

Putting an innocent to jail

An irreparable violation of human rights

The case of Zakir Hossain sentenced to life term in jail of which he had served five years till his mistaken identity was revealed is a glaring example of victimisation of an innocent in the name of law enforcement.

Arrested in 2007 in connection with a case filed in 1991 with Arahazar police station in Narayanganj as one of the main accused, police produced him before a Narayanganj court. The court sentenced him to life imprisonment.

The first horrific law enforcement lapse to note is that after 16 years of the incident, the accused including the victim were picked up signifying unforgivable foot dragging in the case. Then comes the fundamentally flawed arrest of a namesake of the accused taking him to the court with eventual handing out of the conviction. However, a recent home ministry probe triggered by a newspaper report has brought to light the horrendous tale of Zakir whose only fault was sharing the same name with another individual.

No investigation, no cross checking of identity at any level just arbitrarily picking up an innocent person and forcing him into imprisonment. It may have been a typical case of forced confession which the concerned policemen resorted to only in order to camouflage the fact that they utterly failed to put the real culprit in the dock.

It is a grave injustice done to an innocent person and his family, a stark instance of human rights violation of the worst kind. This is completely anachronistic to any semblance of rule of law.

It really worries us to think there may well have been several similar instances where the real culprits have gone scot-free. This is a pitiable illustration of a contrast in criminal justice system with poor conviction rate and jails swarmed with under-trial prisoners.

We think it is a case of utmost importance which needs to be taken very seriously by the home ministry and further probed to fix responsibility and punish the perpetrators.

Misuse of power by police and other agencies especially under Sections 54 and 167 the Code of Criminal Procedure (CrCp) has been under focus. To enforce accountability among the police, the institution needs to be reformed. To our utter dismay, in spite of loads of recommendations available for police reform no headway has yet been made on this very vital agenda.

Rush for repairing vessels

Placing lives of passengers to grave risk

WITH the Eid round the corner, the shipping yards are suddenly abuzz with activities to repair and repaint the river-going vessels.

But these repair works have not been driven by any self-motivation but required by the shipping ministry. The fact that around two dozen defective, unsafe vessels had been plying between Dhaka and other parts of the country over the last one month prompted the shipping department to instruct vessel operators to obtain their fitness certificates before pressing those into service.

The question is why in the first place the faulty vessels could ply for a period of time at all? Anyway, the legitimate concern is over whether repair is being done under the watch of any competent authority or just left to the operators to do as they please.

Who is going to ensure that the repairs under Eid pressure will not be rushed in a slapdash and perfunctory manner and lives of thousands of Eid travellers put to grave risks. We disapprove of this in-season dash for servicing which would be prone to sloppy and cosmetic patchwork possibly leaving the major defects unattended.

There should be zero-tolerance towards any excuse for laxity either on the part of shipping department or the vessel operators that may endanger the lives of commuters by river.

We would like to urge the shipping ministry to ensure that the entire range of activities related to repairs is stringently supervised before the vessels are provided



SYED MANSUR HASHIM

RECENTLY the government of Bangladesh slapped an export ban of *hilsha* fish to India. The decision had

been taken in an effort to stabilise the exploding price of the fish at retail end during the month of Ramadan. A weekly review of prices found substantial reduction of price of the fish in major markets of Mohammadpur, New Market and Hatirpool. Although consumers were happy to see a reduction per unit of *hilsha* ranging from 15 to 20%, it has nonetheless become a bone of contention for exporters and the Fish Importers' Association in Kolkata. The fact remains that the decision to go ahead with an export ban came suddenly and already there is talk of retaliatory measures to be put in place for the export of fish and livestock from India. Such reaction is to be expected. According to the Department of Fisheries, Bangladesh exported some 3,680 tons of *hilsha* in FYI2008-2009 valued at Tk.1.49 billion. In FYI 2010-11, exports increased 132% to 8,538 tons earning Tk.3.52 billion.

Here it gets interesting. The formal trade for *hilsha* puts the value of a 600g to 1kg *hilsha* fish at Tk.492, a fish weighing between 1kg to 1.5 kg at Tk.656, and fish weighing more than 1.5kg at Tk.984. Hence the price of exported fish is significantly less than domestic price. According to industry

insiders, the informal trade in fish is a few times larger than what is exported legally. There is in fact no government regulatory body to oversee the fish trade. Thus, the allegations of under-invoicing and cross-border smuggling will in all probability continue as before.

The question here is whether banning export alone will be sufficient to bring down prices of *hilsha* in the domestic market. The indications are to the contrary. The supply chain of *hilsha* remains a complex one. The net result of all this of course is that

What is evident is that the value chain for hilsha is a long and complex one. With so many intermediaries and sub-agents playing a role in the supply of the fish, it is hardly any wonder that retail price of a fish is double that of the price the average fisherman gets.

neither the fisherman nor the consumer gets the benefit of right price of the much coveted *hilsha*. According to a recent case study done by Food and Agriculture Organisation (FAO), for the domestic market, the trading of *hilsha* involves five major intermediaries, namely fishermen, *aratdar* (storage), *paiker* (wholesaler), retailer and consumer. Apart from these there are several smaller players in the supply chain who perform varying functions.

While fishermen form the first link in the chain, i.e. they are suppliers of fish to the market; it is the *nikari* (informer) who establishes a bridge

between buyers and sellers and receives commission from fishermen. Next comes *faria* who purchases small quantities of fish from fishermen located far away from markets and transports it to the terminal point where the *aratdar* or retailers takes it off his hands. The *paikers* handle large volumes of fish who in turn sell their catch to retailers through *aratdar* in secondary market. There is value addition at each step of the supply chain as the product is passed from one intermediary to another.

The various cost components involved in the movement of fish from fisherman to consumer include transportation, basket packaging, icing, wages and salaries, *aratdar's* commission, house rent, security, electricity, telephone, personal expenses, tips-donation, wastage, *dadon* (loan given to fishermen by *aratdars* requiring fish caught to be sold to them directly) cost, government taxation, subscription for cooperatives (for *hilsha*). For *hilsha*, the major cost items are *aratdar's* commission, transportation, and basket (packaging).

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one. With so many intermediaries and sub-agents playing a role in the supply of the fish, it is hardly any wonder that retail price of a fish is double that of the price the average fisherman gets. Because the country suffers from the lack of an efficient transportation system, particularly good road and rail links, the supply chain gets elongated further by introduction of unnecessary intermediaries such as the *farias*.

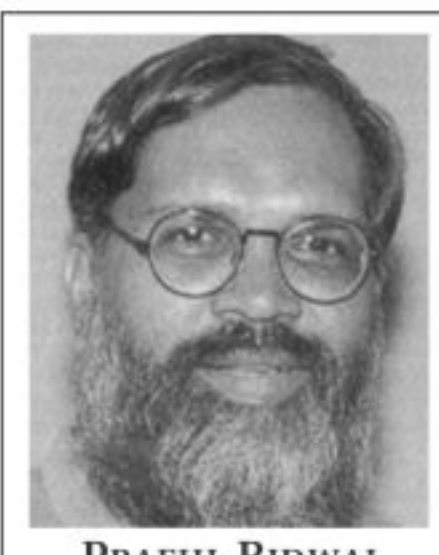
With the major components of fish distribution and marketing controlled by *aratdars* and *paikers* there is little chance of this system changing until and unless the government is willing to make substantial investments in improving physical infrastructure. The transportation networks are in dire need of expansion. Similarly, storage facilities by way of developing cold storage, introduction of refrigerated vans at rural level and upgrading key market places with proper icing, water and drainage facilities. Such steps would invariably go a long way in cutting through the myriad of middlemen and ensure a higher price that fishermen get for their catch.

Last but not the least, the government seriously needs to develop proper monitoring mechanisms which will oversee that stupendous profits being generated by retailers who currently purchase *hilsha* @Tk.400 per dozen at wholesale markets such as Kawran Bazaar in the city and sell them @Tk.800 to Tk1,000 to the consumer at the various kitchen markets does not occur.

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PRAFUL BIDWAI COLUMN

Lessons from the Maruti violence



PRAFUL BIDWAI

INDIA'S first great automobile success story, Maruti Suzuki India Ltd (MSIL), has plunged into notoriety. Its factory at

Manesar in Haryana witnessed terrible violence on July 18, which led to the death of a manager and injuries to over 100. The violence must be unequivocally condemned.

The MSIL management has imposed a lockout and wants to sack 1,000 workers, or about a third of the workforce, which it demonises as criminally violence-prone. It has mounted enormous pressure on the government to intimidate workers and guarantee industrial peace.

The management's reaction, like much media coverage of the issue, is excessive or biased. The Manesar factory has a history of labour unrest, but none of violence until July 18. It defies credulity that 1,000 workers indulged in violence. That number exceeds the strength of an entire shift. It takes only a handful to start a riot. Sacking people en masse for the action of a minority reeks of "collective punishment", which is illegal and morally repugnant.

By all accounts, the trouble started in the morning when a supervisor hurled casteist abuse at a Dalit worker. Strong protests broke out. Yet, there were negotiations between the recognised Maruti Suzuki Workers' Union and the management. The workers were enraged when the abused worker was suspended, but contrary to normal practice, the supervisor was let off.

MSWU claims that to quell the so-far-peaceful protest, the management sent in the hundreds of "bouncers" it employs to thrash the workers, who then retaliated blindly with whatever they could find, including tools and car parts. Hence the indiscriminate violence. "Outlook" magazine has confirmed the bouncers' presence. MSWU blames the management for causing and aggravating the violence, in which more workers were injured than managers.

Nobody has convincingly refuted this account. It's not as odd as it might seem. Employing bouncers and goons is a routine or standard management practice in the Gurgaon-

Manesar-Dharuhera industrial belt near Delhi. They intimidate workers, break strikes, physically attack activists and undermine legitimate trade unions. This is documented not by ultra-radical activists, but by mainstream union federations including the Congress-led Indian National Trade Union Congress.

It's extremely difficult to establish the use of bouncers conclusively in the specific case of MSIL because no worker or white-collar employee is willing to talk. More than 110 workers, including apprentices and interns, have been rounded up by Haryana's notoriously brutal police. Each has been charged with murder or attempt to murder. Such charges wouldn't stand scrutiny, but they serve the purpose of denying bail to the accused.

The Maruti-Suzuki violence marks a watershed. There is growing frustration among workers at their declining real wages and rising job insecurity. Wages' share in manufacturing value addition has dropped from 30 percent to under 12 percent over 30 years, while the share of profits has more than doubled from 23 to 56 percent.

Most MSIL workers have gone underground in legitimate fear of detention and beatings. The police have unleashed a reign of terror, harassing workers' relatives or acquaintances who aren't even remotely connected with the violence. The operational principle here too is "collective punishment".

The Haryana police has become particularly trigger-happy under the pressure of political bosses who are only too eager to please Maruti-Suzuki. There is no rule of law in Gurgaon-Manesar. A citizen has no protection from the state's predatory agencies.

The MSIL workers' discontent must be understood against the backdrop of callous management practices, including back-breaking workloads, large-scale employment of contract labour on ultra-low wages, refusal to negotiate working conditions and reduce gaping wage disparities, and non-recognition of unions chosen by the workers.

MSIL workers are subjected to a harsh shopfloor discipline to produce a car every 50 seconds. The situation resembles oppressive super-

mechanised production immortalised in Charlie Chaplin's "Modern Times". MSIL workers must labour hard for eight hours, with only two 7.5-minute toilet breaks and a 30-minute lunch break. Both the canteen and the toilets are half-a-kilometre away. No wonder there is "unbearable tension" in the factory.

The Suzuki management has taken the cult of compulsory attendance, obsessive punctuality and relentless productivity increases to extremes. Work, measured in "actions per minute", has been speeded up to ultra-stressful levels. Both workers and managers complain of high mental stress and rude behaviour by superiors tasked to extract as much work as possible. Understandably, slain manager Dev wanted to quit MSIL.

MSIL workers get just nine days'

leave annually, besides the weekly off. For every day missed beyond the nine, Rs 1,500 is deducted. If they turn up even one minute after their shift begins, they lose half-a-day's wages. Their grievances are usually ignored. Supervisors are routinely rude, and allegedly, often violent. An industrial consultancy (Karvy) says the real issues at Manesar are "more psychological" than "materialistic". But MSIL scores poorly on "materialistic" issues too. Most of its workers live in unhygienic, indeed inhuman, conditions. Four men share a tiny room and 30 men a filthy toilet. Two-thirds of MSIL workers are on contract and get paid less than one-half the permanent workers' wages -- although they do the same work and are needed around the year. This violates the principle of equal pay for equal work.

For the management, the contract labour issue is non-negotiable. But the key to the union's strength lies in solidarity between the permanent and contract workers. Other issues like wages have also proved intractable at MSIL. Nothing could be a better recipe for bad faith which turns the fac-

tory into a tinderbox.

MSIL has witnessed two strikes in 13 months. A two-week strike last October was over the management's non-registration of the workers' preferred union. The state government intervened and a tripartite agreement was arrived at. The union says the management is trying to wriggle out of this and refuses to negotiate the union's charter of demands in good faith.

The Suzuki management has shown great cultural insensitivity towards workers -- for instance, over customs like Vishwakarma Puja, when workers worship the machines they work with. In an unusually harsh public statement, Tamaki Tsukuda, minister (economic) in the Japanese embassy in New Delhi, says: "The management did not quite know how to deal with a new band of people representing the workers"; it wasn't aware of their pent-up emotions.

The Maruti-Suzuki violence marks a watershed. However, similar conditions and employer-labour tensions exist in many other Indian factories. There is growing frustration among workers at their declining real wages and rising job insecurity. Wages' share in manufacturing value addition has dropped from 30 percent to under 12 percent over 30 years, while the share of profits has more than doubled from 23 to 56 percent.

This should prompt serious reform of industrial relations in India. What's needed is a high-powered commission comprising labour studies scholars, sociologists, jurists, unionists, enlightened managers and administrators and policemen of impeccable integrity. First, it should investigate what happened at Manesar, based on forensic evidence and testimonies of witnesses protected against identification, intimidation and harassment, unlike the victims of Gujarat's communal carnage.

Secondly, the commission should look into the causes of India's vitiated industrial relations climate, and ways of remedying it. Under a new industrial relations deal, the worker's basic right to a living wage and decent working conditions, as well as the right of association and collective bargaining, must be respected, while the pernicious practice of contract labour is abolished.

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THIS DAY IN HISTORY

August 7

1714

The Battle of Gangut: the first important victory of the Russian Navy.

1933

The Simele massacre: The Iraqi Government slaughters over 3,000 Assyrians in the village of Sumail. The day becomes known as Assyrian Martyrs Day.

1940

World War II: Alsace Lorraine is annexed by the Third Reich.

1942

World War II: the Battle of Guadalcanal begins United States Marines initiate the first American offensive of the war with landings on Guadalcanal and Tulagi in the Solomon Islands.

1998

The United States embassy bombings in Dar es Salaam, Tanzania and Nairobi, Kenya kill approximately 212 people.

1999

The Chechnya-based Islamic International Brigade invades the neighbouring Russian Republic of Dagestan.