

Are we missing something?

JYOTIRMOY BASU

THE recent enforced disappearance and subsequent brutal killing of seven persons at Narayaganj has sparked huge protest all over the country. The civil society at Dhaka formed human chain in front of the Parliament House twice. In the first one police acted irrationally but the second one was peaceful. Though the recent killing is nothing new, the large number of victims attracted more attention than the other ones. Kidnap, killing and rape by people and members of law enforcing agencies have been happening for long without any sign of coming to an end. However, the recent seven murders have definitely raised some new questions, and this might be a strong case to help end these recurrent crimes taking place all over the country.

The focus of the civil society and the government is fixed on Narayaganj at the moment and there are certain facts that demand critical analysis. Family members of the deceased and Mayor Selina Hayat Ivy have pointed their fingers towards Member of the Parliament Mr. Shamim Osman, alleging he was involved in these murders. Let us see what Mr. Shamim Osman said to the media since April 27, the day the seven persons were abducted from Narayaganj.

In his first comment, on April 27, he said that city councillor Mr. Nazrul Islam and prime suspect Nur Hossain were his people. He directly pointed his fingers towards some rogue officials of the law enforcing agency and followers of Mayor Selina Hayat Ivy to be involved in the kidnapping. On April 30 six dead bodies were found in

the Shitalakkhya River. On that day he was seen cursing the wife of late Nazrul Islam for alleging him to be involved with the abduction and murder. On May 2, in a public meeting, he played a recorded conversation in which the killers were plotting to kill the victims. According to Mr. Osman they were all men of Mayor Selina Hayat Ivy.

He also clearly stated that Nur Hossain was behind everything and had killed the seven persons. The quick shifting of statements fuelled stronger agitation about his involvement rather than the others. Mr. Osman remained the prime suspect. From the varying statements of Mr. Osman, it is evident that even if he was not directly involved in the killing, he was at least an accomplice to the offence. He himself claimed that he had knowledge of the plot and had informed the Hon'ble Prime Minister within 10 minutes of the abduction. So, existing penal law makes him party to the offence.

In the public meeting on May 2, he had also claimed that he did not need anybody at Narayaganj and he would deal with the matter by himself. With this comment, he has clearly challenged the authority of the State and thus committed an offence against the State. There are serious consequences for committing offence against State. Even if we forget the old accusations and allegations of murder against him, these two statements are enough to prosecute him for the offences.

But, the recent development in the political blame game and the shifting of burden to accused Nur Hossain and Rab give us a clear hint that Mr. Osman is again getting out of the net. Was he not trying to save his own skin from the very beginning? There are many other



Osmans created by our politicians all over the country. To achieve a permanent solution to these problems, the godfathers all over the country must be brought to justice irrespective of their political allegiance. It may seem impossible because they are part of the corrupt system, but at the end of the day it is our choice to decide what to continue.

Rab has already earned a lot of criticism for its past activities. Amnesty International's recent report of 700 extrajudicial killings by Rab seems to be understatement of the actual figure. There are demands for dismantling Rab as it has become a terror in the mind of the people rather than eliminator of terror. There are allegations that they are being used by some politicians and businessmen as mercenaries. All this helped Mr. Osman to

shift the burden on to them. We now know that if public figures like Mr. Osman are not brought to justice, the law and order situation will get worse day by day. Moreover, this culture of impunity has created a situation of lawlessness. Either we admit this or we can shut our eyes until we fall victim of the circumstances. The choice is ours now. It is up to us to decide how we want to shape our beloved country's law and order system. The following are a few suggestions to tackle the enforced abduction and killing. It is not an exhaustive list but demands careful consideration:

1. The police cannot arrest anyone without a warrant of arrest.
2. The police cannot arrest anyone under section 54 of the Code of Criminal Procedure while he is in his

residence or on a journey in a public or private transport.

3. No other law enforcing agency other than the police will execute arrest. The Rab has no lawful authority to execute arrest.

4. The police must wear uniform while executing arrest of any person. There will be no exception to this rule.

5. The police will not misbehave with any person while executing the arrest.

6. The police shall not use unnecessary force while executing the arrest. If there is any complaint of use of excessive force then there has to be an independent enquiry against that police personnel, which will follow criminal prosecution other than ordinary departmental reprimanding.

7. The police, while executing arrest of any absconding accused, will not shoot dead that accused in the name of crossfire or gunfight. The Rules of Engagement have to be clearly defined.

8. In the event of firing by the police there must be two separate enquiries, one by the police personnel and one by the judicial magistrate as per provisions of the Police Regulation of Bengal, 1943. Failing to follow the aforesaid provisions, the police must face criminal prosecution rather than department proceedings. The police authority shall publish a special circular in this regard.

9. If Rab or any other agency requires arrest of any person then it should submit a requisition to the local police to execute the arrest. Upon receipt of the said request the police shall take formal permission, i.e., the warrant of arrest from the first class magistrate to execute the arrest.

10. The police cannot hold any per-

son for more than 24 hours in their custody. And the custody needs to be police custody in a police station, not in any unknown place. If there is allegation of holding someone for more than 24 hours even with a warrant of arrest then there must be an independent enquiry into the matter. If any truth is found in the allegation then there must be a criminal proceeding against those police personnel in the regular court.

11. If any police officer is proved guilty of any of the aforesaid offences then he/she has to be suspended from the service without any pension benefit.

12. A special committee comprising of members from the police and the Ministry of Home Affairs needs to be formed to investigate the enforced disappearances, abductions and killings. The committee shall report to the secretary of the Ministry of Home Affairs directly. After submission of the said report, the home ministry shall publish the same in their website within 15 days for the public.

13. A special tribunal headed by a sessions judge needs to be set up in every district to try the cases of enforced disappearances, abductions and killings.

14. A special monitoring cell needs to be formed whose members will be from the legislative, judiciary and the civil society.

We honestly believe the seven murder case at Narayaganj will show us the way to permanently end enforced disappearances and killings, and that the policy makers of the country would think rationally to save the nation from these goons.

The writer is Advocate, Supreme Court of Bangladesh.

Indian foreign policy: Continuity or change under Modi?

TAHMINA RAHMAN

ALTHOUGH there is about a week to go before the Election Commission can finally declare the winner of India's 16th Lok Sabha election, pundits and practitioners are pondering over how a 63 year old Hindu nationalist leader who rose to power and popularity through his much publicised 'Gujrat Model of Development' and earned notoriety for his alleged involvement in the 2002 communal riot in Gujrat will manage the external relations of the country.

Narendra Modi might be a genius when it comes to miraculous economic development, but he has little foreign policy expertise. But this shortcoming has been compensated with his rhetoric of a more aggressive regional policy with a xenophobic undertone. For example, in December 2013, he promised to get tougher on Pakistan and not show any sign of compromise on the disputed coastal border in Sir Creek, where Gujrat faces Pakistan. Earlier, in October, he expressed concern over Indian descendants living in Sri Lanka, hinting on an interventionist orientation in regional policy. But threats to send the so-called 'Bangladeshi infiltrators' back home tops it all. Surely, it struck a chord with a section of general population and opportunist political entities of the peripheral states of India who have long been complaining about this 'illegal cross border movement' between the countries. The state-

ment also might have triggered the Assam massacre last week.

The foreign policy of any country in the world depends on a combination of internal and external factors ranging from domestic public opinion, political culture and institutions, level of socio-economic-military development, to the country's status and aspirations in the regional and the international systems, its capacity to project national power outward and the prevailing normative trend in the international system. Keeping all these variables in mind one does not need to dig very deep to see that Indian foreign policy is more about continuity than about change. No matter how tough BJP might seem, it was under the last BJP government led by Vajpayee that relationship normalisation efforts with Pakistan like the 1999 'bus diplomacy,' the 2001 Agra Summit and the 2004 Islamabad Summit took place. BJP government criticised the historic 1996 Treaty between Bangladesh and India on sharing the water of the Ganges, but it did not nullify it after coming to power.

But Modi is no Vajpayee. His extreme Hindu nationalist temper might win him public support at home, but it also earns him infamy abroad. Restrictions on his entry to the USA prove that. But India is a democracy and it is rarely a one man show in Indian foreign affairs. Even with a popular leader like Modi in power, it is highly unlikely that there will be big changes in Indian foreign policy.

Speculators say Modi has great respect for bureaucrats. If made prime minister, he will have an expert pull of advisors and bureaucrats at the ministry of external affairs who will guide him through the terrain he is not very familiar with. Modi understands the importance of economic development and his foreign policy is likely to be directed by the desire to transform India as an economic giant.

His zeal for sending the 'illegal immigrants' back to Bangladesh or protecting the Indian interests within Sri Lanka will likely be tamed with more pressing needs such as salvaging its bilateral relations with the USA, which is still shadowed by the Khobragade incident, securing Indian interests against Pakistani opposition in Afghanistan in post troops-withdrawal phase, improving energy trade links with Central Asia, a more vigorous attempt at winning that lucrative seat of the permanent membership at the United Nations Security Council and presenting India before the world as a model for inclusive economic development. Modi has already visited Singapore, China and Japan as the chief minister of Gujrat to attract foreign direct investment. He can be expected to continue wooing these countries in future to strengthen the trade and investment ties.

India's foreign policy decision making process has been heavily influenced by regional political developments since the rise of the coalition govern-

ment culture. Since there is not much prospect of BJP securing a sweeping victory that can assure it a majority government, it will have to rely on state governments while interacting with neighbouring countries. Viewing from that perspective, some of Modi's regional policies like concern over Indian descendants in Sri-Lanka will be influenced by the election performance of the AIADMK in Tamil Nadu and Pondicherry.

When it comes to India-Bangladesh bilateral relations, the list of irritants is quite long. It ranges from sharing the common rivers and cross-border movement of people to balance of trade deficit and border disputes. History tells us that regime change does not affect India-Bangladesh water negotiations that much. For example the Joint River Commission was established in 1972 when Mrs. Gandhi was in power, the five year long Ganges Agreement in 1977 was signed during the Janata government led by Moraji Desai, the MoU in 1985 on dry season flow regulation was signed under the initiative of Rajiv Gandhi, and the historic 1996 Ganges Water Sharing Treaty was concluded during United Front government headed by Deve Gowda. Of course, the political will of the West Bengal government and the active involvement of late Jyoti Basu helped signing the Treaty in 1996. Since Indian constitution provides the state governments the prerogative to decide on natural resource sharing issues, the

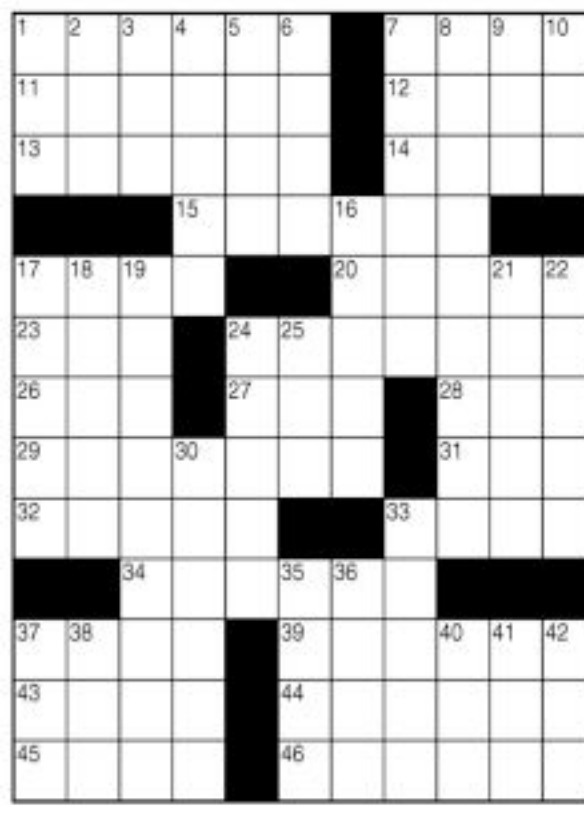
next Indian government at the centre will invariably rely on these governments in formulating and implementing relevant policies.

Veteran journalist Kuldip Nayar has opined that BJP will not follow through its promise of sending 'illegal immigrants' to Bangladesh. West Bengal Chief Minister Mamata Banerjee also challenged Modi to expel her from the country before expelling 'Bangladeshis.' But even at the rhetorical level, statements like the ones coming out of Modi lately can cause tension in bilateral relations between two unequal powers like Bangladesh and India.

Finally, in this globalised world people and governments are much more aware about the issues of human rights violations and religion and ethnicity based discrimination. In this regard, Modi has a lot of work to do in rebuilding his reputation internationally. Being an aspirant great power, India has to prove it to the world that it is not regressing into an era of communalism under Modi's premiership, and that commitment has to be reflected in its external affairs too. India undoubtedly is the biggest power in South Asia. But it has to learn to act like a responsible one in the region it considers as its 'traditional sphere of influence.' No matter who heads the next Indian government, they have to keep in mind these local, regional, international and global dynamics.

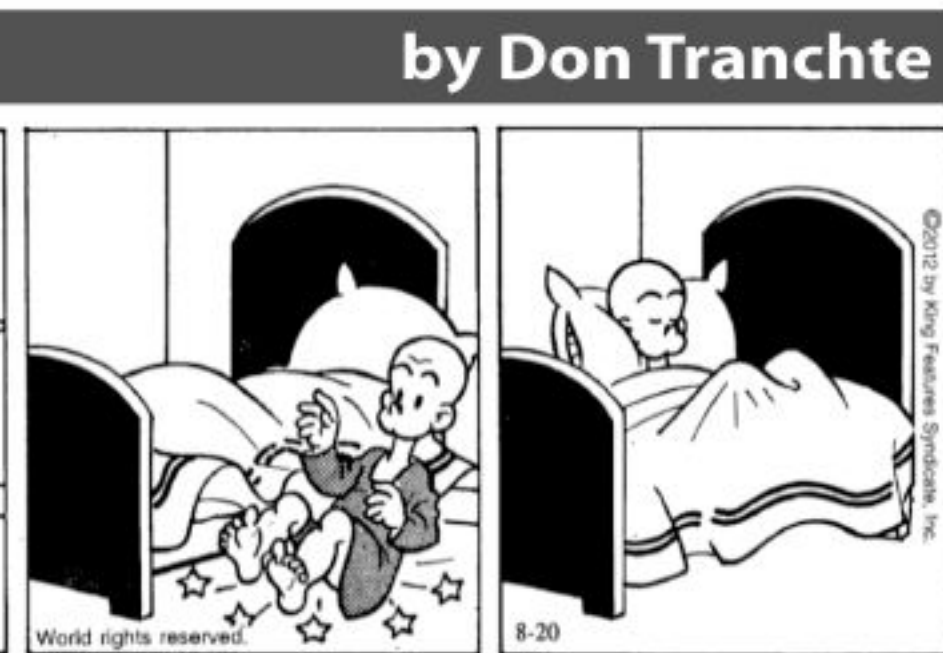
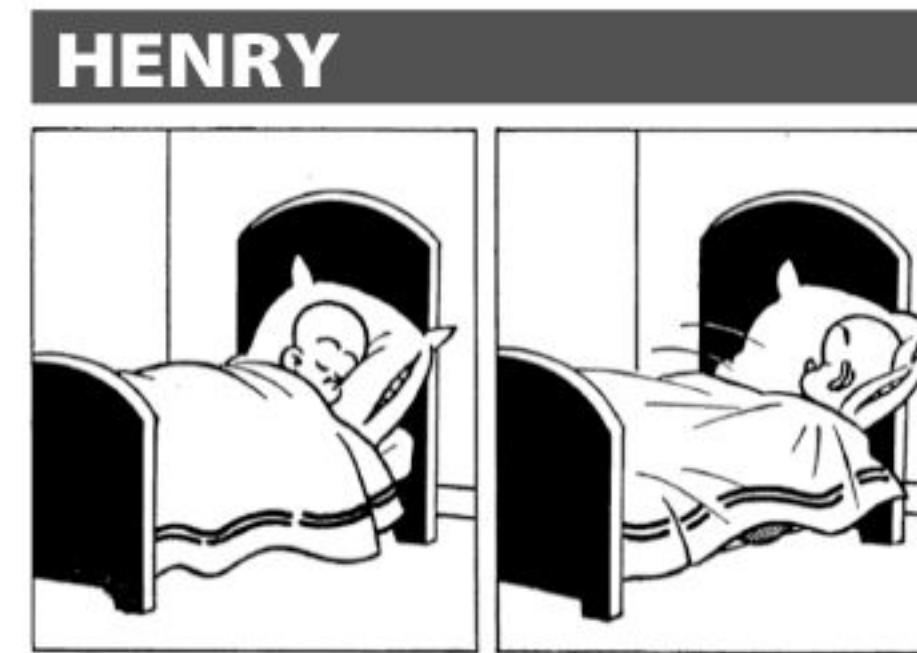
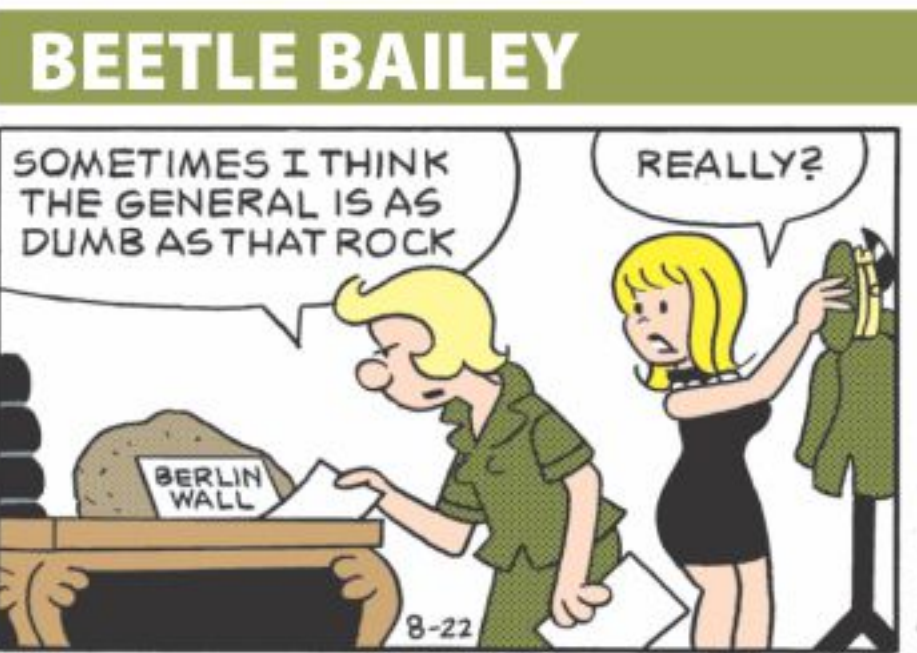
The writer is a Lecturer at the Department of International Relations, University of Dhaka.

India is a democracy and it is rarely a one man show in Indian foreign affairs. Even with a popular leader like Modi in power, it is highly unlikely that there will be big changes in Indian foreign policy.



Yesterday's answer

MARE S FUDGE
ARENA ISAAC
MIDDLE EARTH
ADSTAN NEO
NERDS
AILED SHREW
SLOW IOWA
PLUSH ORDER
YACHT
ABSTAD PEW
MOTHER EARTH
PRYOR ALICE
SEXES RIGHT



CROSSWORD by Thomas Joseph

- ACROSS**
- 1 Cup holder
 - 7 Use a dagger
 - 11 Water roughly
 - 12 By way of, informally
 - 13 High school events
 - 14 Woodwind part
 - 15 Prepare to play
 - 17 Analogy words
 - 20 Backpack part
 - 23 Extreme
 - 24 Gigantic
 - 26 Stage prompt
 - 27 Coach Parseghian
 - 28 Washington base baller, for short
 - 29 Expand on
 - 31 Espionage org.
 - 32 Iberian nation
 - 33 Hawk
 - 34 Depleted
 - 37 Enthralled
 - 39 Without delay
 - 43 Fencing weapon
 - 44 Movie studio department
 - 45 Swiss capital
 - 46 White sale buy
- DOWN**
- 1 Feeling down
 - 2 Lawyers' org.
 - 3 Coffee dispenser
 - 4 Bean-bearing tree
 - 5 Unspoiled spot
 - 6 Take a breather
 - 7 Walks proudly
 - 8 One Twain title character...
 - 9 Verb for you
 - 10 Future flower
 - 16 School paper
 - 17 Peru people
 - 18 Lumberjack's leftover
 - 19 ... and the other Twain title character
 - 21 Use
 - 22 Peony part
 - 24 Augusta's state
 - 25 Sandy's bark
 - 30 Pay heed
 - 33 Wheel part
 - 35 Blocks
 - 36 Ogden's state
 - 37 Yank's foe
 - 38 King Kong, for one
 - 40 Maiden name label
 - 41 Director's cry
 - 42 Dance records, for short



Prof. M. Moniruzzaman Miah
Former Vice Chancellor
Dhaka University

Owner of Zaman Villa, Flat: C-2
Banani R/A, Dhaka

"I am very pleased with the way bti worked with me to find myself a new home; I always imagined it to be arduous, but bti made it simple and effective for me."

Dhaka: 01755 66 24 24 email: info@btibd.org Chittagong: 01755 63 72 30, 01755 53 06 35 email: info_ctg@btibd.org

AAS (Quality Partner)
REHAB MEMBERSHIP # 001
ISO 9001 : 2008 CERTIFIED
www.btibd.com

bti building technology & ideas Ltd.
since 1984
in pursuit of excellence...