

FOUNDER EDITOR  
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## Justice delayed is justice denied

Unsolved crimes send a very wrong signal

In every big city, it is not unnatural for some crimes to remain unsolved. But when it becomes a pattern, we need to worry. And when political or some other connections seem to be the reasons for the cases remaining unsolved, then we need to become very worried—the four high-profile murders which remain unresolved after all these years fall in that very worrisome category. The case of two journalists, Sagar and Runi, has been under investigation for over eight years, though the then home minister, Sahara Khatun, promised that the perpetrators would be apprehended within 48 hours. Just as her promise was unthinking, so also is the present delay unacceptable. Police, RAB and other agencies took time extensions 70 times and in the meantime, seven officers have investigated it so far. Will it be wrong on our part to suspect that the investigation process is now a mere joke when, after 70 time extensions, the authorities still cannot say much about when the investigation will be completed, let alone when the case will come to trial?

The other three cases—one is seven years old and two others are nearly four years old each—are also in a limbo. Two of them appear to have been politically influenced. The police is directly involved in the third case, which could be the reason for the case suffering from an inexplicable inertia.

These four cases aside, there are thousands of others that haven't seen the light of day in years, if not decades. When cases don't get solved and no proper explanation is given, the worst type of impression is created in the public mind—that committing the most heinous of crimes is not a big deal as there are too many loopholes in the investigation process. The saddest of consequences that inevitably follows is the feeling that laws don't matter, especially if you are rich, powerful and politically connected. Under no circumstances can we let that happen.

## Rescheduling the Dhaka mayoral polls

The EC should take cognizance of public demand

AS the election day for the Dhaka North and South city corporations is nearing, the demand for the deferral of the city polls is also getting louder. The Hindu community and Dhaka University students have been demanding rescheduling of the election date which coincides with the Saraswati puja, a major religious festival of the Hindus. However, the Election Commission (EC) seems to be in a fix as to what to do since the High Court has already rejected a writ petition seeking deferral of the January 30 elections.

We think the EC should have considered some basic facts before finalising the polls date in the first place. It would not be an overstatement to say that by fixing the polls date on the day of Saraswati puja, the EC has, in fact, failed to consider the Hindu community's constitutional right which guarantees equal space for all religious groups.

Moreover, it is common knowledge that Saraswati puja is observed in almost all educational institutions across the country where worshippers gather to offer prayers and people from other religions also join the celebrations. For instance, one of the biggest Saraswati Puja celebrations in the city is held in Jagannath Hall of Dhaka University which is joined by people from across the town. Since polling centres will be set up at different schools, colleges and universities in Dhaka during the election, it will be near-impossible for the students to celebrate the festival in the city. It is surprising that the EC didn't consider the fact.

What is more, there will definitely be restrictions put on vehicular and public movement on the election day. It will be difficult for worshippers to go to the puja mandaps as Section 144 of the Criminal Procedure Code will be imposed in and around the polling centres.

Considering all these factors, the EC should not be rigid on its stance. The Dhaka University students and the Hindu community have made their points quite clear, and we think their demand should be considered by the EC. Now that an appeal has been filed with the Supreme Court requesting the EC to fix a new date for holding the DCC elections, we hope to see a positive directive from the court that satisfies the general people's demand.

## LETTERS TO THE EDITOR

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### Upgrade educational facilities

Many of our educational institutions across the nation are in dire conditions and nothing is being done to improve the situation. A recent report on this daily caught my attention which sheds light on the current state of Patuakhali Government College. Set up in 1957, the college was Nationalised in 1970 and has educated many students, some of whom held high raking positions later in their respective careers. The college was also selected as the best college in Khulna division in 1987 while its two teachers achieved awards at the national level in different times.

However, now the state of the facility is not as bright as it once was. Severely understaffed, it has only 66 teachers for 15,000 students. Sadly, many other schools and colleges which are meant to nurture knowledge for the future generations are in similar horrible conditions, too. I cannot understand how, despite having a ministry dedicated to education, can a nation have such deteriorating standards? Earlier, we have also read similar news about the sorry state of schools and colleges and while some have been improved, most still face problems like shortages of classrooms, accommodation as well as lack of proper libraries. The authorities concerned must take the situation seriously.

Nipa Sakar, by email



C R ABRAR

JANUARY 7 marked the ninth anniversary of the gruesome killing of Felani Khatun, 15 years old, at Anantapur border of Phulbari Upzila in Kurigram district. She was working as a domestic help in New Delhi and was returning to Bangladesh with her father. While illegally crossing the border, Felani's dress got tangled on the barbed wire fence. In response to her panicked scream, the Border Security Force (BSF) of India opened fire at her. She succumbed to her injuries. Like medieval times, perhaps to frighten likely transgressors, her lifeless body was kept hanging upside down for about five hours.

Felani's murder triggered outrage in Bangladesh and in some quarters of India. The image of Felani's hung body went viral in international media. Despite demands for justice and action against the perpetrators, the prime accused, BSF functionary Amiya Ghosh, and his superior officers were found not guilty by the BSF's internal court, the General Security Forces Court. After reconsidering the verdict, the same court upheld the decision. The directive of the National Human Rights Commission of India to pay compensation to Felani's family went unheeded.

Incidents of killing civilians along the border have been a major cause for concern in Bangladesh. In July last year, Bangladesh home minister informed parliament that a total of 294 Bangladeshis were killed by the Indian BSF along the border in the last 10 years. The minister further informed that 66 Bangladeshi nationals were killed in 2009, 55 in 2010, 24 each in 2011 and 2012, 18 in 2013, 24 in 2014, 38 in 2015, 25 in 2016, 17 in 2017 and only 3 in 2018.

The drop in figures for three successive years (2015 to 2018) led the minister to assure the house that the killing has reduced. His hope, however, was belied by the staggering twelve-fold increase in border killing to 34 in 2019 (from 3 of 2018). Based on reports of leading newspapers, non-government sources claim higher number of casualties in 2019. Ain O Shalish Kendra (ASK) and Odhikar sources put the figure at 46 and 41 respectively. Odhikar documentation further shows 40 Bangladeshis sustained injuries by BSF action and 34 more were abducted by the BSF in the same year. The disaggregated ASK data inform that of the 46 people killed in 2019, six died of torture.

The BSF prefers to term such fatalities as "undesirable death" instead of killing. Following meetings between the Director Generals (DG) of BGB and BSF in Dhaka on June 12-15, 2019, the DG of BSF asserted that such incidents were "undesirable deaths, not killings". He, however, admitted that lethal weapons were being used by the BSF personnel "in



PALLAB BHATTACHARYA

KOLKATA is often described as a city of protests. Street marches against the amended citizenship law and proposed NRC almost every day for the last month have helped burnish that image of Kolkata.

One of those protests on the night of January 11 at Esplanade East generated enough political heat to potentially alter the template of the political standoff in West Bengal, which faces two crucial electoral battles in the coming months—the Kolkata civic body poll in March or April this year and fresh assembly elections that are due in 2021. It is a template that could be a little different from the one seen in the run-up to the Lok Sabha poll in April-May of last year, when it was a straight fight between the Mamata Banerjee-led Trinamool Congress and the Bharatiya Janata Party. It also provides a clue towards Chief Minister Mamata Banerjee's strategy for the two separate upcoming polls.

The cold night of January 11 brought Mamata face to face—in what was possibly her closest encounter—with activists of an assorted group of leftist student unions of Kolkata, barely 100 metres from the Raj Bhavan. The students were protesting her meeting with Prime Minister Narendra Modi at Raj Bhavan half an hour earlier which, they claimed, diluted her fight against the Citizenship Amendment Act (CAA) and NRC. They broke through police cordons and engaged in a war of words with Mamata, who was on the dais of an anti-CAA/NRC protest led by the student front of her party. Nothing could be more telling than Leftist students questioning Mamata's meeting with Modi, especially if we recall how many times Marxist Chief Ministers of West Bengal, Kerala and Tripura have met Congress and BJP Prime Ministers in the past without drawing even a whisper of protests. It only shows how political divides are deepening in India today.

When the pro-Left students questioned Mamata on why she met Modi, she explained it as part of her 'constitutional obligation' and said that she had raised with the PM certain financial issues

# Killings at the Bangladesh-India border

self-defense when miscreants launched attack on them". This was in violation of the April 2018 accord under which both parties agreed not to resort to lethal weapons in dealing with cases of border crossing.

After the recent round of DG level meeting of BGB-BSF in Delhi at the end of December 2019, the BGB head informed the media that he had expressed his concern "about the killing of Bangladeshi people by the BSF at the border areas", and in response "the BSF has assured that it would be alert and vigilant so that such undesirable deaths could be avoided in the future". Incidentally, one Bangladeshi citizen was killed by the BSF only a day before the chiefs of two border security forces was set to hold a press conference.

Irked by the persistent deaths along the border, on January 11, the

Happy documented a number of cases in which "survivors and eyewitnesses have alleged that BSF engaged in indiscriminate shooting without warning... [and] instead of attempting to arrest them, BSF officers immediately opened fire". The BSF also claims its personnel have to fire when miscreants evade arrest. But suspicion of a crime and dodging of arrest cannot alone justify use of lethal force. HRW reminds us that "[i]n fact, even India's domestic laws which allow 'all means necessary' in case a person attempts to use force to resist arrest, specifically forbid causing the death of a person who is not accused of an offense punishable by death or life term".

Reported incidents of torture, including those involving children, are also rife. On May 10, 2019, Kabirul Islam succumbed to torture by BSF in the Kushkhali border of Shatkhira. Petrol was thrust in his mouth and anus. Weeks

received little attention in New Delhi. So far, India has not provided details of any BSF personnel prosecuted for killing a Bangladeshi national to the Bangladesh government. Along with other security forces, the BSF are exempt from criminal prosecution, unless specific approval is granted by the Indian government. This near total absence of accountability of the BSF personnel only perpetuates the incidence of border killing.

Good neighbourliness demands that border trespassers be dealt with in accordance with national and international laws. The Indian government should ensure its border security force respect basic rights and follow the rule of law. It should publicly order BSF and other security forces to abide by the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials. BSF's internal



PHOTO: AFP

Bangladesh foreign minister noted that "India promised [that] not even a single person would die in the border area. Unfortunately, border killing is a reality. We are concerned". He went on to say that Bangladesh would demand that the Indians deliver on their promise (Prothom Alo, January 12, 2010).

Excessive use of force by the BSF is the principal precipitating factor in the persistence of killing of Bangladeshi nationals at the border. The border areas between the two countries are densely populated. Many people on both sides have lost farms and livelihood to riverbank erosion and are dependent on cross-border activities, such as cattle rusting and smuggling of other items. In many instances, people are killed and tortured merely on suspicion of being involved in smuggling. Children, allegedly employed by smugglers to reduce the risk of detection, also fall victim to such reckless use of lethal force.

The justification provided by the Indian authorities that BSF forces have to resort to violence in self-defense is not supported by facts. Years ago, Human Rights Watch in a report titled *Trigger*

later, on May 27, in the Shapar border of Naogaon, nails of all 10 fingers of young shepherd Azimuddin were allegedly pulled out by the perpetrators.

HRW, Odhikar and ASK reports as well as a stream of media accounts clearly establish the fact that victims of border killing, the alleged criminals, were either unarmed or armed with only sickles, sticks and knives. In dealing with them, the Indian border guards were likely to have used excessive force. In many instances, the victims were shot in the back, suggesting they were running away. The HRW further notes that in none of the cases it investigated could the BSF "show that it had recovered lethal weapons or explosives from the victims that could pose an immediate threat of death or serious injury that might justify killings in self-defense". Thus, the BSF approach is a "shoot to kill" policy that violates national and international standards on the right to life and presumption of innocence which are applicable in India and Bangladesh.

Bangladesh's expression of concern about the unlawful killing of unarmed Bangladeshi nationals at the border has

justice system has so far failed to prosecute its own members. The Indian government may consider allowing civilian authorities to investigate the cases of abuse.

The civil society organisations both in Bangladesh and India should demand the Indian government set up an independent and impartial body with the provision for both Bangladeshis and Indians to submit evidence and register complaints to such a commission.

In the first 15 days of 2020, three Bangladeshis have already been reportedly killed by BSF at the border. Such steep rise in border killing and the failure of the Indian authorities to take any meaningful measure to bring an end to border killing for years have, in all likelihood, cost it a lot of goodwill in Bangladesh. It has also placed the Bangladesh government in a difficult situation straining bilateral relations. It's time the policymakers in New Delhi brought an end to such a policy.

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# Mamata's New Gambit in West Bengal

relating to West Bengal. It appears that what began as a collective fight by the Trinamool Congress, the Left and Congress against the CAA and NRC has veered off to some extent into a tussle between the Left, Congress and Trinamool Congress.

A meeting between an Indian Chief Minister and the PM is usually treated as a normal matter. However, given the highly politically polarised and surcharged atmosphere since the CAA was passed by parliament in December, the Modi-Mamata meeting on January 11 led to a lot of speculation in political circles. Mamata's critics were not willing to buy her "constitutional obligation" argument

government's CAA/NRC agenda. She must have known that she is walking on thin ice in her two different roles.

The question doing the rounds in political circles is: why did Mamata interact with the pro-Left students on January 11 and was unusually conciliatory towards them, knowing full well that they belong to the frontal wings of the Left parties that she single-handedly fought for several years before 34 years of Left rule ended in Bengal in May, 2011?

It has been suggested by some analysts that Mamata is seeking to create a greater space for opposition in West Bengal, where the Left and Congress have become increasingly marginalised in the last

base is not allowed to be consolidated and divided among the rivals of the Trinamool Congress. At a time when the battle in Bengal was shaping up to be a two-horse race involving the Trinamool Congress and the BJP, especially after the last Lok Sabha elections which saw the saffron party gaining an unprecedented 18 seats in the state, the anti-CAA/NRC protests have come handy for the Left and the Congress to try and bounce back after getting mauled in two successive national elections in 2014 and 2019. Observers see Mamata's conversations with the Leftist students as a bid to also expand that race by including the Left parties and Congress.

Mamata's boycott of the opposition parties' meeting called by Sonia Gandhi in New Delhi on January 13 and her refusal to accept the demand of the Left and the Congress to get a resolution passed in the state assembly against CAA have, therefore, elicited a sharp push-back from the Left and the Congress in Bengal, but this is not enough to cause a resurgence of the Left-Congress in the state.

Political strategies do not always work according to script. The move to pit the Left-Congress against BJP to hurt the saffron party may not have the intended effect for two reasons. First, if the Left and the Congress succeed in securing greater traction to their allegations made previously about a tacit Trinamool Congress-BJP understanding, it may shift anti-BJP votes, even if partially, away from Trinamool. Can the ruling party risk that? In any case, the allegation has so far made little impact in West Bengal.

Secondly, for the BJP, the primary target of attack remains the Trinamool Congress; and the saffron party in no way will cede its space to the Left or Congress. This was evident in Modi's speech at an event in Kolkata, a day after the January 11 meeting. With Mamata not present on January 12, Modi made a dig at her government for not implementing the federal government's ambitious health insurance scheme and wondered if this was due to money being cut from the project. This was Modi's reference to widespread graft charges against several Trinamool local level leaders in launching social welfare schemes in various districts.

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A policeman looks at protestors from leftist groups trying to break through a barricade as they demonstrate against India's new citizenship law in Kolkata on January 11, 2020

PHOTO: AFP

because she has in the past chosen to skip a number of meetings of Chief Ministers convened by Modi, as well as NITI Aayog (formerly Planning Commission) meetings presided over by the PM. Such actions by Mamata have given rise to a perception of adversarial, if not inimical, political relations.

The challenge for Mamata was to strike a balance between meeting the Prime Minister as Chief Minister and the image of herself as an indefatigable street fighter who opposes tooth and nail the Modi

eight years, particularly during last year's national elections which allowed the Bharatiya Janata Party to outgrow the Left-Congress duo in terms of Lok Sabha seats. Mamata is aware that the BJP's remarkable advance in the last Lok Sabha polls was to a large extent due to the decline of the Left and the Congress and the shift of anti-Trinamool Congress votes to the saffron vote bank.

There is a view in the Trinamool Congress that the BJP's surge could be checked if the anti-establishment vote