

# Last call before things get out of hand

## Police wants to modify torture prevention act! *We should uphold the spirit of human rights*

IT is disquieting to see that police has proposed change to some important safeguard provisions of Torture and Custodial Death (Prevention) Act, 2013. A prominent Bengali daily, Prothom Alo, has reported that the police authority has sent a proposal to Home Ministry to bring alterations in the definition, investigation process and punishment provisions stipulated in the Act.

Though our constitution expressly prohibits torture and act amounting to torture in custody or investigation, sufficient legal regime had been lacking earlier on. After long efforts by the rights groups and concerned citizens including politicians the above mentioned Act came into being in 2013 as a positive response to Bangladesh's ratification of Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) in 1998. It was widely acclaimed as the first concrete step on the part of the government towards addressing virtual impunity of police torture and custodial death.

The Act, to some extent, chipped in the shield of Section 197 of the CrPC which guards against the culture of the impunity enjoyed by law enforcing agencies and made provisions of prosecuting the members of law enforcing agencies guilty of illegal acts. Now the police proposal seeks even to change prosecution option and reduce punishment provisions.

Amid increasing incidence of crossfire and random arrest we are apprehensive of police authority's attempt at stripping away the safeguards for investigation, victim protection and compensation. The police in its proposal maintained that the Act in its present form creates hurdle for proper maintenance of law and order even threatens state security and stability. This approach is unacceptable. We urge the government to deal with the proposal by upholding the spirit in which the original Act was promulgated. It is imperative that state security as perceived by police need not militate against the human rights of citizens.

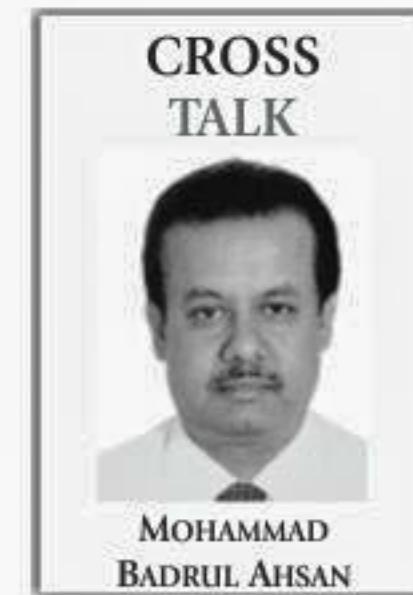
## Not a rosy picture for industry

### Brace up for natural calamities

ACCORDING to an international survey carried out by VeriskMaplecroft, Bangladesh's aspirations to become a major gateway for international manufacturing is in for a shock. Having being ranked 35 out of 100 cities most vulnerable to natural disasters, it is imperative for the government to factor in the exposure of future industries and industrial belts to natural vagaries. Dhaka has been identified as the worse affected followed by Barisal, Chittagong, Khulna and Narayanganj. Sadly Dhaka is the premium industrial centre for the country.

The natural 'shocks' include tropical storms, cyclones, earthquakes and tsunamis, to name but a few. While the country has decades of experience in countering cyclones and storms, it is woefully lacking in preparedness when it comes to dealing with potential earthquakes and tsunami.

And it is not only China, where labour costs have spiked that is generating interest in Bangladesh. According to the report, Japanese firms operating in that country have chosen Bangladesh "as their second best investment destination after India due to lower production costs." Recognition of the loopholes in preparedness and reaction times of policymakers and taking steps to address those problems is the way forward. The government can take assistance from countries like Japan that has not only survived a massive tsunami but more or less recovered from the devastation. Environmental analyses coupled with risks associated with potential natural disasters, if incorporated in the planning of industrial belts, could greatly help Bangladesh boost foreign investor confidence. It would also help protect and sustain domestic production and supply chains.



CROSS TALK

MOHAMMAD BADRUL AHSAN

US president Abraham Lincoln once elaborated on the dangers facing the Americans. He said some trans-Atlantic military wasn't going to crush them with a blow. Nor all the armies of

Europe and Asia "could by force take a drink from the Ohio River or make a track on the Blue Ridge in the trial of a thousand years." He then said if destruction was the lot of the Americans, it must be them who will be its author and finisher. As a nation, he concluded, the Americans will either live as free men forever or die by suicide.

As a nation, time has come for us to think whether we have arrived at that crossroads. That we cannot agree on anything is obvious, and now we cannot even agree to disagree because our political situation has lost its gravity and descended into a terrible chaos. Who runs the government isn't so relevant now, because the country itself is in clear and present danger.

Not all of us agree even on that precarious situation. The government claims everything is under control, and the

opposition is determined to disrupt. The players don't obey the rules of the game, and the playground has turned into a pandemonium.

Consequently, what has been happening is escalation. There is escalation of violence, vengeance and vitriolic as arrogance is met with arrogance, hatred with hatred and bomb attacks with shootouts. If destruction is our lot, the British or the Pakistani rulers couldn't be its author and finisher. This self-destructive nation is losing its anchor in the midst of sustained showdown. It seems determined to axe its own foot.

Last Tuesday, foreign diplomats met with the BNP chairperson to tell her the same thing. The UN secretary general, the US secretary of state and the European Union have all pleaded with both sides to infuse that same good sense in them. It certainly undermines the sovereignty of a country when foreign powers have to get involved and tell its leaders that their bitter struggle is pushing it to the brink.

A freedom-loving nation has bifurcated itself over the irreconcilable differences amongst its politicians. And it invokes the irony of a food fight when revelers in their excitement not only waste food but also smash the dishes. Any country is like a receptacle where politicians get to demonstrate their

political skills. It's a pity they don't realise this receptacle is crucial for them as canvas is for painting.

That failure has to do with their understanding of politics. A government in a democratic process always is a compromise between two contending sides that those who have the people's mandate will rule the country. If any government says it's not ready to compromise or negotiate, it denies the very precept on which it has been founded. That's the fundamental difference between a colonial power that occupies a country and a government chosen by its people.

Our politicians speak of government while they must be thinking of occupation in their subconscious minds. That's why they have this mixed approach of wooing the voters before the elections and subjugating them afterwards. They are a curious blend of hegemonic intentions and populist pretensions. These politicians outwardly behave like patriots but inwardly they have got the instincts of foreign exploiters.

Today's confrontation is head-on collision at two levels. At one level these politicians within each political party are at conflict with themselves. They are torn between their outward and inward identities, using the country as backward linkage to take forward private ambitions.

At another level each party is at conflict with the other as they vie for power and wealth. Love of country is no more than what sleight of hand is to a magician. It's deplorable how people are ignored in this People's Republic when leaders are having ego hassles.

Politics should never be an endgame though it's compared to chess. Instead, it must be like poker, where cards can be reshuffled and re-cut to deal a new hand. Our politicians, in their mindless pursuit of selfish interests, have turned their noble profession into a mortal combat.

Where will this combat end? This is where we must draw the line between living as free men forever and self destructing. And this can come in many forms. It can be an unending political turmoil with unforeseen consequences. It can lead to yet another long haul of supra-constitutional rule, to speak of the least.

The clock is ticking and the time is running out. If we refuse to sit with each other, we might have to sit with the devil. The foreign diplomats have taken an initiative, and it must not go in vain. It may be the chilling last call before things get out of hand.

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# 'One of the best ways to tackle extremists is to ensure space for non-violent and democratic opposition'

Professor Dr. Raunaq Jahan, a political scientist and academician, shares her views on the current political crisis of the country with Naznin Tithi of *The Daily Star*.

The Daily Star (TDS): Is democracy functioning in Bangladesh?

Prof. Raunaq Jahan (RJ): Democracy has never functioned very well in Bangladesh. Though the Bangladesh constitution adopted in 1972 established democracy as one of the four guiding principles of state, within three years, in 1975, Bangladesh fell under military rule. After 15 years we succeeded in overthrowing military rule in 1990. But our renewed democratic journey has not been smooth. Since 1991, our two major electoral parties, Awami League (AL) and Bangladesh Nationalist Party (BNP), have not been able to agree on the ground rules of organising free and fair elections.

After the restoration of electoral democracy six parliamentary elections had been held, of which two -- the sixth and the tenth -- had been boycotted by either one of the two major parties. Both elections were organised by the incumbent political government but the main opposition party, AL in 1996 and BNP in 2014, refused to participate in the election on the ground that elections organised by an incumbent political government would not be free and fair. Four parliamentary elections -- the fifth, seventh, eighth and ninth -- were organised by non-party caretaker governments. All of them were recognised as free and fair by national and international observers but the losing political party or electoral alliance in all these elections termed the results as rigged and fraudulent.

Bangladesh has persistently scored low in different indicators used by international organisations to assess the quality of democracy across the world. For example, Bangladesh always scores low in



Prof. Raunaq Jahan

establishing rule of law, yet this is a critical feature of a well functioning democracy. What is disheartening is that over the last quarter century we have not made any progress in improving the state of rule of law in the country. We cannot be a well functioning democracy unless we are able to establish the rule of law.

TDS: With neither AL nor BNP ready to compromise, what are the chances that the present political crisis will be resolved soon? What should come first: end of violence or initiation of dialogue?

RJ: So long as the two main parties remain at polar opposites and are not interested in resolving the crisis through peaceful means, we will not see a resolution any time soon. In a well functioning

democracy all contested issues should be resolved through peaceful discussion and debate and not through violence or force. There is no alternative to discussion and dialogue. Unfortunately, a false dichotomy has recently been created between holding dialogues and using force. While violent and criminal activities should be addressed by use of law enforcement agencies, political demands should be addressed politically through discussion and negotiation.

TDS: What exactly will BNP gain from continuous hartals and oborodhs that have taken a huge toll of human lives, and when people are defying their programmes?

RJ: I do not find any political gains for BNP. Ordinary citizens do not like continuous hartals and oborodhs or loss of life and property as a result of the political strategy initiated by the BNP-led alliance since January 2015. Since BNP claims to be a democratic party and says that its goal is to have a free and fair election, it is politically counterproductive for them to use violence. This creates a negative image of the party.

TDS: The government says that there is no political crisis in the country, and, as it looks, it has put emphasis on the development projects. Is development alternative to democracy?

RJ: Again it is a false dichotomy to separate development and democracy. Both democracy and development need to go together. They cannot be perceived as an alternative to each other. In the 1950s and 1960s military dictators and other autocratic rulers used to argue that devel-

opment is their priority and democracy has to take a back seat. But this view is now rejected and there is a global consensus that democracy is not only a desirable goal in and of itself, it is also a precondition for sustainable development.

TDS: What are the prospects of political reforms for a qualitative change in politics? How can we reform our dysfunctional political system and consolidate the democratic institutions?

RJ: We need political leaders and political parties who are truly committed to political reforms to bring a qualitative improvement in our politics. At present, our political leaders and political parties are solely preoccupied in their zero-sum struggle for political power. They may use the rhetoric of democracy but there is a wide gap between their rhetoric and practice. Our political leaders and parties do not practice democracy within their own organisations. We cannot expect undemocratic people and institutions to act as drivers for positive change to consolidate democracy.

TDS: How do you see the recent rise of extremist groups in the country?

RJ: It is an alarming situation. After the 2008 parliamentary elections we witnessed the decline of extremist groups and we thought that the government had been able to crush or control the extremists. We were relieved. But now we realise that these forces are still alive and well and they have the capacity to do a lot of harm. One of the best ways to tackle extremists is to ensure space for non-violent and democratic opposition. This marginalises the extremists.

## COMMENTS

**"Khaleda won't go to court"**  
(March 4, 2015)

Zman7

She will not surrender before the court and also disobey the law; but she often demands and expects the government to surrender to the ongoing terror acts of hurling petrol bombs and burning innocent people to death. Hope the rule of law will always be upheld.

**"Only Chhatra League can bring out processions on Rajshahi University campus."**

**Political ban is not applicable to them."**

--RMP Assistant Commissioner RAQUIBUL ALAM

Saleh Tanveer

Yes, indeed, they are the kings and queens and noblemen of the country; and the rest are serfs.

Shyamol

Really? I guess I had the wrong idea about democracy then.

**"Hold talks, stop violence"**  
(March 4, 2015)

Aasfisarwar

While everybody sees the merit of discussion, only the PM does not.

## LETTERS TO THE EDITOR

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### BTRC's commendable initiative

Nowadays online harassment is increasing at an alarming rate. BTRC's recent initiative in this regard deserves appreciation. If anyone gets harassed through Facebook or internet, he/she can go to the nearest police station to file a general diary with that link and submit the copy of GD to BTRC. Then BTRC will identify that IP address and catch the culprit.

From my own experience, I have seen this work very systematically and fast. One of my acquaintances fell victim to this type of harassment one evening and after complaining to BTRC the next morning, the culprit was caught by afternoon. The BTRC initiative needs more promotion so that more people get to know about this.

Nayma Nashique  
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East West University

### Wal-Mart's announcement of wage increase

Wal-Mart has announced that it will raise its minimum wage to \$9 an hour in April and \$10 next year, in a move that will impact about half a million low-wage workers. The increase falls far short of the \$15-an-hour living wage demanded by workers who have launched historic strikes against Wal-Mart and reported retaliation from the company for joining the protests. A 2012 analysis found the six heirs to the Wal-Mart fortune have as much wealth as the bottom 40 percent of the United States combined.

Wal-Mart is one of few major retailers that have refused to sign on to the new safety standards after the Dhaka tragedy. The Tazreen Fashion factory fire killed 112 workers and left hundreds injured. The Rana Plaza collapse killed 1,127 and left more than 600 injured for lifetime. And in that shareholder meeting, they haven't even expressed any condolence for those families.

Ted Rudow III  
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### A renaissance mind

Recently Prof. Amartya Sen visited Dhaka where he attended a public lecture in Krishibid Institution. In that programme, Professor Rehman Sobhan termed Nobel Laureate Professor Sen as a 'true renaissance mind'. We don't consider this as a mere friend's praise;

Professor Sen truly deserves this accolade. He is the pioneer of economic development with a strong human content and democracy with liberty and free discourse.

Professor Sen's praise for our country makes us happy. He mentioned that in education, healthcare, women's empowerment and gender equity, Bangladesh is doing better than India.

We hope our government would follow this world famous economist's advices and would not shrink the space for discussion to solve political problems.

Mobarak Ali  
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PHOTO: STAR