

BOTTOM LINE

Religion-based political parties and the Bangladesh Constitution



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ON June 30th, the Bangladesh Parliament passed the 15th Amendment to the Constitution, and it was signed by the President on July 3rd. The Constitution now

comes into effect with the assent of the president.

The Constitution of 1972 has gone through 14 amendments, the last of which was adopted in May 2004.

The 15th Amendment to the Constitution brought 55 changes, some of them reversions to the 1972 constitution, following the judgment of the apex court on the illegality of the fifth, eighth and thirteenth amendments.

The opposition party BNP boycotted not only the sessions of the Parliament when the 15th Amendment was passed but also the deliberations of the special parliamentary committee on constitutional amendments.

One of the amended ones is Article 12, which prohibited religion-based politics. The question is whether a political party's name with the words "Muslim" or "Islamic" or "Hindu" or "Christian" is prohibited under the constitution.

The answer to the query is in the negative

because it is not just the name of the parties that matters.

What matters is whether a political party wants to change the structure of the constitution and laws of a state on the basis of a particular religious set of guidelines. In such circumstances, it is considered using religion for political purposes and is counter to the Constitution of Bangladesh, which is a multi-lingual, multi-ethnic and multi-religious state.

When political parties in their manifestoes want to change the structure, system of government, judiciary and laws of a state in accordance with the principles and beliefs of a particular religion among multi-religious citizens, people of other faiths in such a state perceive gross discrimination on the basis of religion. Such discrimination is arguably untenable under the Bangladesh Constitution.

In many European countries, political parties have prefixed the name of a religion, such as Germany's Christian Democratic Union and Christian Union in the Netherlands. In Pakistan, it is Muslim League, and there are parties with Hindu names in India.

Although many political parties in

Europe have prefixed the word "Christian," there appears to be no intention to change the basic structure of a state's existing structural system and laws on Biblical doctrines.

The word "dharmairekhopata" (religious pluralism) is to be distinguished from non-involvement with religion. Religious pluralism implies governmental engagement with religion for the purpose of treating all religious groups fairly, equally and

strates that commonality of religion could not hold back the Pakistani soldiers from committing such nefarious crimes.

Religious pluralism is a golden thread running through the Constitution that was adopted on November 4, 1972. The concept of freedom of religion is further stipulated in Article 41 of the Constitution, which is as follows:

"(1) Subject to law, public order and morality:

(a) every citizen has the right to profess, practice or propagate any religion;

(b) every religious community or denomination has the right to establish, maintain, and manage its religious institutions

(2) No person attending any educational

institution shall be required to receive religious instruction, or to take part in or to attend any religious ceremony or worship, if that instruction, ceremony or worship relates to a religion other than this own." Article 41 is founded upon on religious pluralism. In Bangladesh, people of various faiths are deeply religious, and the most devoutly religious people are also the staunchest defenders of religious pluralism.

Bangladesh, despite a few extra-constitutional bumps on the road, has been very successful in keeping harmony among people of all faiths, which is consistent with the long-standing political and cultural history of the Bengali people.

Recently, a Vatican leader Cardinal Jean-Louis Tauran, during his visit to this country, expressed happiness that Bangladesh could be considered "as an example of how it is possible for people of different religions to live together, cooperative together and simply be together."

He tried to ascertain the reasons for such an extraordinary characteristic of Bangladesh. He posed questions: "Is it based in Bengali culture? Is it based in constitutional realities? Is it based in the history of the country? Is it based in the realm of religions themselves and in particular in Islam as it exists and is followed here? I leave the answers to those to experts."

Given the foregoing paragraphs, one may argue strongly that if a political party uses religion for political purposes, meaning when it wants to change the basic structure, laws and judicial system of Bangladesh on the basis of one religious doctrine to the exclusion of other religions or faiths, it is counter to Article 12 of the amended constitution.

The writer is a former Bangladesh Ambassador to the UN, Geneva.

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equitably, while non-involvement implies governmental isolation from matters of religion.

It is argued that in the background of festering and destructive communal politics in British India, religious pluralism and Bengali-language based nationalism constituted the spirit of the Liberation War of 1971. The fact that Pakistani Muslim soldiers committed crimes against humanity against Bengali Muslims in 1971 demon-

STRAIGHT LINE

Of sustainable police reform



MUHAMMAD NURUL HUDA

CYNICAL observers of our socio-political scene may entertain the doubt that in the current charged-up political climate

there are very few sympathetic ears that would be willing to hear a erudite and professionally competent deliberation on police reform, sustainability apart. Despite the reservations of cynics, there are optimists who would, in public interest, continue to harp on the imperative of crucial police reforms in our democratic polity.

In a scenario as above, it was quite heartening to hear about the commencement of a three day conference (July 19 to 21) styled as "Sustainable Police Reform in Bangladesh -- From Global Experiences to Local Strategies." The UNDP and the government of Bangladesh-sponsored police reform programme is the sponsor. The objective of the conference is to highlight modern policing practices so that Bangladesh police is enabled to provide quality service in tune with the contemporary policing methods.

Experienced police professionals from different continents alongside Bangladeshi colleagues are expected to deliberate on the following four thematic areas:

- Organisational reform -- responding to contemporary challenges;
- Enhancing serious crime investigations -- responding to contemporary challenges;
- Community policing -- sustainable implementation;
- Responding to human trafficking and other emerging crimes.

As one can see the emphasis is on learning from the experience of others that are relevant to the Bangladeshi context. The conference is likely to benefit the functionaries in Bangladesh police and the wider Bangladesh Civil Service.

It would be worthwhile to recollect that the three main driving forces behind modern police reform, as recognised globally, are:

- Community policing;
- Technological progress and;
- Professionalism and accountability.

The above three areas together form a solid foundation for supporting a new policing style capable of reach-

ing all levels of police structure, from senior officers and managers to frontline officers, who are the daily face of police to the community.

It may be relevant to remember that our police organisation, which owes its creation to the "The Police Act" of 1861, was principally aimed to administer a static, immobile and backward rural society living in villages and small towns. It envisages exercise of authority without local accountability. It presupposes a society without any constitution, basic and fundamental rights, organised public opinion and mass-media projecting and agitating the public interest.

The areas that would need priority attention for transforming police into a public-friendly service-delivery organisation are corruption, inefficiency and misbehaviour with the public.

The overriding objective of the police organisation designed in 1861 was to maintain the stability of the Raj and the same was achieved by placing the District Superintendent of Police under the direction and control of the District Magistrate who acted as the agent of the central government.

Though financial constraints have been a stumbling block for police reforms, it is actually the influential sections within the ruling elite that have always obstructed the reform initiatives. Even the non-financial recommendations continue to await right intervention to resurrect them from the cold storage of police commission reports. The inability of top police leaders to resist organisationally debilitating extraneous pressures and to bring about the attitudinal change in the rank and file in areas of some basic police functions, are other significant impediments to police reforms.

The areas that would need priority attention for transforming police into a public-friendly service-delivery organisation are corruption, inefficiency and misbehaviour with the public.

The extortion-based relationship between the people and police has to be altered because that ensured political control of and obedience to the colonial government. Corruption has to be fought because this disease has meant less and less faith in the system, thus leading to vigilante action. There is also decreasing faith in resorting to the legal recourse for resolution of disputes.

Oppressing working conditions and non-availability of elements of a positive work ecology along with low pay has to be dealt with seriously. The opportunity cost of being corrupt has to be very high so that policemen generally do not have to accept bribe.

An efficient and credible performance appraisal system linked with an adequate and transparent reward and punishment mechanism is the other important area which should engage serious reform efforts. In fact, a punishment and reward based system would be crucial and critical to achieving the goal of minimising corruption. Strong accountability mechanisms coupled with attractive compensation policies would be essential elements of a corruption reduction system.

The civil society's role in initiating an informed debate on contemporary police-related issues, including political interference in police matters, and in arriving at the right reform package is very important. Citizen groups can also contribute toward education and awareness programmes on critical aspects of police reforms. Their role in making the members of Parliament act in support of necessary statutory changes is equally important.

A considered view is that with new initiatives such as drafting of the new police law, police training reform, development of community policing approach, publication of gender guidelines and addressing of the gender balanced within the organisation, the main challenge now is to ensure that these and other reforms 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 also protect their rights.

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Chaos in South Asia: Implication for Bangladesh

M. MIZANUR RAHMAN

THERE has been another terrorist attack in Mumbai, the commercial capital of India. Three near-simultaneous explosions have shaken the city. The timing of the serial blast is significant as it comes barely a fortnight before India and Pakistan engage themselves in yet another round of talks.

In 1993, 257 people were killed and 700 injured in a series of 12 bomb blasts across Mumbai. The city suffered four bomb attacks during 2003, including twin blasts on August 25, which killed 52 people. In 2006 and 2008, hundreds of people were killed and Islamist militants were blamed.

Again, in May this year, the Pak Institute for Peace Studies (PIPS) said that in Pakistan 665 people were killed and around 698 were injured in various incidents of terrorism, sectarian strife, nationalist insurgent attacks and incidents of ethno-political violence. Meanwhile, in Afghanistan terrorism-related incidents left as many as 1,007 people dead and injured 201. In India as many as 113 people were killed and 88 were wounded. Kashmir witnessed 20 casualties including 17 fatalities and 3 injuries.

Strategically, this region is a very crucial one in world politics and there is the possibility of both types of chaos -- internal and external -- though these two are somehow rooted in one place. For the Taliban militants, the haven of Afghanistan and Pakistan is gone, but now the headache of world politics are two rising economies -- India and China -- where it is not possible for the US to intervene. And when external interventions are not possible, two weapons are left -- creating chaos within the countries and making them fight against each other. And in near future if we see turmoil in this region, it will not be abrupt but deliberately created.

My question is, what will happen to our country if there is any

internal or external problem in any of these countries? Bangladesh, because of its geo-political location, may face a crisis. During conflict and violence, people from affected countries sometimes have to take asylum in neighbouring countries. The World Development Report (2011) shows that the number of refugees and internally displaced persons has increased threefold in the last 30 years. Nearly 75% of the world's refugees are taking shelter in neighbouring countries. We already have had similar prob-

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lems.

The Failed State Index is prepared on 12 indicators, and Bangladesh is in alarming situation in some sectors like group grievance (9.2 out of 10), factionalised elites (8.9 out of 10) and uneven development (8.4 out of 10). There is less inflow of refugee and less external intervention in the country; so, we have scored less in these two cases. In the other 10 sectors, our performance is frustrating.

The South Asian region can be violent for reasons other than the world political economy. It has a very dense population, mixture of people with different religions and ethnicity, cultural and linguistic diversity -- which all can contribute to turmoil and internal conflict in this region. Whether we recognise it or not, the country is not fully free of militants.

Bangladesh is more vulnerable because of its political situation as well, which does not exist in India or Pakistan. If there is any rise of militant activity or any external intervention, the country does not have the ability to fight against it collectively.

In this situation, institutional transformation is very important for Bangladesh. If our policy makers are sincere in transforming the institutions by making them free from all sort of influence those people will gain confidence in those institutions, and the entire populace of the country will be of one stream -- which will help the greater interest for the country. For this confidence building and institutional transformation, national leaders need to take two types of decisions; firstly, decisions for taking both immediate actions and long-term policies, and for launching priority programmes.

But we are lagging far behind. We do have immediate actions and long-term policies. Actually, our governments could never formulate practical long-term policies. And the few such policies they take are not followed up by the later government, rather the newly elected government goes for undertaking some new projects and canceling the previous ones. It incurs a huge loss for the country. At the same time, it is very common in our country that governments fail to prioritise their tasks, which often hinders the development process of the country.

Observing the increasing trend of crime in South Asia, the government should be more conscious in dealing with national policies so that these do not decrease the people's confidence in the state. At the same time, the government should be more strategic in its foreign policy adaptation. In this critical situation, our policy makers need to have foresight for keeping the country safe from both internal and external chaos.

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