

What was Shima's Crime?

by Shaheen Anam

What crime did Shima commit? What crime could a 17-year old, poor garment worker have committed to be first picked up by police, to be allegedly raped by police, kept in custody and then allowed to die? We question the validity of "judicial custody" because we know that often this is used as a pretext to pick up young girls to be abused as Shima had been.

THE "honourable discharge" on July 13 of four policemen charged with the rape of Shima Chowdhury came as a shock to us all. Does it validate the fact that seeking and getting justice for women, and especially women who are poor, difficult, or almost impossible? It also proves that the loopholes in our legal system often victimise the victim and permit the perpetrators to go free.

The chronology of events after Shima was picked up on August 7, 1996, is an unbelievable story of police brutality, negligence and lack of accountability in our entire legal and justice system.

Shima Chowdhury, a young garment worker was picked up by patrol policemen on August 7, 1996 along with a young man called Hafiz. She was taken to Mugdal police post and then transferred to Raazan police station the next day. We still do not know for what crime she was picked up and taken to the police station in the first place.

The law refers to this "judicial custody". That night, in the name of "judicial custody" she was allegedly raped by four policemen in the OC's room. She was discovered by the OC the next day, in a state of shock with evidence of abuse and assault on her body.

Suspecting the worse, the OC took her to the hospital immediately where the attending doctor confirmed that Shima had been raped. Later a board of doctors disagreed with the first doctor's report and Shima could not identify the culprits as she had been heavily drugged. The OC filed charges against the four policemen who were "closed" and later charge-sheeted. However, soon they were released on bail.

Shima was moved to Chittagong Jail on October 10 and was kept in judicial custody by court order supposedly for her safety. Meanwhile women's and other human rights organizations wanted to talk to Shima but they were all denied access. Unsuccessful attempts were made to take her out of the jail where she was being kept in "safe custody". Jail authorities claimed that she was needed to testify. On February 7, just after the Eid holidays, much to our great shock it was reported that Shima was dead. The official

statement was that she died of some sickness in jail. Not only that, her body had already been incarcerated.

The news was greeted with anger and outrage. The women's community felt that somehow they had let Shima down by not monitoring the case properly. However, they had believed the assurances given by the authorities that a fair trial would be conducted.

In the face of public outrage, the Chittagong Chief Metropolitan Magistrate set up a two-member enquiry team who accused the jail authorities of gross negligence. The Prime Minister herself ordered an enquiry, and vowed that appropriate measures would be taken against those charged with rape of Shima. Soon after, a five-member parliamentary sub-committee was formed to enquire into the death.

This gruesome story does not end here. On July 13, the four accused policemen were given an "honourable discharge" raising questions regarding our legal system. The judge while passing the judgement clearly said that he could not give any other verdict basing on the evidence presented by the public prosecutor.

We, from the women's community would like to raise some fundamental questions. These questions must be answered if we are to have any faith in our legal system. The most important one is, what crime did Shima commit? What crime could a 17-year old, poor garment worker have committed to be first picked up by police, to be allegedly raped by police, kept in custody and then allowed to die? We question the validity of "judicial custody" because we know that often this is used as a pretext to pick up young girls to be abused as Shima had been.

The other questions we want to ask are — whose responsibility was it to take care of her in safe custody? Why was she not given proper medical attention? What monitoring mechanism was set in place to ensure that the trial was properly conducted? What steps did the Attorney General's office take to ensure that the Public Prosecutor would do his job well?

As for the Parliamentary Committee, we are extremely disappointed and shocked with

the report they have submitted at the recently concluded Parliament session. To term the entire episode as politically motivated makes a mockery of the torment that Shima underwent which ultimately resulted in her death. The recommendation that actions be taken against the examining doctor for reporting rape is the most blatant and shameful example of giving this tragic incident a political colour. We question this report and demand that a proper and fair trial be conducted to establish the truth about Shima's rape and murder.

In view of the general public outrage at the "honourable discharge" of the four police men, the Home Ministry has ordered a reinvestigation. Women's groups including the Sammilito Nari Samaj have demanded stern action against those responsible for the rape and death of Shima and also those responsible for the inadequate preparation and presentation of the case at the trial. The Bangladesh Human Rights Committee has filed a case against the investigating officer for neglecting his duties.

We do not know what will be the outcome of a reinvestigation or a retrial. However, we do know that some kind of mechanism has to be set in place whereby cases of rape and violence are monitored. Individuals and organizations in the women's movement could take on a monitoring role and form watchdog committees. Women's groups could provide professional, legal and counselling support to victims awaiting trial. The Home Ministry has already been approached with such a proposal and it is time some actions are taken on it.

The women's movement will have to become even more active and alert in the face of growing violence. Public opinion needs to be created on issues of patriarchy and our social system that constantly devalues women through acts of violence — be it rape, assault or verbal abuse. Much more work on advocacy and changing of mindsets have to be undertaken by government, media, women's organizations and the NGOs. Violence against women is a social evil and must be resisted by every one who believes in human rights and human dignity.

REFERRING to Guner Myrdal's 'Asian Drama', economist Kaushik Basu once paraphrased in a book that South Asian social scientists do not do adequate research on corruption. The reason for this neglect is the belief that since corruption is so evident all around, to write about it would be banal. In fact corruption in the form of bribery, lobbying, theft, tax evasion, loan default, smuggling and black market is our day-to-day experience and the things are going in a way as if we are habituated with those.

According to a recent country-wide opinion poll conducted by Bangladesh Unnayan Parishad (BUP), it has been found that 95 per cent of the people consider the police department as the most corrupt organization and 91 per cent the customs department as the next. In the poll, tax department, secretariat and judiciary rank third, fourth and fifth respectively. And 62 per cent of the people believe that government officials are mainly responsible for all such corruption.

Corruption has been found widespread in countries where government interventions and more specially restrictions over economic activities are pervasive. 'Market failure' may be a valid rationale for government intervention; but excessive government regulations that go beyond the limit defined by the minimal or protective state, become so important that political allocation takes place in the form of differentially advantageous position of some persons like government officials, bureaucrats, politicians and private agents close to different government agencies, who secure valuable rights to have access to scarcity values.

If government is viewed as a provider of political favour to pressure group or an organizer of political support for staying in power, then such political allocation takes the lead over market allocation and for government this is a relatively costless way of acquiring political support.

In economic sense, government creates monopoly while providing public goods and services through regulations, rather than regulating monopoly that follows from the argument of market failure. This creates the basis of corruption.

For example, a government official is supposed to permit a license at an official price; but since he is like a monopolist, he creates an artificial shortage at the official price and charges a higher price and collects the difference of these two prices as bribe as a way to clear the

The Cost of Corruption

by Humayun Kabir

In economic sense, government creates monopoly while providing public goods and services through regulations, rather than regulating monopoly that follows from the argument of market failure. This creates the basis of corruption.

market (corruption without this). As for example in the context of our country, manpower export is a major source of foreign exchange earning; but due to regulatory and complicated procedures it plays a major role in encouraging the officials and brokers collecting the bribes for issuance of passports, the demand for which is highly price inelastic.

There may be other types of corruption when, for example, custom officials allegedly let goods through the borders (as it is usual case in our country) but then give nothing at all to the government (corruption with theft). Corruption of this second type is obviously more attractive to the buyers who has no incentive to inform on the officer, for which the likelihood that corruption is detected is much smaller. This creates a further incentive for corruption of this type to rise and competition between buyers assure the spread of this cost-reducing (to buyers) corruption.

Every household who takes benefits of public utility services in our country faces both types of corruption. In many cases, the process by which public goods and services are supplied are complicated, lengthy and require many bureaucratic steps to be passed through. If there is monopoly at each step the output is apt to be low and monopoly payments per unit high. As a result, one of the fiscal objectives of the government is frustrated; because the total fees (government fee plus bribe) are markedly larger than those which could optimize the revenue. And the economy suffers a 'system loss' — the loss due to unrecovered earning while bearing the cost of providing the goods and services. An estimate shows that in Bangladesh the tax base (on

which tax is imposed) increases more proportionately than GDP; but tax revenue increases less proportionately than the tax base. In case of excise and import duty the above situation is acute. But most importantly, the situation is even worse in case of direct taxes and, particularly, the income tax, which is very progressive in Bangladesh. A huge tax evasion and avoidance is assumed to be liable for this scenario.

According to a recent study by M. Kabir Hasan, the economy crippled with corruption i.e., the underground economy in Bangladesh consists of 23 per cent of formal GDP. And this unrecorded part of export and import sectors consists of 1.7 per cent and 9.1 per cent of formal GDP and 12 per cent and 34.9 per cent of formal export and import sectors respectively. From this statistics, it appears that as an import-dependent country, import sector which faces numerous regulations and restrictions is major source of earning illegal money through corruption. In many cases, government officials allegedly use their powers to induce imports of goods on which bribes may be collected easily at an enormous rates. The preference of unnecessary advanced technology rather than 'appropriate' technology may be the result of such efforts. As a consequence, the menu of both consumer and producer goods available in our country is determined by corruption opportunity rather than tastes or technological needs.

For an economy like ours, which seeks rapid and higher growth and higher per capita income with social justice in income distribution, the process of industrialization should be sped up. In fact, our government is in favour of such objective through implementing the policy of liberalization. Yet the

cost of existing regulatory mechanisms is so high that the extent of liberalization so far achieved, as voiced by the government, is not beyond doubt. To start an industrial enterprise, it still requires thirteen kinds of licenses, which must be renewed annually. Moreover, it requires the connections of telephone, electricity, gas and water. Taking everything into account, according to some estimate, the cost of corruption comes to almost 350 per cent of initial official costs of setting up a garments factory. When yearly renewal costs are added, this figure increases to nearly 700 per cent. The major portion of this cost of corruption is bribe. Bribe constitutes 60 per cent of the initial cost and about 95 per cent of yearly renewal costs. Bribes for connections of public utility services are usually high; but once connections are given and factory goes into operation, corruption with theft gets started. The huge system loss of our power sector may be attributed to illegal manipulation by government employed servicemen and officials. It is claimed that only recovering the outstanding electricity bills of government, semi-government and autonomous organizations would reduce system loss by almost 50 per cent.

When the situation is alleged to be such that bribes are necessary for loan from banks, new entrepreneurs are deterred from entering and innovating. As a result, capital is often used in trade, rather than being committed to long-run investments in innovative projects. This explains the slow pace of private sector industrial development in Bangladesh.

In the face of higher rate of unemployment in Bangladesh, the competition for government jobs is, in part, also alleged to be the competition for corrup-

tion that ensures a very high potential income. The enormous size of government bureaucracy in Bangladesh bears some significance in this respect. Public enterprises and bureaucracies commonly have motives other than profits and they are subject to political pressures for employment provision or themselves have employment objectives. As a result there exists lobbying for public sector jobs and bureaucrats have the power to create such illegal income yielding jobs.

Moreover, since government jobs reward the educated and talents more than productive or innovative activities do, entrepreneurship which is an urgent requirement for technological progress to ensure productivity and income growth for a stagnant economy like ours, does not develop. It is argued that the differential allocation of talents is one of the reasons why England had the Industrial Revolution in the eighteenth century and France did not.

Corruption has pervaded all sectors of our economy and it has rather emerged as a status symbol! But the presence of corruption is costly for our common life and sufferings are unbearable at individual level though societal reaction at collective level is not so strong to resist the system. We people are against us, not realizing the fact that nothing productive is happening in the economy except scarce resources being redistributed through mutual financial benefits accruing to a small oligarchy of people at the expense of distress of the majority. In essence, corruption is nothing but a social waste.

Unless there is stronger public pressure against corruption, it is not possible to reduce such activities and that may be ensured through political competition — a competition within the ruling parties as well as with the opposition parties. Democratic elections, independent press and a new legal system may provide ways to reducing corruption.

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Crusade against Corruption Takes on Religious Zeal

Sam Vulum writes from Port Moresby

A concerted campaign has been launched in Papua New Guinea to rally support behind efforts to rid the country of a chronic corruption problem in both public and private sectors.

An independent anti-corruption group is promoting a "national integrity action plan" to fight what one senior judge describes as a cancer that has spread through the Pacific island nation in recent years.

The new Prime Minister, born-again Christian Bill Skate, has lent his support and has pledged to set up an independent anti-corruption commission to investigate controversial deals entered into by the previous government. He hopes to win parliamentary approval for the commission by November.

Public fury over secretive dealings erupted earlier this year when people took to the streets to protest against an abortive \$36 million deal to hire foreign mercenaries to help put down a long-running rebellion on Bougainville island.

The anti-sleaze campaign is being led by a newly formed Papua New Guinea chapter of the Berlin-based group, Transparency International, and is aimed at rooting out corruption and promoting honesty and accountability in public and private dealings.

Individuals, business chiefs, politicians and others are being urged to join up, while journalists are being called on to help by flushing out malpractice.

Senior figures who have expressed grave alarm include the Governor General, Sir Wiwa Koror, who has hit out against widespread greed, dishonesty and abuse of public office.

He said the country should declare war on corruption, adding: "It is an enemy that has roots in the greed of individuals

and has consequently suppressed the majority."

A prominent national court judge, Justice Timothy Hinchliff, said the cancer of corruption had spread through the public and private sectors.

"Some leaders in government and private business have let us down immensely by their greed and absolute disrespect for the fellow Papua New Guineans," he said. "Some have given many people great hope, only to let them down later through lies and deceit and their lust for money and material things."

Political corruption has gripped the country for several years, and since the early 1980s 15 national politicians have been charged with misconduct in office under a leadership code. Five were imprisoned. The rest were either cleared or resigned from public office to avoid prosecution.

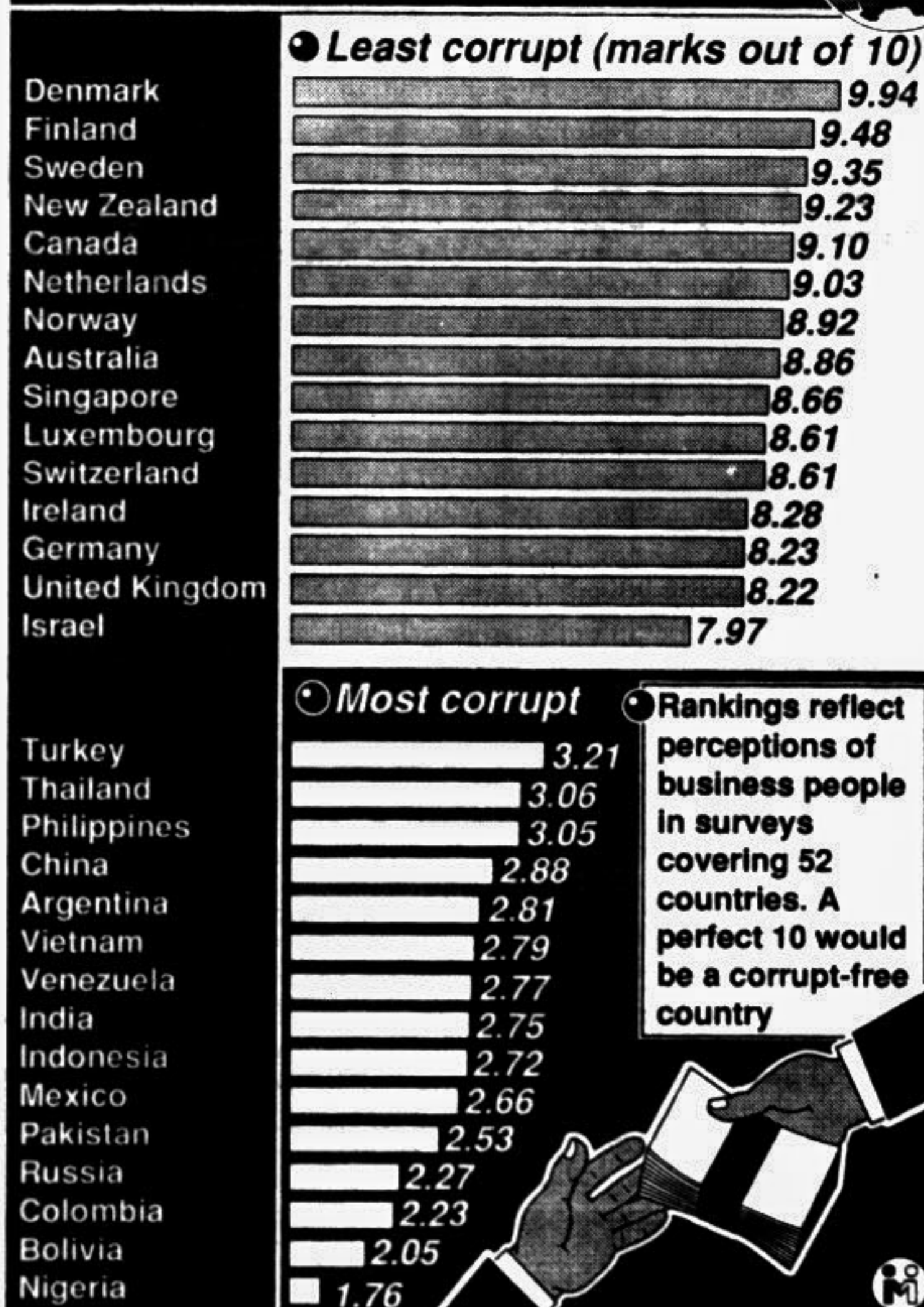
Others had been implicated in various controversial dealings. Most have escaped prosecution because of lack of evidence and some inquiries have quietly fizzled out.

An uprising in March, which took the country to the brink of a military coup, was the result of people's frustrations and discontent over the former government's secretive deals involving millions of dollars.

People took to the streets to protest over the Bougainville mercenary affair. Although a subsequent commission of inquiry did not implicate anyone, fresh revelations continue to emerge. The new government, formed after the June elections, has established another inquiry with extended powers to investigate further.

Premier Skate, who has himself been criticised for including members of the previous government in his ruling coalition, wants his new proposed anti-corruption commis-

The sleaze league

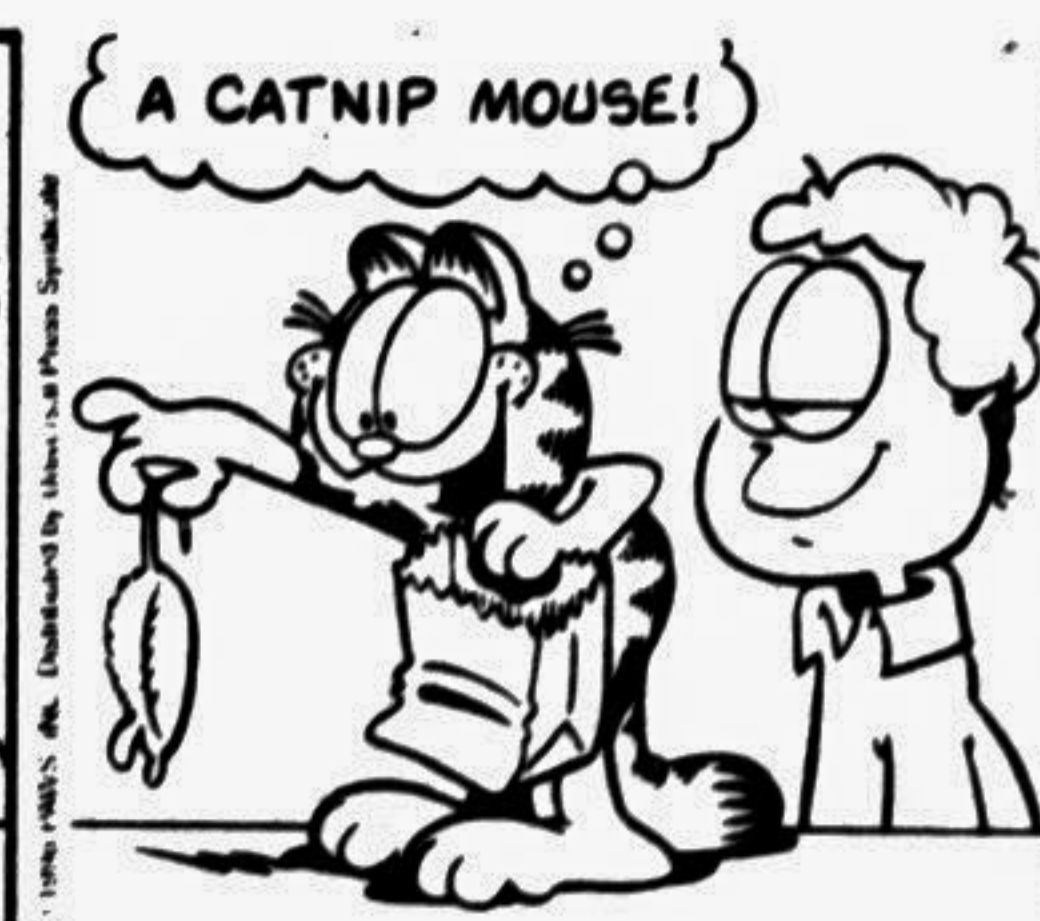


sion to investigate other controversial deals. These include the sale of the state's stake in an oil-palm company, as well as projects involving a freeway, water supply, airport redevelopment, and the purchase of property by former authorities in Cairns, Australia.

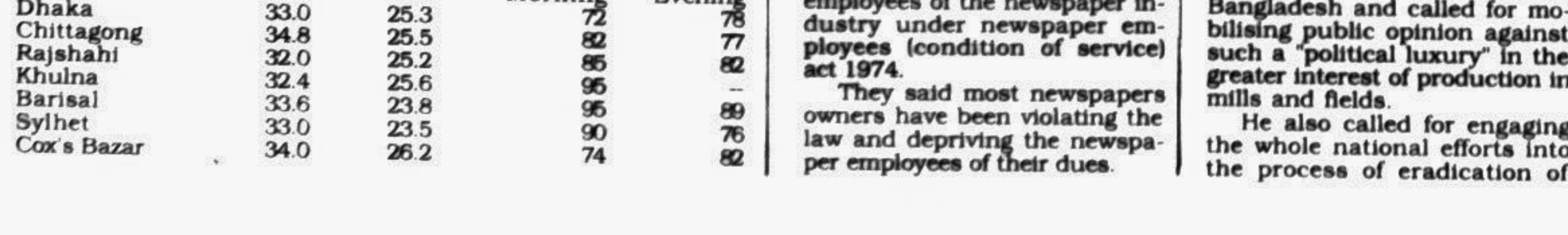
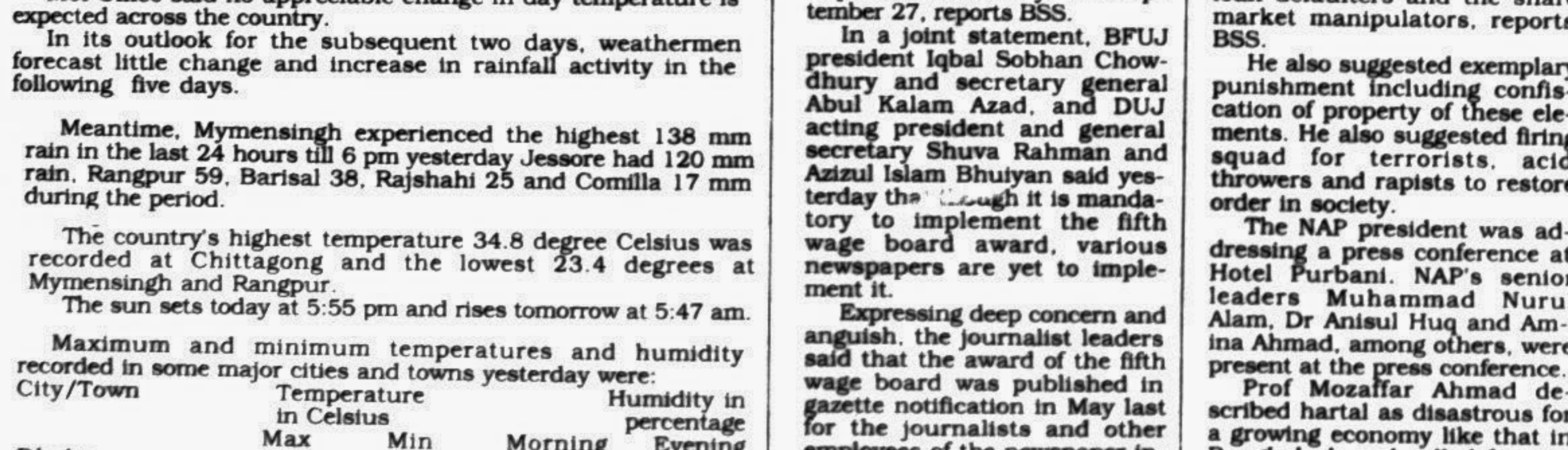
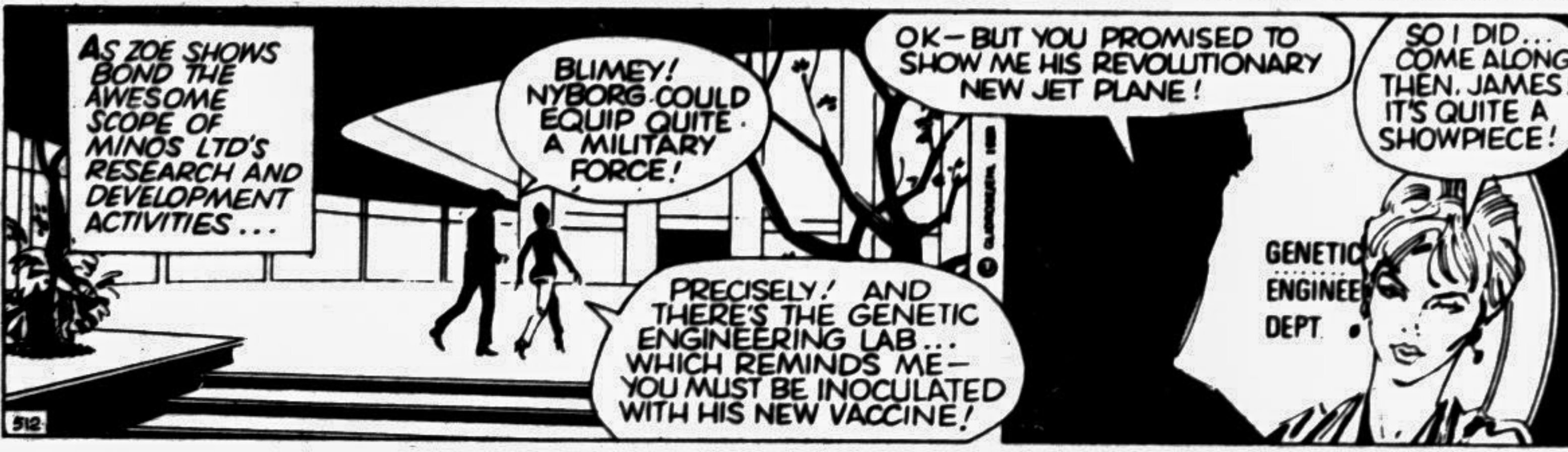
Skate was first to sign Transparency International's national integrity action plan. The national chapter, which was formed earlier this year, has been described by one of the group's senior officials in Berlin as being "vibrant and innovative".

Source: Transparency International & Dr. Johann Graf Lambsdorff, 1997

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James Bond



by Jim Davis



Metropolitan

BFUJ, DUJ call to implement 5th Wage Board Award

Leaders of Bangladesh Federal Union of Journalists (BFUJ) and Dhaka Union of Journalists (DUJ) called upon the newspaper owners to immediately implement the fifth wage board award and decided to observe "wage board award implementation day" on September 27, reports BSS.

In a joint statement, BFUJ president Iqbal Sobhan Chowdhury and secretary general Abul Kalam Azad, and DUJ acting president and general secretary Shuva Rahman and Azizul Islam Bhuiyan said yesterday that though it is mandatory to implement the fifth wage board award, various newspapers are yet to implement it.

Expressing deep concern and anguish, the journalists leaders said that the award of the fifth wage board was published in gazette notification in May last for the journalists and other employees of the newspaper industry under newspaper employees (condition of service) act 1974.

They said most newspapers owners have been violating the law and depriving the newspaper employees of their dues.

'Hartal disastrous for economy' Prof Mozaffar suggests firing squad for terrorists

President of the National Awami Party (NAP) Prof Mozaffar Ahmad yesterday called for taking stern measures against corrupt elements, especially loan defaulters and the share market manipulators, reports BSS.

He also suggested exemplary punishment including confiscation of property of these elements. He also suggested firing squad for terrorists, acid throwers and rapists to restore order in society.

The NAP president was addressing a press conference at Hotel Purbani. NAP's senior leaders Muhammad Nurul Alam, Dr Anisul Huq and Amina Ahmad, among others, were present at the press conference.

Prof Mozaffar Ahmad described hartal as disastrous for a growing economy like that in Bangladesh and called for mobilising public opinion against such a 'political luxury' in the greater interest of production in mills and fields.

He also called for engaging the whole national efforts into the process of eradication of

poverty by ensuring democratic rights at all levels and building an institution of self-reliant economy in the country.

"We do not want to see hartal and black money holders in existence. Politics must be free from vested interest groups," the NAP president said.

He referred to the existence of vested groups as well as an evil attempt to make Bangladesh a state in Pakistani model and said such attempts were the impediments in the way to development of the national economy.

Prof Mozaffar Ahmad criticised the role of oppositions in parliament saying they had utterly failed to uphold the hopes and aspirations of the people.

"BNP's role as the main opposition is unworthy because this party has failed to form shadow government. It has rather launched a movement for seizing power through staging walk-out from parliament and utilising religion as political slogan" he observed.

WP slates police action on opposition

Workers Party (WP) condemned the police repression on the opposition to compel them to hold meeting in places selected unilaterally by the DCC Mayor, reports UNB.

In a statement yesterday, President and General Secretary of the party Amal Sen and Rashed Khan Menon blamed the government for its fresh move to obstruct political procession in the city although there was no restriction on bringing out such procession.

They said the problem can be resolved through discussion, but the authoritative attitude by the Awami League and the government has created confrontation-like situation in the country.

The Workers Party leaders said the Dhaka city Mayor was not taking any initiative to hold fresh dialogue to discuss alternative proposals regarding meeting venues.

Moreover, Awami League executive council took a resolution to implement the Mayor's unilateral decision at any cost, they said.

HERE and THERE

Bangladesh Puja Ujjapan Parishad

Post and Telecommunication Minister Mohammad Nasim Saturday said the government is determined to protect the interest of the minority communities, reports UNB.

He was addressing as chief guest at the annual general meeting of Bangladesh Puja Ujjapan Parishad at Dhakeswari Mandir in the city.

The government believes in non-communal politics and secularism, Mohammad Nasim reiterated, saying that "It will never compromise with the anti-liberation forces".

The minister, however, said that past governments had repressed the country's minority community with an ulterior motive.

Nasim, who is also in charge of Housing and Public Works Ministry, said that steps would be taken to solve the problems of Dhakeswari temple.

The meeting was also addressed by Bangladesh Puja Ujjapan Parishad general secretary Subrata Chowdhury, Dhaka City Puja Ujjapan Committee president Chittaranjan Sarkar, Hindu-

Boudha-Christian Oikya Parishad general secretary Dr Nim Chandra Bhumiik and Prof Lalit Mohan Nag, said a PID handout.

Hill Women's Federation

By Staff Correspondent
Leaders of Hill Women's Federation (HWF) have said that movement would be launched if any agreement is signed compromising the interests of the people of Chittagong Hill Tracts (CHT).

This was said at the fourth council of Dhaka unit of HWF held at DUCSU cafeteria in the city yesterday.

Former president of Pahari Chhatra Parishad, Sanchoy Chakma, current president Dipti Shankar Chakma and other leaders spoke at the council, chaired by Ripu Chakma.

A 17-member committee of the HWF's Dhaka unit was formed at the council with Shumita Chakma, Meek Khisha and Rupna Chakma as its president, general secretary and organising secretary respectively.

Weather

Light rain forecast

Light to moderate rain or thundershowers accompanied by temporary gusty wind is likely at a few places over Khulna, Chittagong, Rajshahi and Sylhet divisions and at one or two places over Barisal and Dhaka divisions in the next 12 hours till 6 pm today, reports UNB.

Met Office said no appreciable change in day temperature is expected across the country.

In its outlook for the subsequent two days, weathermen forecast little change and increase in rainfall activity in the following five days.

Meantime, Mymensingh experienced the highest 138 mm rain in the last 24 hours till 6 pm yesterday Jessore had 120 mm rain, Rangpur 59, Barisal 38, Rajshahi 25 and Comilla 17 mm during the period.

The country's highest temperature 34.8 degree Celsius was recorded at Chittagong and the lowest 23.4 degrees at Mymensingh and Rangpur.

The sun sets today at 5:55 pm and rises tomorrow at 5:47 am.

Maximum and minimum temperatures and humidity recorded in some major cities and towns yesterday were:

City/Town	Temperature in Celsius	Humidity in percentage
	Max	Min
Dhaka	33.0	72
Chittagong	34.8	82
Rajshahi	32.0	82
Khulna	32.4	86
Barisal	33.6	95
Sylhet	33.0	90
Cox's Bazar	34.0	74