

Dhanmondi playground reopens to public

We commend the judicious decision

AFTER two years of tug of war between the environmentalists and the vested quarters exploiting the name of Sheikh Jamal, a member of Bangabandhu's family, to exclusively run a club on Dhanmondi playground, the public space has returned to the public. We share public jubilation over their regaining access to a space that rightfully belongs to them.

We commend the authority, the Dhaka South City Corporation (DSCC), for its judicious step, especially the good sense in not siding with the so-called powerful group which held its illegal sway over the playground for so long.

This marks a triumph of public interest over an entrenched group interest. The latter threw their weight around having named Dhanmondi Club after a member of Sheikh family and felt invincible to do with the playground as they pleased. The open space was walled up and constructions raised at public expense with an audacious claim to rendering the place an 'elitist' character in a flagrant denial of public access to the breathing space.

In the process, a High Court order of 2011 requiring the club authorities to clear out of the playground including the structures set up had been defied by a handful of persons. The public access to the playground redeems one part of the court's ruling; now the constructions have to be removed to comply with the remainder of the court order.

Such dragging of the name of Bangabandhu's family for an exploitative purpose should be sternly discouraged by the government. In particular, we draw the attention of the PMO to deter any such practice in future.

Question paper leak

The scourge must be stopped

BARELY two weeks have passed since the question papers of English second paper of the HSC exams were leaked; now it's the creative question papers of physics that have met the same fate. The incidence of question paper leakage has reached an alarming state in many public competitive exams in Bangladesh.

This is as serious an offence, if not more, as cheating in the examination halls or adopting unfair means at the exams.

Usually, it is the handiwork of insiders in cohorts with some outsiders which, with timely internal surveillance coupled with police vigilance, could have been stopped.

Due to this unethical practice the sanctity of exams and the quality of education have taken a bad hit. Also, principles of healthy competition are being affected. Particularly with the recent disclosure about the creative question papers of physics, the purpose of introducing creative questions for preventing the ill-effects of parroting and excessive dependence on notebooks has been defeated.

The government should adopt deterrent measures to preserve the sanctity of public exams. Two probe committees were formed after the leakage of English second paper exams that were supposed to submit their reports by now, but no report has been made public as yet.

The culprits involved in the scam must be identified and handed exemplary punishment. Education boards and law enforcement people must work together so that question papers do not get leaked in future.

Promoting domestic tourism by cycling

RIDWAN QUAIUM

THE recent popularity of cycling has increased domestic tourism more than ever before, especially among the younger generation. Some of the young cycling enthusiastic tourists are visiting new places using cycling as their mode of transport to travel, while some are going to the new destinations using train or bus or personal transport and then cycling around there for sight-seeing. Cyclists who only plan to sight-see in the new place by cycling but plan to travel to travel there using public transport such as bus or train have to either carry their cycle with them on the bus or train or have to courier their cycle to the new location. In this regard they regularly face hassles, especially when carrying their bicycle on the train because there does not seem to be any clear policy about carrying cycles on trains. Cyclists often have to pay for carrying their bicycle while boarding the train and also at the point of arrival.

Tourism is an important part of the economy as it helps to stimulate the local economy. Therefore, steps should be taken to enhance tourism, not only because it stimulates the economy but also because it will help people to enjoy the hidden beauty of the country. Walking and cycling help a person to enjoy this beauty even more as by walking and cycling a person is able to see, feel and enjoy the beauty more closely. In addition, when tourists sight-see around a place by walking and cycling it has much less environmental impacts compared to when tourists sight-see using a motorised vehicle. Also, both walking and cycling are sustainable green modes of transport.

Many countries around the world have promoted cycling tourism by providing bicycle racks inside or outside the train compartment to encourage tourists to travel with bicycles. This is because on one hand it helps to promote tourism and also on the other hand it helps to promote the sustainable transports -- train and bicycle. To encourage and promote tourism, cycling and train travel, the railway authority should formulate a policy that will make it easier and hassle free and also encourage bicyclists to carry their cycles on the train. Most importantly, it should ensure that cyclists are not harassed for carrying bicycles on the train.

The writer is a transportation engineer working in Thailand.

Colossal tragedy and corporate liability

STRAIGHT
LINE



MUHAMMAD
NURUL HUDA

tragedy befell unsuspecting workers and the society at large not entirely due to one man's greed and desperation but owing to failures and complicity of multiple agencies in doing what should not have been done as also not doing what ought to have been done. This brings us specifically to the issue of corporate criminal liability. In spite of successive incidents pointing to the urgency of acting against corporate criminals, we have not witnessed any action towards that.

The reality on ground, however, is disturbing because the fear of authority has almost disappeared. The recurrence of the disasters caused by building collapse and fire testifies to the indifference and callousness of the management about taking safety measures despite repeated appeals and warnings. That brings us to the issue of increasing concern over the threat to public safety caused by the failure of corporations and companies to provide adequate safety standards for the potential victims.

There has been strong criticism of company management in respect of accidents resulting from managerial incompetence. The questions for consideration are, if companies and their senior managers could be exposed to criminal liability for incompetence and failure to act when the safety of the public is put at risk and consequently, if such corporate liability is accepted, how the law should be framed to ensure effective enforcement.

The discussion of aforementioned corporate liability relates to the boundary between civil and criminal liability. The civil courts would award compensation when negligence by way of a breach of legal duty of care results in incidents of damage to person and property. The issue of corporate liability arises in situations in which individuals at the moral centre of the society may be identified as being criminal. This is so because criminal law, from a juridical point of view, was never thought to be an appropriate mechanism for dealing with high-flying corporate criminals. The impression one gets is that although corporations and companies are formally subjected to the criminal law, practically they remain outside its ambit. The present approach, which seldom attributes criminal liability to companies or their directors/managers, reflects the general influence of political individualism in criminal law theory.

What follows from the above is that only individuals can act and, therefore, it is right to concentrate attention on the blameworthy individuals. Naturally, this strength-

ens the notion of individual responsibility, with intention being the central concept in attributing criminal blame. However, such a view significantly ignores the impact of corporations in the modern world. In reality, the activities of corporations/companies often become a threat to the wider community.

According to expert view, a corporation is guilty of corporate killing if a management failure by the corporation is the cause, or one of the causes, of a person's death; and that failure constitutes conduct falling far below what can reasonably be expected of the corporation in the circumstance.

One needs to know that there is a management failure by the company if the way in which its activities are managed or organised fails to ensure the health and safety of persons employed in or affected by those activities; and such a failure may be regarded as a cause of a person's death notwithstanding that the immediate cause is the act or omission of an individual.

The above offence points to the liability of failure to ensure the health and safety of persons affected by the activities of a company. The essential element is that liability is attributed to the failure of the management rather than to the failings of individuals. The offence allows a company to be at fault in a criminal sense through the shortcomings in its policies and operations without any need to associate this with a human agent individually or collectively. Additionally, the criminal liability of the company will be judged independently of the employees.

The important lesson for us is that companies should be open to both civil and criminal liability because they create the structural context for the individual's conduct. The corporation which appoints the individual should bear primary liability or at least concurrent liability.

Disasters occurring in Bangladesh are strongly suspected to be attributable to high levels of neglect that should be the ultimate responsibility of the higher management. It is thus only natural that individuals who enjoy many financial rewards and advantages of the boardroom should not be insulated from criminal responsibility when things go wrong. Corporate status must not protect higher management when casualties result from the actions of the company. Our approach should be based on the assumption that irresponsible corporations are criminal and that the directing and managing elements therein stand the risk of facing potential criminal convictions.

The Bangladesh Garments Manufacturers and Exporters Association (BGMEA) has realised its regulatory and oversight responsibilities relating to safety of the premises of the manufacturing units and has asked for particulars from all units to ensure compliance with the building code. They have to be assisted by other public statutory agencies in doing the needful.

The BGMEA may pride itself by claiming to be the biggest foreign currency earner, but the supreme callousness towards human safety thus far will be an indelible stigma to live with. The building housing BGMEA headquarters, by some accounts, is an illegal construction and, therefore, the cynics cannot be blamed for doubting the efficacy of the management instructions issued from there. Unless we can wriggle out of the disobedience of law mode by establishing the fear of punishment, more tragedies are likely.

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Bigotry and big money drive Indian polls

PRAFUL
BIDWAI
COLUMN



PRAFUL BIDWAI

"revenge" against Muslims wasn't intended to "violate the [election] code of conduct," and vaguely promised he wouldn't use "abusive or derogatory language."

The "revenge" he bloodthirstily demanded was for an imaginary "insult" to Hindus during last year's violence in Muzaffarnagar, reportedly instigated by the BJP -- imaginary because the victims were overwhelmingly Muslim.

The message this sent was that hypocritical deviousness pays: Shah controlled damage to the BJP by proclaiming honourable intentions. But far greater damage was done in using communalism for electoral gains.

Shah is the BJP's second most-important leader after Narendra Modi, and his long-standing hatchet-man. He faces trial for three "fake encounter" killings, and was exiled by the Supreme Court from Gujarat to prevent interference with investigation. He's adept at gaming the system, having held 10 or more portfolios simultaneously during 12 years which saw 32 policemen jailed for murder.

Two days after Shah was let off, a BJP candidate from Bihar, Giriraj Singh, hysterically demonised Modi opponents as Pakistani agents. Soon, VHP president Pravin Togadia spewed communal poison in Bhavnagar.

It's a sign of their desperation midway through the elections that BJP leaders are trying to polarise people along Hindu-Muslim lines. The EC would fail in its duty if it allows this.

The EC would be equally wrong in not enforcing its rules which limit an individual Lok Sabha candidate's expenditure to Rs. 70 lakhs. It's wrong to set limits on candidates -- when parties are the critical actors in elections.

Parties spend huge amounts on hiring helicopters and airplanes, organising massive rallies, paying cadres, producing campaign merchandise (posters, caps, T-shirts, photos, etc), and buying advertising space.

According to the Association for Democratic Reforms, known for its outstanding documentation of unethical electoral practices, three-fourths of campaign funds come from anonymous sources: only donations above Rs. 20,000 are disclosed. India is one of the world's few

democracies which allow this.

The Delhi-based Centre for Media Studies estimates that Rs. 30,000 crores will be spent on the current elections, mostly by parties -- a three-fold rise over 2009, and exceeding India's primary education allocation (Rs. 27,000 crores). This is morally repugnant.

The advertising-public relations industry says, and financial papers report, that Indian parties have an election advertising budget totalling Rs. 8-10,000 crores. The BJP, the chosen party of Big Business, has a Rs. 5,000-crore ad budget, probably four times higher than the Congress's.

This sounds astronomical, but isn't. Each of the 15,000 urban full-colour Modi hoardings the BJP is erecting costs anything from Rs. 2-3 lakhs to Rs. 20 lakhs per month depending on location. This means spending Rs. 2,500 crores over three months.

The BJP is buying 2,000 daily TV spots across news, entertainment and sports channels in different languages. A 30-second spot costs about Rs. 80,000. This totals another Rs. 800-1,000 crores. The BJP spent another Rs. 150 crores during the T-20 World Cup.

The BJP has bought top newspaper slots for 40 days. "We have chosen 50 top national and regional newspapers ... and plan to release about four to five ads every day," costing Rs. 500 crores, a BJP media-planner confesses. The budget for magazines is another Rs. 150 crores.

The BJP is using corporate "story-telling techniques," with initial advertisements narrating a big theme followed by shorter edited versions taking the story forward. It also uses "roadblocks" -- in which one 75-second BJP ad ran on nine Star Plus shows between 6 and 11 pm on specific days. The BJP has carried out "brand integration" with the RSS on a youth channel.

All this violates the idea of a level playing-field which is at the heart of free and fair elections, where small parties/individuals have a roughly equal chance to compete with big parties.

This ceased being the case when "India Inc" took over elections. In 1998, it declared Atal Behari Vajpayee as "the man India awaits" and pumped funds into the BJP. But never before has the field been as slanted as it is now in favour of monstrous money power and cynical politicians high on the steroids of bigotry and ruthless pursuit of power.

The BJP represents a new perversion of democratic politics because of the sheer scale of its campaign funding and its saturation coverage, which squeezes out the competition.

Here's the real test for the EC. It should ask all parties to disclose the sources and detailed breakdown of their campaign expenditure, adding their advertising budgets divided by the number of constituencies they are contesting.

This will probably show the BJP exceeding the Rs. 70-lakh ceiling by 20 multiples, and could enable the EC to force it to curb its spending in the election's remaining phases.

The writer is an eminent Indian columnist.

LETTERS TO THE EDITOR

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Tarique's lies

Recently Tarique Rahman, the senior vice president of BNP, has invented history that is full of falsehood. Earlier, he became infamous for his alleged corruption. If we analyse BNP's history, we find that this party was created on falsehood. Propaganda is the main weapon of this party. My question is, are there no leaders in BNP who can protest these lies?
K.M. Nazimuddin
On e-mail

Cruelty of DU students

On 18th April at 9:00 am we, the employees of Janat Bank, were going to our office at Motijhil from Mohammadpur in our staff bus. When our bus stopped at Science Laboratory signal we saw two buses of DU namely Chaitali and Boishakhi approaching from the wrong side and students of those buses took up position on the road, ordering other buses including ours not to move because the DU buses wanted to move first breaking the traffic rule. Our driver moved the bus back and one of the DU buses passed, but he failed to see the second bus. So, the unruly students of the bus Chaitali swooped on our driver and punched him on the face indiscriminately. When we told them that we were ex-students of DU and being DU students they should not behave like that, they attacked us too. They smashed the glasses of our bus and many of my colleagues were injured. As an ex student of DU, I could not believe my eyes that the DU students could be so cruel. I believe that majority of DU students are polite and only a handful are uncivil and devoid of decency which has stigmatized the apex educational institution of the country. Will the DU authorities take the matter into cognizance and initiate punitive action against the unruly students?
An ex DU student
On e-mail

Tackling waterborne diseases

The sweltering heat wave is making our daily life a grueling battle. Acute water crisis coupled with frequent load shedding is worsening the situation further. Hospitals are facing difficulty in accommodating the daily onrush of patients as waterborne diseases including stomach ailments are on the rise. Waterborne bacteria are contaminating roadside eateries while the indifferent profit-seeking vendors are selling hazardous chemically-ripened peeled fruits, artificially-coloured icy drinks and snacks. Vigorous public awareness campaign is needed to tackle the situation.
A citizen
Dhanmondi, Dhaka

Comments on news report, "BNP's Teesta long march starts today," published on April 22, 2014

Turja

After a long long time (in fact, I see it the first time in my life), any opposition party is holding a programme considering national interest rather than fulfilling just the party's interest. Hail BNP...

SM

Long march for Bangladesh's national interest should be above everything and AL should join them.

Molla A. Latif

The long march, if it supports the cause of Bangladesh, should be facilitated by the government by all means. In this scorching heat, those who will shed their sweat for the cause of the country should be helped and protected. Also BNP leaders must remember, they must refrain from gaining any party interest.

"Fake ID cards in just 30 mins!" (April 21, 2014)

Abul Kashem

How much can the nation expect from a government which has support of 5 percent voters?

Indranil Dev Sharma

Nothing to say....

"HC orders ignored" (April 21, 2014)

Abul Kashem

Our state authority and other lawmakers shed crocodile tears for rule of law, but when HC orders are ignored, such one-eyed administration says nothing.

Hardreality

Our prime minister was quick to implement the court order when it repealed the caretaker government because it served her interest. Enough with the party interest; do something for public interest. Such negligence is outrageous. If you do not interfere directly in these matters, nothing will change as none of the public institutions is functioning properly.

Shahin Huq

Pedestrians are poor and underprivileged. Why should the ruling elite worry about them? The so-called leftist ministers in Sheikh Hasina's cabinet have assumed power after shouting about the rights of the proletarians. Now they are in power and it is time for them to oppress the proletarians even more! Most leftist leaders in Bangladesh have eventually turned out to be stooges of the capitalists.