

STRAIGHT LINE

Sobering the law-enforcers

Unorganised state of the remittance sector

Giving it an institutional shape is imperative

THE root causes of the overseas migrant workers' plight have again come to the fore through a study conducted by the UN body ESCAP.

Since the entire process from getting job offers in the overseas markets to preparing visas, contract papers and various travel documents is controlled by the manpower recruiting agencies and middlemen, the migrant workers have to pay through the nose at every step. They cannot recover from the huge debt they incur before getting the job and fail to repay it even after completing their contract period. In consequence, the workers overstay causing annoyance to host governments.

The outcome has been very unfortunate. Countries like Malaysia and Kuwait have already stopped recruiting workers from Bangladesh while Saudi Arabia, another big destination of our migrant workers, has cut down their demand for workers from Bangladesh. Such action by the host governments pose declining prospect for foreign exchange remittance inflow to the country.

In absence of a strong institutional mechanism to monitor the recruiting process and look after the welfare of the migrant workers after they land in their workplaces abroad, manpower agents and middlemen driven by profit motive and greed jump in to cash in on the situation.

It is unacceptable that a sector of the economy that provides its hard currency basket with a major chunk of the earning is still largely unorganised. What is the function of the Expatriates' Welfare and Overseas Employment ministry, if it is not to bring the sector under discipline?

While the role of private initiatives in exploring job opportunities abroad cannot be underestimated, it is time government stepped in and provided an institutional framework to oversee the whole process from the recruitment phase until the migrant workers join their work abroad. Capacity building in skill development tailored to overseas demand should be high on the government's agenda.

At the same time, our missions abroad should be strengthened to properly look after the welfare of the expatriate workers. They should do so of their own volition, rather than waiting to be approached.

Laying siege on streets at will

Do protests have to be so public-unfriendly?

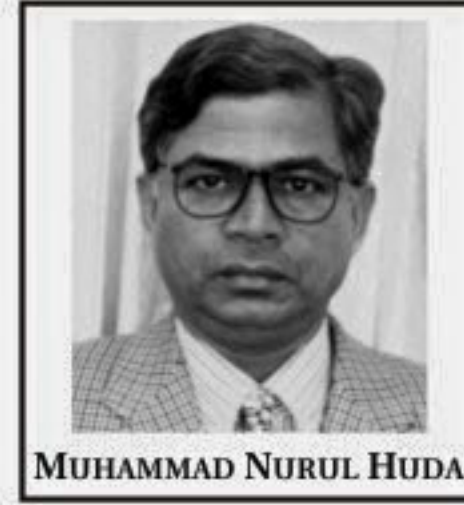
THE backlash of Karail slum evictions on Wednesday led up to a severe four-hour-long traffic congestion across a large swathe of the city on the following day. As if that was not enough of immobility and hardship for city dwellers at peak hours of public movement, another three-hour blockade was staged on the busy Shahbagh intersection by DU students in protest against reported repression of minorities in Sathkhira.

A total of a seven-hour traffic congestion actually meant nearly 10 hours of agonising experience for school-going children, elderly people, office-goers, medicare seekers, and business people caught up in the tailspins.

It is only after higher authorities gave assurance to the slum-dwellers that their problems will be taken up and discussed that they ended their road blockade at 12pm. Similarly the agitating students withdrew their blockade following home ministry's assurances of a probe into the alleged incident in Sathkhira.

On the authorities' side we wonder what stopped them from giving the assurances at the very initial stages of the slum-dwellers' organising the blockade or the university students mounting a protest to the point of calling a halt to vehicular traffic movement. Clearly, the authorities allowed sufficient latitude for the traffic congestion to spread as though in a rapid fire fashion. They were seen to be reactive rather than being proactive with sufficient prior information to prevent the snowballing of the incidents. Thankfully there were no reports of car bashing or destruction of public property, which is a hopeful sign that can be built up on by timely engaging the protesters in a dialogue with a body of people in authority.

As for the protesters, why must they take their wrath out on people who had nothing to do with the root causes of the troubles in the first place? There are peaceful public-friendly options to have grievances mitigated without



MUHAMMAD NURUL HUDA

THE news of a university teacher being badly roughed up by two members of a law enforcement unit is without a doubt upsetting. Firstly, the cause of the altercation was much too silly and the subsequent physical action was unfortunate at the least. The only silver lining in the whole sordid transaction was the quick probe into the matter by the concerned organization, and reportedly the enquiry finds the two personnel guilty of highhandedness and intemperate action.

While one would wait to see the remedial action into the matter, one needs to take a long hard look at the matter in a broader perspective. This is important because the matter relates to the ethos of a law enforcement organisation that cannot be trifled with in a democratic society.

Law enforcers are vested with the authority to use legitimate force against the citizens, but they cannot indulge in unnecessary violence or excessive force. It has to be ensured that they use force and authority with restraint and only in unavoidable circumstances. The society expects them to act in conformity with the law which they in their oath of office promise to respect and uphold.

There is no doubt that without effective means of control the legitimate power to coerce fellow citizens may become corrupted into illegitimate power; thereby rendering the rights of citizenship nugatory. The dilemma is who guards the guardians? This dilemma primarily arises in relation to controlling the discretionary

actions of individual enforcement functionaries.

In democratic governance, the rules governing law and their enforcement operate at two levels -- internal bureaucratic procedures and legal action. Enforcement officers are subject to internal rules governing how they conduct themselves in addition to rules regarding their relationship with citizens.

plaints and, therefore, willingness to complain should be treated as an indication of confidence in the system for investigating delinquency. In fact, any law enforcement system would urgently require reforms when public confidence is lowest and aggrieved citizens are least inclined to complain. The situation in the sub-continent perhaps bears testimony to that.

marginalised populations are assuming an unsettling proportion. Surely, numbers have bearing on law enforcement.

Satisfaction of the complainant has to be accorded high priority keeping in view his vulnerability. One must recognise that the position of the complainant against the coercive authority remains rather like that of the victim of crime in relation to the criminal justice system. The individual complainant gets lost into a huge impersonal system and his interests become secondary to other overriding organisational goals.

One has to take note that law enforcement deviancy does not occur in a social, political and legal vacuum, but rather in a context that either facilitates or encourages it. One powerful component of that context is the law and how the Courts interpret it. If the disinclination of prosecuting authorities become a manifest through the insistence on production of firmer evidence for implicating the delinquent, then such attitude will allow brutal and corrupt enforcement officers to escape punishments in conditions where others would not be so fortunate.

Law enforcement occurs in relatively invisible circumstances and the people coming into contact with them are largely powerless and marginal. There is also good reason to doubt the desire on the part of political establishment for the law enforcement organisation to be subject to much restraint. Frankly recognising what the law enforcement organisations do and are attempting to facilitate it within the law might still be the best hope for effective control.



TOBAK AHMED/DRIK NEWS

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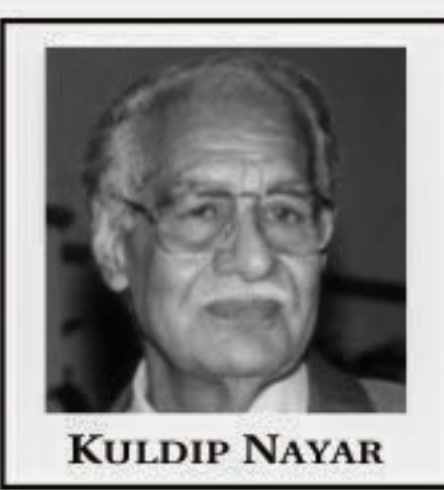
It is only obvious that the purpose of disciplinary and legal regulation is to prevent the occurrence of wrongdoing in the first place. However, apart from prevention other purposes may be served by regulatory mechanism.

It has to be borne in mind that law enforcement is, by its nature, an occupation that is likely to attract com-

A point to remember would be the linkage of marginality to political powerlessness. Therefore, a progressive law enforcement force, which intends to enjoy the legitimacy of the bulk of citizens, cannot afford to lose the confidence of those on the margins of citizenship. In third world countries, including those of the sub-continent, such

BETWEEN THE LINES

A partisan government



KULDIP NAYAR

AT the height of an Akali agitation in the eighties, Punjab Chief Minister Parkash Singh Badal, then out of office,

reached Delhi under the guise of a truck driver and burnt a copy of the Indian constitution. He personally did not agree with his Akali party's fiat but went along with the decision as a disciplined soldier. Subsequently, he regretted his act of burning.

I don't know whether Badal has felt the same way after filing a mercy petition to the president on the clemency of Balwant Singh Rajoana who has been sentenced to death. The Punjab and Haryana High Court has adjudged him an accomplice in the murder of former Chief Minister Beant Singh. Mixing religion with politics has been the bane of Akalis. But I thought they had come out of their contradictory position. The manner in which the party and the government connived at the "unrest" in the state a few days ago indicates that the passion of religion still has the better of the community.

Most unfortunate was the role of the Akal Thakt. It is a highly respected seat of Sikhs and many others in the country look up to it with prayers on their lips. Its hukamnama on the clemency of Rajoana meets the norms of religious assertion but mocks at the laws and the courts in the country.

The decision was not politic but it conveyed the impression that the highest religious authority of the Sikhs could have a perspective that went against the ethos of democratic secular society. The twin principle of miri piri (polity and clergy) does not fit into the religious fervour.

What happened in Punjab during the agitation over the clemency of Rajoana reminds me of the lawless and brutal days which the state went through some years ago. Once again the message of the recent happening is that a few determined people, fired by religious fanaticism, could dictate an agenda which made Punjab an uncertain state. The nation heaved a sigh of relief when the fire of extremism was extinguished in Punjab and it began to live like a normal Indian state since three decades ago.

A similar kind of indignation swept through Tamil Nadu when Nalini, a culprit in the Rajiv Gandhi murder

world have done away with the death sentence. India too without banning the hanging was more or less following the practice till a few years ago, without specifically saying so. Even the Supreme Court endorsed it by underlining in a judgment that hanging should take place in the "rarest of rare" cases. But surely, the result was to the contrary. The statistics show that the cases of death penalty were the highest in the five years following the Supreme Court's advice.

There is no go from a parliament act to stop the hanging. It is time that the political parties in the country paid serious attention to the proposal.

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case, had served her life sentence and was ready to be released.

Even the state assembly passed a resolution for clemency. The Sonia Gandhi's family too did not oppose the clemency. But since the release went against the spirit of the judgment she was kept in jail along with three others. Yet the state did not witness the stir which Punjab did, nor did any party make a political capital out of it as the Akali did.

I personally think that hanging should be dropped from the statute book because it is medieval in practice, tit for tat, a tooth for a tooth in attitude. Some 125 countries in the

The sentence should be for life, meaning thereby that the guilty should not be released till his death. Alternatively, we can adopt the practice followed in America where the court gives a sentence for 40, 50 or 80 years. In any case, the sentence of hanging is reprehensible and should stop.

Yet the existing law has to prevail till the abolition of hanging. What I saw in Punjab was not the protest against death sentence but defiance. True, the situation would have taken an ugly turn if Balwant Singh Rajoana's execution had taken place. Yet what it conveys is that how weak the state has become over the years in

fighting against some motivated elements who decide to mock at the law.

The five-star facilities provided to Bibi Jagir Kaur, once a minister but now a convict, in jail takes the cake. Does the government realise what messages it gives to the people? Is it the extension of the government's double standards shown in the case of Rajoana?

The point at issue is not whether Balwant Singh Rajoana should be given clemency -- a petition is pending before the President of India -- but whether the pressure and the violence threats should be used to get a favourable decision. When the state government itself becomes partisan, it sends out a wrong signal. It was alarming to find a few officials at Gurdaspur, a city in Punjab, not rising to the occasion and putting down a communal riot firmly. That the government suspended or transferred them shows that it woke up to its duties. But then the damage had been done.

What hurts me more than anything else is the attitude of the Punjab chief minister. How could he file the clemency petition when Rajoana does not want clemency, as he has said in writing? How does the state government come into the picture when the step is legally, leave apart the fact of clemency, questionable?

It is another matter that Rajoana should not be hanged because the death sentence is an outdated practice which the country should have abandoned long ago. The Badal government, I am afraid, has only proved that when the option is between religion and politics, it opts for the first. That the BJP is an integral part of the Punjab government does not surprise me because it too mixes religion with politics when it suits the party.

The writer is an eminent Indian columnist.

THIS DAY IN HISTORY

April 7

- 1767** End of BurmeseSiamese War
- 1946** Syria's independence from France is officially recognised.
- 1948** The World Health Organization is established by the United Nations.
- 1971** President Richard Nixon announces his decision to increase the rate of American troop withdrawals from Vietnam.
- 1978** Development of the neutron bomb is cancelled by President Jimmy Carter.
- 1999** US claims 'banana war' victory. The World Trade Organisation has ruled in favour of the United States in its long-running trade dispute with Europe over bananas.
- 2003** US troops capture Baghdad; Saddam Hussein's regime falls two days later.