

Public order and its discontents

STRAIGHT LINE



MUHAMMAD NURUL HUDA

A concerned commentator feels uneasy at the modus operandi of the Dhaka Metropolitan Police in laying down conditions for holding public meetings in connection with the observance of January 5 election in the metropolis. He finds "injudiciousness.....on the part of those that thought it fit to entrust a law enforcing agency to be sole judge in the matter of politics." Interestingly enough, the commentator succinctly adds that when a security agency "remain the sole authority to determine where, when, and how a political party should organise its programme [it] is indicative of the deep malaise in our system."

One, however, could take issue with the observation that as a practice in matters of permitting public meetings the final decision rests on civil administration and not the police. Two questions would arise here, first, whether or not the police is a part of the civil administration and thus an organ of the government and secondly, what impropriety is caused when police as a publicly funded and maintained organisation is performing a legally mandated function. Are we reflecting on the wisdom of the legislature in as much as we may appear to be questioning the desirability of the police in imposing and enforcing a regulatory directive pertaining to matters of public order?

Legally speaking, the right to assemble and participate in public meetings can be restricted only by a law imposed in the interest of public order or public health. Further, the freedom of assembly is not an absolute right and it cannot be construed as a license for illegality or incitement to violence and crime. It is the duty of the government to prevent the obstruction and not to prevent



PHOTO: STAR

the peaceful assembly. However, the situation may be different in case of an emergency which may necessitate prohibition of the assembly.

In our parlance we often come across events when an act has the potential of disturbing the even tempo of community life. In such a scenario, the interest of the public order is clearly involved. Therefore, if certain activities have a tendency to cause public disorder, as has been the experience in our situation, a law penalising such activities will not be an unreasonable restriction in the interest of public order. The important fact to note is that the connection between the restriction and public order is proximate and

direct. On a broader perspective, we may find that our substantive penal and procedural law empowers the police with wide discretion in respect to preventing offences and maintaining public order. For instance, Section 151 of the Code of Criminal Procedural says that, "A police officer knowing of a design to commit any cognizable offence may arrest, without order from a Magistrate and without a warrant, the person so designing, if it appears to such officer that the commission of the offence cannot be otherwise prevented".

It is interesting to note that in respect of the above law, it would not be possible to

investigate the facts in order to ascertain whether in fact a cognizable offence was intended to be committed or not. It is also not open to the High Court to question whether in fact the police officer was justified in concluding that the necessity contemplated by the law really existed. The discretion is vested solely in the police officer and that discretion cannot be questioned in a proceeding.

The point to note is that, in addition to other laws, the Dhaka Metropolitan Police ordinance (Section 26 to 30) confers wide regulatory and prohibitive powers relating to assembly, meeting, and movement. Therefore, we may need to examine whether law

enforcement agencies should continue to have wide and sweeping powers that carry the risk of curtailing civil liberty. We also need to see how we can harmonise the maintenance of public order with the preservation of core fundamental human rights. Understandably, it is an untenable situation when we find spokespersons of the government saying that in respect to prohibitory actions on public meetings, the police will decide and they have no say in the matter. Quite clearly, the police are an integral part of the government and the police hierarchy is subordinate to the political executive.

Under the circumstances, we may have to wait for political enlightenment to dawn to ensure democratically desirable public order management. Surely, there should not be any reservation about foregoing enforcement efficiency for protecting and maintaining civil liberty despite the fact that public meetings and processions, of late, have mostly come to mean unbearable public inconvenience. The worried optimists have to keep their fingers crossed.

Admittedly, we still have an inherited colonial structure in facing the law and order challenge of a post-colonial democratic society. The modern Bangladeshi State is the product of a freedom struggle that has adopted a written, liberal, democratic constitution but retained the colonial administrative, police and judicial structures without recasting them to meet the altered situation. Perhaps the governing elite of our decolonised society has decided to retain the inherited organisation ignoring justified demands for change.

One may wonder if our political guardians are enamoured by the administrative system left behind by the colonial power. The thought may also cross one's mind if they shall continue enjoying and exercising power and authority, being oblivious of the demand for far-reaching reforms.

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Bangladesh: Out of the basket

ABU AFSARUL HAIDER

ALMOST immediately after the independence of Bangladesh, Henry Kissinger, former US Secretary of State, dismissed the country as a "perpetual economic basket case". Bangladesh has proved Kissinger wrong. In the last forty four years, Bangladesh has undergone a great deal of transformation. There has been some good progress in almost all spheres of life, but still for some Bangladesh means a country of floods, cyclones, poverty, over-population, political turmoil, corruption, Rana plaza etc. These negative events cast a shadow on the many achievements that we have made in the last 44 years. For a change, therefore, let us talk about a positive Bangladesh.

Since half of our population is directly or indirectly involved with agriculture, we will start with this sector. Our main produce is rice; besides we grow wheat, jute, vegetables, fruits etc. In 1971, there were 75 million people in the country and the country's rice production was only 10 million metric tonnes. Presently, our population is around 160 million and to accommodate this extra-large population we have lost a significant area of cultivable land; but rice production, nonetheless, tripled in the last 44 years to over 33 million metric tonnes, as it now stands today. Thanks are rightfully deserved by our poor farmers, who are not only feeding us but have also made the country self-sufficient in rice production. According to Food and Agriculture Organisation (FAO), Bangladesh is one of the leading countries in the developing world, in fact the first in Asia, to have a comprehensive country-investment plan for agriculture, food security and nutrition.

Since independence, our country has also made significant strides in other economic sectors. Many industries were established, but successes and a considerable progress were made by the garments, textiles, pharmaceuticals, ceramic, cement and many other sectors. Garments alone have around 5,000 manufacturing units, creating employment opportunities for 4.2 million people, of whom 85 percent are women. In fiscal year 2014-15, the country made approximately US\$ 26 billion's worth of total garments export, which established us as the second-largest garments and knitwear exporting country in the world. Industrial experts are predicting that in the next five years, Bangladesh will become the largest readymade garments manufacturer.

Our leather and leather goods have long been witnessing huge demands in the global market. Fisheries and livestock are playing an important role in our economy. Around 1.3 million people are directly involved in this sector. After garments, shrimp is the second largest export item of the country. In FY2013-14, the country earned US\$ 638 million by exporting 55,074 tonnes of frozen foods, including shrimp. Jute, which used to be our famed 'golden fibre', has made a spectacular comeback, as the demand for natural fibre is increasing worldwide. Bangladesh exported raw jute and jute goods worth \$1.03 billion in fiscal 2012-13 — jute sacks and bags accounted for \$237 million and jute yarn and twine over \$500 million — according to data from Export Promotion Bureau. Our pharmaceutical sector and the information technology sector are maturing and have already entered the global market. Both the industries have great potential and will definitely bring fortunes to the

country in the near future. Today, there is probably hardly any corner on earth where Bangladeshi workers haven't migrated. The inflow of remittance was US\$23.7 million in 1975 and it rose to US\$15.3 billion in 2015. The revenues earned and sent by the migrant workers make the largest portion of our national reserve of foreign exchange which now stands close to \$ 27 billion. As a result, the dependence on foreign aid in framing the national budget has reduced to a great extent. Remittances

stands today at more than US\$34.5 billion. Our per capita income is \$1314, which was only \$135.62 in 1970. Besides our economic growth, we have also made significant progress in achieving the Millennium Development Goals (MDGs), particularly relating to eradicating extreme poverty and hunger, promoting gender equality and empowering women, ensuring universal primary education and reducing child mortality. In 1990, the infant mortality rate was 100 deaths

resources from 2009-2012. In appreciation of our remarkable achievements, the Prime Minister of Bangladesh Sheikh Hasina, has been announced as one of the winners of the United Nations' highest environmental accolade, 'Champion of the Earth' 2015. Bangladesh is also glorified and known to the global people because of some of our social and personal achievements made by our people. The micro-credit is generally considered to have been pioneered by

clients. The Grameen Bank has received several prestigious awards, but the greatest recognition for the bank's achievement came on October 13, 2006 when the Nobel Peace Prize, 2006, was given jointly to Prof. Dr. Muhammad Yunus and the Grameen Bank "for their efforts to create economic and social development from below". Recently, Prof. Yunus brought another glory for the nation by getting the highest civilian award of the United States, the Congressional Gold Medal, in recognition of his efforts toward combating global poverty.

Bangladeshi youths, aged 18-40 years, constitute 70 percent of our total population. They are our assets and all of them are working hard to bring changes. Four of them have already brought much glory for us by hoisting our national flag at the top of the world - the peak of Mount Everest. Musa Ibrahim became the first Bangladeshi to reach the summit of the Everest on May 23, 2010. After that, M A Mohit conquered the peak in 2011, and two young women, Nishat Majumder and Wasfia Nazreen, in 2012.

The above are a few snapshots of our many successes. Things are now looking brighter for us. Our economy worth US\$ 205.3 billion is growing at the rate of 6.0 percent - making us the next manufacturing hub in the region. Thanks should go to our poor farmers, workers at home and abroad, the entrepreneurs and all the hard working people, who have successfully contributed in taking Bangladesh out of the 'basket case'. However, it is feared that because of our current political climate, the country may again drift back to the basket case branding, it never deserved.

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PHOTO: STAR

Our economic activity is growing rapidly. Back in 1970, the size of GDP was only US\$6.2 billion and in 2015, the GDP grew to \$205.3 billion taking Bangladesh to the 44th position in the world economy.

are playing key roles in lifting people out of poverty. Moderate poverty rate declined from 34.3 percent in 2000 to 12.6 percent in 2015.

One feature that we can make out from the above portrayal is that our economic activity is growing rapidly. Back in 1970, the size of GDP was only US\$6.2 billion and in 2015, the GDP grew to \$205.3 billion taking Bangladesh to the 44th position in the world economy. Total export in 1970 was US\$ 0.36 billion which

per 1000 live births, and by 2015, it had been reduced to 30.70 deaths per 1,000 live births. Life expectancy is now 71 years from 47.58 years in 1970.

Cyclones, floods and droughts have long been part of the country's history, but they have been managed successfully by the governments in recent years. Bangladesh is the first country to set up its own Climate Change Trust Fund supported by nearly US\$300 million of domestic

Grameen Bank, founded by Nobel Laureate Prof. Dr. Muhammad Yunus. Its vast network in the country has 8.4 million borrowers, of which 96 percent are women. It has opened the door to poor rural women, prompting them to participate in the activities of local government, and take greater roles in other community activities. Its success has inspired similar projects in more than 40 countries around the world, including the USA, with 200 million

QUOTABLE Quote

MIRZA ASADULLAH KHAN GHALIB

Whoever can't see the whole in every part plays at blind man's bluff. A wise man tastes the entire Tigris in every sip.

CROSSWORD BY THOMAS JOSEPH

ACROSS

- Barber's symbol
- Celebrity
- Hollowed out
- Hollywood deal-maker
- Pacific, for one
- Audacity
- French brandy
- Use deceit
- Shoelace problem
- Medal recipients
- Hither's partner
- Insertion indicators
- Spoil
- Dark looks
- Siamese, for one
- Speaker before Boehner
- Airspeed ratio
- Writer Levin
- After-dinner wine
- Car quartet
- Figure of speech
- Comb parts
- Good judgment
- Remain
- Droops

DOWN

- Pennsylvania's --Mountains
- Coos Bay setting
- Inclined
- Writer Ferber
- Team backer
- Period of history
- Bordeaux wine
- Is jealous of
- Overly confident
- Golf pegs
- Dry wine
- Periods of history
- Wine choice
- Farm grazers
- Sticky gunk
- Regular show
- Dinner wine
- Compassionate
- Clue heading
- Cooking mint
- "Troy" star
- Sorceress of myth
- Radiator sound
- Greek vowel
- Bashful

YESTERDAY'S ANSWER

R	A	S	P	P	R	O	O	F
A	M	A	S	S	O	U	N	C
C	U	T	I	T	S	T	E	E
E	L	I	A	R	T	S	A	T
S	E	N	A	T	E	P	E	N
T	Y	P	E	S	P	E	C	S
X	R	A	Y	S	P	E	C	S
H	A	I	R	T	U	R	E	T
A	N	N	A	S	P	E	R	R
B	A	S	I	L	A	G	A	V
I	D	E	A	L	D	A	T	E
T	U	R	N	S	B	E	D	S

BEETLE BAILEY by Mort Walker

BABY BLUES by Kirkman & Scott