

# We must look beyond law to wage a wider movement against rape

NAZNEEN SHIFA

LAW has been seen as an instrumental tool of the feminist movement in Bangladesh since the 1980s. However, this development did not take place in a vacuum, rather we see this as a trend that we've seen all over the world through transnational discourses of women's human rights. One can chart a long list of movements in Bangladesh that ended up in demanding legal reforms or enacting a new law. The recent rage against rape brings to the fore some of the complexities of this law-centric activism and interventions in the context of violence against women. The Noakhali rape incident has brought up the question of law and its ineffectiveness in the public domain like no other time before. It appears as though the government has succumbed to the popular demand by bringing some changes in the relevant rape law (introducing the death penalty), a demand sporadically voiced up in the ongoing public protests.

The hastiness with which it was done surely raises some questions. It happened without any discussion with the civil society and relevant actors in this field. Such a decision on the part of the government has generated a heated debate amongst the activists in Bangladesh. Most of this discussion is against the idea of capital punishment on various grounds. A particular strain of this position points to problems in our justice system leading to a very low conviction rate when it comes to rape. This has been the expert consensus so far.

Looking at the predicament we are in today with the recent movement and the hurried adoption of capital

punishment as a way of solution, I am tempted to reflect on some of the feminist debates on law and its centrality in feminist politics and see if there is anything we can learn from it. Feminist scholars critically examined the law and its transformative potential in the context of violence against women. They have looked at the problem of laws and their presumed emancipatory potential, often by emphasising how a focus on law in feminist politics in the context of violence against women is fraught. An unstated assumption in this kind of law-driven intervention is that it imagines the state as having a magical and all-encompassing power over its subject population. Such an assumption may give rise to a kind of complacency in the feminist movement in the event of every law reform or enactment of a new law.

But the fact of the matter is, violence has been on the rise even after so many laws have been passed throughout South Asia over more than three decades. In Bangladesh, it is possible to cite any number of examples where the state could provide neither justice nor closure of the judicial process when it comes to violence against women (two names that instantly come to mind are Kalpana Chakma and Tonu). A narrow focus on the judicial process individualises the survivor/survivor family's struggle in the bureaucracy of our judicial process. The 3 percent conviction rate in rape trials simply affirms the view on the poor outcomes of lawsuits. That perhaps explains why Flavia Agnes, a legal scholar and activist in India, thinks that as long as the state remains anti-poor, anti-minority, and anti-women, we must not expect much from law and its potential to deliver social justice. The crux of



Young protesters are using innovative tools to reclaim the space for women, transgender and other minority communities and identities in Bangladesh.

PHOTO: MONON MUNTAKA

the matter is that often law-centric activism ignores the myriad vectors of power spread all over our society and institutions in which a misogynistic culture is deeply ingrained. Hence, an attentive reading of the current activist landscape helps us look at an ignored area of laws' presumed neutrality in human rights discourses.

This new moment of Bangladeshi young generations' voice against rape has opened up possibilities to shift our attention away from the law and help us begin to think of the multiple locations of power in a society where the misogynistic and hyper-masculine culture as well as the culture of

*mastantontro* (specific to the Bangladesh context) are produced and sustained. In the wake of the Begumganj incident, we see the emergence of a new activist landscape where citizen participation is seen from small towns to the large cities. In particular, what we are witnessing is the widespread participation of who may be called our generation Z (Net-Gen), a generation for whom Facebook clicktivism is a childhood thing! It is this new generation that has given our new moment a virulent look! They are innovative in reclaiming the space for women, transgender and other minority communities and identities in Bangladesh. Like some of the recent

movements of the generation Z—most notably the road safety movement of 2018—this movement too has an apparent leaderless character and is not limited to Dhaka. Sometimes the slogans and languages of banners are ambivalent (demand for capital punishment, rape epidemic) but the powerful presence of the generation Z on the streets and social media is a clear indication of an emerging force. Are they going to change our activist landscape for good?

As someone who had participated in the 1998 anti-rape movement at Jahangirnagar University, I can see how different the fight today is. Back then, our battle, our collective rage was against the university authority for not taking proper action. The movement was place-based. In the absence of internet or social media, our movement was not in the public discourse the way it is today. I remember how the JU rape incidents were represented in the public discourses which often villainised the space of the JU campus (*Jahangirnagarer jhopjhare je kotokichhu ghone*) as well as its students (*Jahangirnagarer meyer biye bhenge jacchhe*). Through this time travel back and forth, I can see the emergence of a new language, a language that recasts the notion of chastity, the central tool of the patriarchal discourse controlling women's body. When there is already a culture of impunity and when the idea of using brute force with indulgence from the establishment is taking root everywhere, there is no other option left for us except building a collective movement against misogyny and hyper-masculine culture.

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## IMF growth forecasts for India-Bangladesh: How India should see it



THE latest country-wise economic growth projection dished out by the International Monetary Fund (IMF) for financial year 2020-

21 has made headlines in India as much for its forecast of a double-digit contraction of the three-trillion-dollar Indian economy, Asia's third largest, as for predicting that Bangladesh would overtake India in terms of US dollar-denominated real per capita GDP. The IMF figures—worse than what the Reserve Bank of India put out recently predicting 9.5 percent shrinking of the GDP—have given rise to much acrimony and heated debate in India. The Indian print media discussed the comparative performance of the two economies, and some commentators questioned whether it is appropriate to measure foreign currency-determined real GDP for a comparative study. It had its political fallout too, providing fresh ammo for the opposition parties to attack Prime Minister Narendra Modi government's handling of the economy.

The criticism of the economic slowdown is nothing new. The Indian economy has been on the decline for the last four years. Now the pandemic has dealt a mighty blow to it adding to the economic woes of the country.

The IMF sees India's per capita GDP (in dollar terms, at current prices) falling to USD 1,877 in 2020, a decline of 10.3 percent, and for Bangladesh, the corresponding figure is seen growing to USD 1,888,

a rise of 4 percent. The comparison with Bangladesh in terms of real per capita GDP growth was fodder for the opposition which sought to rub the salt in the wounds by using that fact. Congress leader Rahul Gandhi and Trinamool Congress lawmaker Abhishek Banerjee taunted the Modi government over this. Kaushik Basu, Cornell University's professor of economics and former chief economist of the World Bank, tweeted that IMF's latest projection of Bangladesh's real per capita GDP surpassing India's real per capita GDP—after India had a lead of 25 percent five years ago—is “shocking” and calls for “bold fiscal/monetary policy”. He, however, did acknowledge that “any emerging

post that “the IMF's historical numbers are themselves based on countries' local currency GDP estimates which are subject to uncertainty for both India and Bangladesh.” He suggests that a “more appropriate basis is GDP at constant prices and purchasing power parity (PPP) exchange rates. This shows India ahead and, despite Covid's more adverse impact in 2020, likely to remain so.”

What comes out clearly through the din of the debate over the IMF report on India and Bangladesh's growth forecasts is that the Bangladesh economy has accelerated in the last three years while India's growth story started declining. An article in *The Indian Express* analysed the causes



File photo of Bangladesh Prime Minister Sheikh Hasina and her Indian counterpart, Prime Minister Narendra Modi.

economy doing well is good news.” On the other hand, noted economist Arvind Subramanian, a former chief economic advisor to the government of India under Modi, said in a twitter

why Bangladesh has overtaken India in per capita GDP: “It also helps that the structure of Bangladesh's economy is such that its GDP is led by the industrial sector, followed by the

services sector. Both these sectors create a lot of jobs and are more remunerative than agriculture. India, on the other hand, has struggled to boost its industrial sector and has far too many people still dependent on agriculture.”

In per capita GDP terms, India was significantly above Bangladesh till a few years ago, but the gap has been substantially narrowed owing to Bangladesh's fast-rising low-skilled and labour-intensive export sector. Besides, while India's investments remained lukewarm, the corresponding figures for Bangladesh saw an impressive surge. India's per capita GDP, in US dollar terms, is projected to be USD 1,876.53 in 2020, lower than USD 1,887.97 projected for Bangladesh. However, India's per capita GDP is expected to overtake Bangladesh's per capita GDP in the next financial year with the IMF projecting it to be USD 2,030.62 as against USD 1,989.85 of the latter. However, the trend is not expected to sustain for long as India's per capita GDP is then again expected to slip below Bangladesh's per capita GDP in 2024 to USD 2,544.26 as against USD 2,544.32. It is not for the first time that India has fallen behind Bangladesh by this yardstick. It had done so in early 1990s when the value of US dollar vis-à-vis Indian rupee went up sharply following the devaluation of the Indian currency.

The Modi government countered the opposition onslaught by pointing out that India's GDP in terms of purchasing power parity (PPP) was eleven times more than that of Bangladesh in 2019. Government sources stressed that under the Modi government, India's per capita GDP has increased from Rs 83,091 in 2014-15 to Rs 1,08,620 in 2019-20, representing an increase of 30.7 percent. In PPP terms, India's per capita GDP in 2020 is estimated by

IMF at USD 6,284 as compared to USD 5,139 for Bangladesh, according to the sources. Under the second edition (2009-14) of the Congress party-led United Progressive Alliance, it had increased from Rs 65,394 in 2009-10 to Rs 78,348 in 2013-14, which is an increase of 19.8 percent.

What should not be overlooked in this comparison between India and Bangladesh's GDP growth is the fact that Bangladesh's economic rise, particularly in the last decade, has been remarkable, and no attempt should be made to take anything away from that story by resorting to technicalities. Take any yardstick—manufacturing and exports and a range of social development indicators such as fertility, child mortality, literacy, female labour participation, and financial inclusion—and you will find a remarkable transformation story in India's eastern neighbour, prompting Indian politician and economist Subramanian Swamy to say that “Bangladesh is a miracle in the making, offering development lessons for all.”

The approach of compare and contrast is fine but more worthwhile is drawing lessons from that. There should not be any attitude of condescension. If Bangladesh is pursuing the right economic policies and benefiting from it, it is important for India to learn from it. Two Indian prime ministers, Manmohan Singh and Narendra Modi, said on separate occasions that India has a keen interest in Bangladesh's economic prosperity and wants Bangladesh's growth story to benefit from India's own development story. The two countries should be plugged into each other's economic growth to draw economic mileage from collaborative efforts.

Pallab Bhattacharya is a special correspondent of *The Daily Star*. He writes from New Delhi, India.

### ON THIS DAY IN HISTORY



OCTOBER 22, 2010  
War documents released by WikiLeaks

WikiLeaks, a Web site founded by Julian Assange that functioned as a clearinghouse for classified or otherwise privileged information, released thousands of US documents relating to the wars in Iraq and Afghanistan.

### CROSSWORD BY THOMAS JOSEPH

#### ACROSS

- 1 Clock part
- 5 Sacred beetle
- 11 Singer Jackson
- 12 Llama's cousin
- 13 Citi Field cousin
- 14 Designated
- 15 “I beg your pardon”
- 17 They're made of mins.
- 18 Origami need
- 22 Wintry weather
- 24 List of candidates
- 25 – Alamos
- 26 Young fellow
- 27 Seize by force
- 30 Almanac info
- 32 Drive off
- 33 Bat wood
- 34 Newspaper info

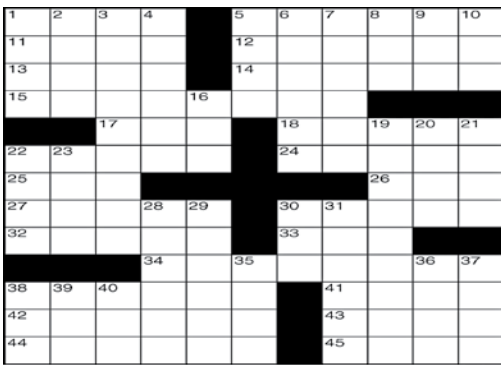
#### box

- 38 Ring around the sun
- 41 Norway capital
- 42 Joins forces
- 43 Destroy
- 44 Sires
- 45 Foil's kin

#### DOWN

- 1 Renown
- 2 Baseball's Rodriguez
- 3 Regains lost ground
- 4 Guarantee
- 5 Fill completely
- 6 Shop holders
- 7 Entreaty
- 8 Grammys category

- 9 Top card
- 10 Naughty
- 16 Retired jet
- 19 Fixes
- 20 Coup d'—
- 21 Great American Ball Park team
- 22 Disparaging remark
- 23 Finish last
- 28 Couch potato's need
- 29 Mars, for one
- 30 Diet no-no
- 31 On the beach
- 35 Pert talk
- 36 “I cannot tell —”
- 37 Finished
- 38 Young lion
- 39 Binary digit
- 40 Equip



### YESTERDAY'S ANSWERS



### BETTER BAILEY

### BY MORT WALKER



### BABY BLUES

### BY KIRKMAN & SCOTT



WRITE FOR US. SEND US YOUR OPINION PIECES TO [dsopinion@gmail.com](mailto:dsopinion@gmail.com).