correct. But then such are the inscrutable ways of the PMO which claims to be the custodian of Prime Minister Manmohan Singh's reputation.

The writer is an eminent Indian columnist.

THIS DAY IN HISTORY

July 9

1755

French and Indian War: Braddock Expedition British troops and colonial militiamen are ambushed and suffer a devastating defeat by French and Native American forces.

1793

The Act Against Slavery is passed in Upper Canada and the importation of slaves into Lower Canada is prohibited.

1815

Talleyrand becomes Prime Minister of France.

1816

Argentina declares independence from Spain.

1868

The 14th Amendment to the United States Constitution is ratified guaranteeing African Americans full citizenship and all persons in the United States due process of law.

1948

Pakistan issues its first set of Postage stamps, bearing images of the Constituent Assembly, the Jinnah International Airport (Quaid-e-Azam International Airport), and the Shahi Fort.