



Asad Gazi, 40, at Dhaka Medical College Hospital's burn unit yesterday. Asad, an auto-rickshaw driver, suffered burns after criminals hurled a crude bomb at him in Savar Sunday night, on the eve of opposition-called 60-hour hartal. Injuries to people do not seem to matter at all for hartal supporters as seen in the top right photo where a man carries bombs openly in a pro-BNP youth wing procession supporting the hartal at Rayerbagh. An unexploded bomb, right bottom, at Jatrabari moments after pro-BNP Jatiyatabadi Swechhasebak Dal brought out a procession there and several such bombs exploded.

PHOTO: PALASH KHAN/FOCUS BANGLA

Save us from hartal, pre-hartal violence

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and the coming election. Since Monir and Shumi are children of the poor, media will forget them, as we usually do with cases of the underprivileged class. And if the opposition comes to power, all the accused will be released as victims of "politically motivated cases".

In May 1999, our honourable High Court had declared hartal a constitutional right but termed criminal its forced enforcement. In 2007 the Appellate Division upheld the first part of the HC verdict but overturned the second part.

Our political parties interpreted this verdict as a carte blanche in doing whatever they pleased before and during hartals. The result is Monir and Shumi and dozens of others killed, burnt and maimed in the last few days. It will easily reach thousands if we count the hartal deaths over the last several years.

On Monir and Shumi, Mirza Fakhrul, acting secretary general of the BNP, said the government is responsible. Just one phrase - "government is responsible". The logic is as simple as it is unconscionable -- BNP and its allies have made a demand and till it is accepted they are free to burn the Monirs and the Shumis of Bangladesh. There is no need for any discipline, any cautionary word or any restraint for what their activists do, leave alone any accountability.

No remorse, not a single word of sympathy, no trace of concern for these young lives. We would like to ask just one question to Mirza Fakhrul, what message have you given to those who actually lit the fire that burnt Monir and Shumi? Haven't you given them a green signal to repeat their heinous act? Is this the kind of politics you want or you can live with? Can you govern the country, if you come to power?

We can almost visualise angry BNP reaction saying, The Daily Star and this writer are behaving as if nobody ever died or was burnt in hartal

violence before. They will at once bring out a plethora of examples of such incidents committed by the AL while in opposition. The truth is they are most likely to be right.

So, wrongs committed by one side will continue to be used to justify the wrongs committed by the other, and murderers will be replaced by other murderers. Only their identities will change.

The blame game will continue to be played and we will continue to destroy ourselves waiting to "vote" the same or the other party to rule us, most likely in the same vein.

We are certain our Lordships did not have this kind of hartals in mind when they declared it a "constitutional right". We plead that they revisit the issue. The question our Lordships may wish to ask is what is the responsibility of our political parties while they enjoy their "constitutional right" of calling hartals? Every right in a civilized society has a commensurate responsibility. So what is the responsibility of our political parties while they enjoy their "constitutional right"? Just to say that "government is responsible"?

While our judiciary declared hartal a constitutional and political right, in neighbouring India, higher judiciary has held a dramatically different view.

It was Kerala High Court that first ruled, in a landmark judgment in 1997, that forced bandhs (comparable to our hartals) were illegal. The decision was upheld by the Supreme Court in 1998. Further to this judgment, the Indian Supreme Court in 2002 declared all forms of forced stoppage of public activities as illegal. In July 2004 Bombay High Court imposed on Shiv Sena and the BJP a fine of Rs 20 lakh each for organising the Bombay bandh (hartal) in 2003. In November the same year Kolkata High Court declared illegal and unconstitutional, the Bangla Bandh called by the Trinamool Congress and directed the party to

withdraw the call and publish its withdrawal call in the media. In 2006 Kerala High Court asked the Election Commission to deregister the political parties calling bandhs. In June 2007, The Supreme Court took notice of the bandh called in Delhi that cost the city Rs 700 crore.

The petitioners in the landmark Kerala judgment were two private citizens and the various chambers of commerce in the state. It was contended that bandh should be declared "unconstitutional" as they violate articles 19 and 21 of the Indian constitution.

The Kerala High Court held that the calling of bandh by any association, organisation and political party and its enforcement is illegal and unconstitutional. The court took the view that organisations which call for such bandhs and enforce them are liable to compensate the government, the public and private citizens for the loss suffered by them due to the resulting destruction of private and public property. This judgment was appealed and the Supreme Court upheld the decision.

We cite the Indian judgements because in South Asia it is a common practice to learn from the judgements of each other's higher courts. We also do so because of the prevalent practice of "persuasive authority" in South Asian judiciary.

Time has come for our judiciary to think in these lines. Why shouldn't our judiciary come to the rescue of the public when our elected representatives refuse to do so?

Over the last 23 years, while we have had democratically elected governments in office and fully elected parliament in operation each successive opposition, instead of taking their legitimate and rightful place in the Sangsad, deliberately boycotted it and violated the rights of the citizens by imposing hartals, at a great cost to their personal liberty and to the national economy.

Today, we, the citizens, are at the mercy of activists of political parties who think nothing of killing, injuring on setting people on fire to enforce their hartals.

We now hear that political parties are "outsourcing" violent activities to local (mohalla) or area based hooligans who are paid on the basis of how many cars, buses and CNG autorickshaws they have been able to attack, damage or burn. It is said part payment is made in advance and the rest is paid after "proof" of performance which is usually pictured in their mobile phones. The ruling party and its allies have their own scheme of violence in the name of preventing hartal.

In addition to the rising violence during hartals, we have sadly noticed the rise of another phenomenon, which is pre-hartal violence.

This year a total of 17 people were killed and 681 injured so far only in pre-hartal violence. Besides, a total of 118 vehicles were burnt and 306 vandalised (source: Star reports). These refer to events on the eve of hartal, and not during hartals or other events.

What is the difference between hartal and pre-hartal violence? About hartals there is at least a pre-announced timing. It was declared that the currently running 60-hour hartal would start at 6:00am Monday and end at 6:00pm Wednesday. But on the day (Sunday) before the hartal, especially in the evening prior to it, we saw a spurt of violence in which both public and private properties were destroyed.

What is the rationale for this violence? Why should we, as citizens of a country under law, with clear and specific rights and obligation given to us by our constitution, suffer such mindless violence?

In view of the above and the court judgments delivered in neighbouring India, we make the following appeals to our higher judi-

ciary:

1. To examine the issue of rights and obligations of political parties while they enjoy their "constitutional right" to call hartals;

2. To consider the rights of the citizens during the pre-hartal period when a political party has not called for hartals, and as such the question of the political parties' enjoying "constitutional right" has not yet come to play;

3. To consider that political parties who call for hartals must ensure that pre-hartal violence does not occur, and if it does then leadership of the parties calling hartals must be held liable.

Hartals, as long as they are participated voluntarily, is a part of democracy. Moment they are coerced it is dictatorship. The two situations cannot be treated in the same manner. Today's hartals are not only coerced but imposed in the most vicious and cruel manner as we see from the fate of Monir and Shumi.

Will the custodian of the constitution and of all human, civic and political rights still not come to our rescue when the most perverse and inhuman violation of our rights are taking place?

P.S. The only time any of our political parties ever took any responsibility for the crimes committed during hartal was on 5th December, 2012 when Jamaat-e-Islami party, after an attack on a US Embassy car, stated "We accept the responsibility for this unfortunate incident. We condemn it. We offer our apology to the US Embassy and to the victims and we will provide compensation."

We are happy that the US Embassy got an apology and compensation. We would have been happier if our own people -- killed, maimed, injured, burnt, and whose properties got vandalised -- received similar sensible consideration.

18 DEATHS DURING HARTAL Govt to sue opposition

STAFF CORRESPONDENT

Home Minister Muhiuddin Khan Alamgir yesterday categorically said the government was moving forward to file cases against the persons who had illegally called hartal and killed 18 people.

"We are preparing to file cases against them under sections 302, 304 and 307," he told the House responding to ruling Awami League (AL) lawmaker Matin Khasru's query on whether the government indicted Opposition Leader Khaleda Zia in murder cases for killing 19 people during last week's shutdown.

Taking floor on point of order, ruling party lawmakers bitterly criticised the BNP-led 18-party alliance for enforcing hartals and urged the countrymen to resist anarchists from taking innocent lives and damaging public properties.

Senior AL lawmaker Tofail Ahmed mentioned the incident of Gazipur where pro-hartal activists set a covered van ablaze leaving a teenaged boy critically burnt.

Referring to the 2009 BDR carnage, he read out a report that said BNP standing committee member Salauddin Quader Chowdhury had staged the mutiny under

the patronisation of Inter-Services Intelligence of Pakistan.

He alleged that their main target was to kill Prime Minister Sheikh Hasina.

Taking the floor, minister without portfolio Suranjit Sengupta urged the US and UK governments to extradite war criminals Ashrafuzzaman Khan and Chowdhury Mueen Uddin.

He also requested the opposition leader to join parliament for talks to constitute a polls-time government and proposed Speaker of the House Shirin Sharmin Chaudhury for formation of a parliamentary committee headed by BNP chairperson Khaleda Zia to form all-party government to oversee the general election.

Referring to attacks on the Hindu community at Sathia and Bongram of Pabna, he read out a The Daily Star report and said, "The attack has been carried out to create panic among the minorities misusing the information technology."

Chief whip Abdus Sahid, AL lawmaker Fazley Rabbi and Jatiya Samatantrik Dal lawmaker Mainuddin Khan Badol also spoke on point of order.

DNA tests reveal identities of 157 dead in Rana Plaza tragedy

STAFF CORRESPONDENT

DNA tests at a government laboratory have so far identified only 157 persons out of 322 unidentified victims of the Rana Plaza tragedy.

"We have received a report from the National Forensic DNA Profiling Laboratory, where 157 persons are shown matched [with their family members], and 165 victims still remain unknown," Mikail Shipper, secretary of the labour and employment ministry, said at a press briefing at the ministry yesterday.

He said they will trace the family members of the 157 victims through district

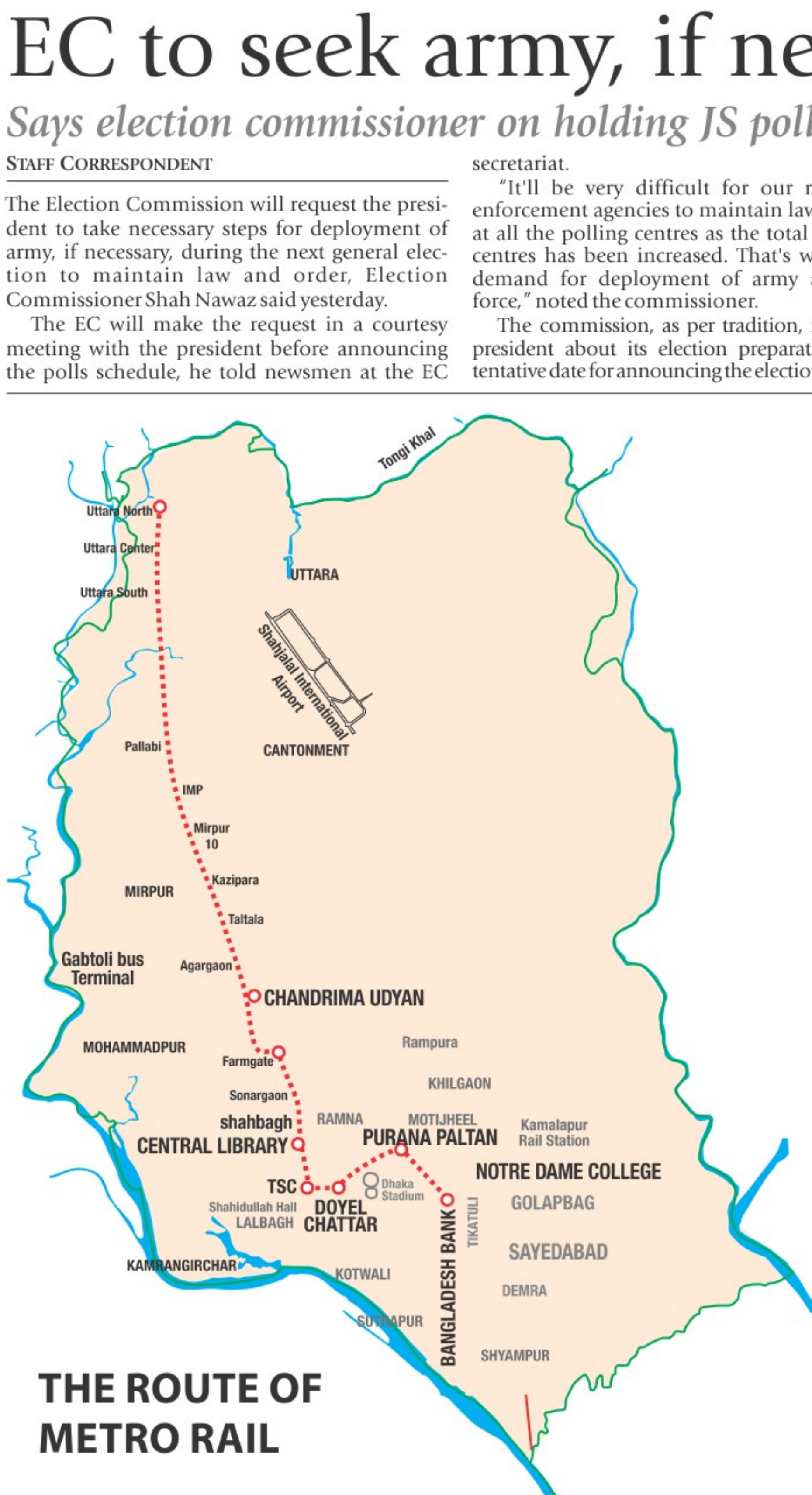
administrators and give compensations to them. Each family will get Tk 2 lakh to Tk 5 lakh from the PM's relief fund.

DNA tests of the remaining unidentified victims will be carried out again in the lab and it is a continuous process, he added.

Rana Plaza, a building that housed five garment factories in Savar, collapsed on April 24, killing 1,134 people.

Earlier, the government had collected DNA samples (from April 30 to August 25) of 548 persons of 540 families, who were looking for their dear ones missing since the collapse of the high rise.

All the unidentified bodies were buried in the capital's Jurain graveyard.



THE ROUTE OF METRO RAIL

STAFF CORRESPONDENT

The Election Commission will request the president to take necessary steps for deployment of army, if necessary, during the next general election to maintain law and order, Election Commissioner Shah Nawaz said yesterday.

The EC will make the request in a courtesy meeting with the president before announcing the polls schedule, he told newsmen at the EC

secretariat.

"It'll be very difficult for our regular law enforcement agencies to maintain law and order at all the polling centres as the total number of centres has been increased. That's why we will demand for deployment of army as an elite force," noted the commissioner.

The commission, as per tradition, informs the president about its election preparations and a tentative date for announcing the election schedule.

The EC, however, was yet to finalise the date for the meeting and announcement of the schedule, mentioned Nawaz.

"In the past, schedules were announced around 40 to 45 days ahead of the polling day. We may follow the same practice this time around," he added.

According to constitutional provisions, the 10th parliamentary election should be held before January 25 next year.

More Japanese funds

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is to bear the rest.

However, it is not yet confirmed how much additional fund Jica will provide for the project. Asked, officials of the Economic Relations Division did not make any comment about it.

Initially, the project was supposed to roll out in 2016, but now it would begin in 2014. For this, it would now be completed by 2018 instead of 2021, Muhith told reporters after a meeting at the cabinet division.

His comments came after the cabinet committee on purchase approved a proposal for the appointment of contractor for the project.

The government has appointed a consortium led by Nippon Koei Company, a Japanese firm. The committee, at a meeting in the Secretariat chaired by Muhith, approved the appointment of the consultant, a consortium of six firms.

The project will include elevated metro rail of 20.1 kilometre, 16 stations, and one depot. The project will commence with the work of the depot.

"I hope some parts of the project will be functional before 2018," said Muhith.

The Japanese company, which has been appointed as the consultant for eight years, will get Tk 928.17 crore to complete the project under the Dhaka Mass Rapid Transit Development Project.

The consortium's other members include Nippon Koei India; Delhi Metro Rail Corporation; Mott MacDonald Ltd, UK; Mott MacDonald, India; and Development Design and Consultants Ltd of Bangladesh.

Nippon Koei will work in three phases. In the pre-construction phase, the firm will manage the project and provide engineering services.

During the construction, it will supervise the construction and provide training for operation and maintenance, among other tasks.

In the post-construction phase, it will monitor and advise the operation and maintenance, among other works.

The metro rail will run from Uttara Third Phase to Bangladesh Bank via Pallabi, Rokeya Sarani, Khamar Bari, Farmgate, Hotel Sonargaon, Shahbagh, Teacher-Student Centre (TSC), Doyel Chattar, and Topkhana Road.

Later, the tracks will be extended up to Sayedabad from Bangladesh Bank via Atish Dipankar Road.