

## Rural women's double jeopardy

*Bribing for legitimate entitlements!*

JUST how vulnerable the village women are to harassment, coercion and graft while seeking justice or claiming other entitlements has been brought to bold relief by a TIB study. The people who are assigned and paid by the State to provide assistance to repressed women and other forms of legitimate services to the rural women are themselves appearing in the role of tormentors or exploiters.

A TIB study has revealed the high costs to the women's quest for justice and their efforts to receive the services they are entitled to. The instances are shocking, cited as they are based on interviews with 66 women who were either victims of corruption or having knowledge about it. For example, police and court officials had to be allegedly bribed between TK.300 and Tk.40,000 at different stages of cases filed for repression. Also, the women had to pay in cutbacks to officials to receive services like reproductive healthcare, maternity allowance and stipend. The findings were seemingly cross-checked with opinions of 13 officials of service providing agencies and local government representatives and the output of group discussion with 27 women having been reflected on the study.

With such limited scope of the survey, the TIB itself does not proffer any generalisation but there is no denying how institutionalised corruption is becoming with newer facets.

We believe that for the sake good governance and efficient service delivery, the government will attach due importance to the TIB findings.

## The nagging MRP issue

*Authorities need to get a move on*

THIS paper has highlighted the plight of our expatriate workers over the non-issuance of machine readable passports (MRPs) a number of times. In a last ditch effort to get MRPs rolling off in acceptable numbers, the authorities have decided to increase the capacity of our missions abroad to issue the document. The contracting company IRIS has repeatedly failed to live up to contractual obligations on delivering the MRPs on time despite several time extensions. We wonder why the government did not cancel the contract when there was time and today our expatriate workers who bring in much needed foreign exchange are in a real bind.

With the fate of an estimated 3.7million expatriates hanging in the balance, there is no time to be lost here. The International Civil Aviation Organisation (ICAO) has set November 24 as the deadline for migration with the new document. After that deadline expires, hand-written passports carried by these expatriates may not be deemed as legal documents. That is the bottom line.

Interesting to note that presently 2.5million expatriates living in various countries are yet to get MRPs and this failure cannot be placed squarely on IRIS alone. The Department of Immigration has been foot-dragging on bringing IRIS to book and the issuance of new MRPs has been allowed to drag on over the past one year. This lack of action has been inexcusable. However, we thank the authorities for coming to their senses, even belatedly, in taking steps to speed up the process in our foreign missions.

## COMMENTS

**"Peace recipe"  
(March 8, 2015)**

**S. M. Iftekhar Ahmed**

I can already see the future headline which would read "Parties reject proposals made by think tanks".

**Zman7**

Proposals in this 'peace recipe' are hundred times better than that of other people, including intellectuals/civil society members who have been rather emphasising on just "dialogue" without any concrete contents. I like the title "Rethinking Democratisation..." it is quite important. Besides, it is also important to rethink "democracy" which has become a clichéd word and used excessively by Bangladeshi politicians and intellectuals. Do these politicians who order and finance violence, death and destruction understand the essence of democracy? They don't value the principles of democracy. If they do understand democracy, why are they then killing commoners on a regular basis?

**Aasfiswar**

Everything being said is relevant. However the most important thing is a free, fair and inclusive election otherwise we have to receive and swallow the rhetorics of a non-

# Civil liberty must precede enforcement efficiency

STRAIGHT LINE



MUHAMMAD NURUL HUDA

THERE is something manifestly unusual in the media report that says that the police have sought cancellation of a legal provision that bars them from justifying torture and inhuman treatment of anyone in custody even in circumstances like war and political unrest. The Torture and the Custodial Death (Prevention) Act 2013 makes torture by law enforcers and government officials a punishable offence.

Any society believing in the pre-eminences of civil liberty must register a serious protest and condemn custodial torture or death. In fact, nothing is more cowardly and unconscionable than a person in police custody being beaten up, and nothing inflicts a deeper wound on our constitutional culture than a State official running berserk regardless of human rights.

Experiences indicate that police officers alone, and none else, can give evidence as regards the circumstances in which a person receives injuries while in their custody. The reality is that quite often the persons on whom atrocities are perpetrated by the police in the sanctum of the police station are left without any evidence to prove who the offenders are.

Torture in custody flouts the basic rights of the citizen recognised by the constitution and is an affront to human dignity. Torture and death in custody tarnish the image of any civilised nation and encourage the persons in authority to consider themselves to be above law. The reality is that rarely in case of torture by police or custodial death, direct evidence of complicity of police would be available.

The Indian Supreme Court has

observed that with regard to bodily injury to a person in police custody, if there is evidence that the injury was caused during the period when the person was in police custody, the court may presume that the injury was caused by a police officer having custody of that person during that period, unless the police officer proves the contrary.

There is a continuing effort to ensure that the system created to protect civil liberties does not become the instrument of bondage. In addition, there are activities to see that the manner of control and the nature of the system's work in relation to containing crime and disorder does not take away those basic freedoms enshrined in domestic and

upholding civil liberties of the citizens, a basic principle of criminal jurisprudence is: "let ninety nine guilty persons be acquitted but not even one innocent person be convicted."

It would appear that the rule of law and criminal jurisprudence are unequivocally in favour of the offenders, the criminals, the law breakers and the accused persons. One could say that the dice from the very beginning is loaded against police effectiveness. One may be led to believe that police effectiveness and civil liberties can hardly co-exist in a society governed by the rule of law. One could say that the society is constrained to sacrifice police effectiveness at the altar of civil liberties, and that it is

government in its earnestness to uphold civil liberties, has to ensure that those who are chosen to exercise the power and authority of police officials are carefully selected for their human qualities, properly trained to perform their difficult duties in an ethically correct manner and, very importantly, be led and directed by persons with high qualities of human excellence.

When police are seen to be at the service of human liberty public support will be forthcoming to a greater degree. It is thus important that police officials are enabled to address their minds to this phenomenon. In fact, social actions and influence of police could be brought to bear in significantly preventing crime and disorder.

Where individuals or groups are exposed to great inequality of treatment or rendered victims to denial of human rights and civil liberties generally, they may resort to anti-social or criminal behaviour. Therefore, police with a developed social awareness will have better opportunities for prevention of crimes and maintenance of social order.

Our police need to develop an attitude which embodies an instinct or a perception for human liberty and dignity. Being witness to human beings often falling in degrading and degraded situations, they are exposed to the influence of cynicism. They have to avoid becoming indifferent, however difficult that may be, if they are to develop and retain proper judgment of and appreciation for the rights and dignities of all.

It is desirable for police officials to acquire a general consciousness of concepts of democracy, justice, fundamental freedoms and human rights. But this in itself would be insufficient if police practice were not pervaded and directed in accordance with this consciousness and knowledge.

The writer is a columnist of *The Daily Star*.

*The police have to negotiate a delicate balance. They have to secure human rights and at the same time exercise their lawful powers to protect the people and their institutions.*

international laws.

It should be both possible and desirable for coercive power to be mixed with discretion, particularly in respect of protecting civil liberty. For example, where police have power to arrest, to bring people before the courts of law, it may not always be necessary to use it since arrest and detention before proof of guilt is an administrative convenience and not a punishment. The securing of the balancing of human liberty with adequate control of human indiscretion is a democratic necessity.

The reality on ground is that the rule of law, in its application to the criminal process, is primarily concerned with the protection of the rights of the accused persons and not of the victims. In

the desirable course.

In our democratic dispensation citizens would expect much of their police. The police have to negotiate a delicate balance. They have to secure human rights and at the same time exercise their lawful powers given to them by governments in the name of the people, to protect the people and their institutions.

Laws have been promulgated which give police wide powers to deny human rights, in some cases even the most basic civil liberties. Thus police authority can be abused in a democratic polity. Such authority would actually snuff out more freedom than it protects. The main problem lies in control.

Under circumstances as above, the

## A fair hearing for sovereign debt

JOSEPH E. STIGLITZ and MARTIN GUZMAN

LAST July, when United States federal judge Thomas Griesa ruled that Argentina had to repay in full the so-called vulture funds that had bought its sovereign debt at rock-bottom prices, the country was forced into default, or "Griesafault." The decision reverberated far and wide, affecting bonds issued in a variety of jurisdictions, suggesting that US courts held sway over contracts executed in other countries.

Ever since, lawyers and economists have tried to untangle the befuddling implications of Griesa's decision. Does the authority of US courts really extend beyond America's borders?

Now, a court in the United Kingdom has finally brought some clarity to the issue, ruling that Argentina's interest payments on bonds issued under UK law are covered by UK law, not US judicial rulings. The decision—a welcome break from a series of decisions by American judges who do not seem to understand the complexities of global financial markets—conveys some important messages.

First and foremost, the fact that the Argentine debt negotiations were preempted by an American court—which was then contradicted by a British court—is a stark reminder that market-based solutions to sovereign-debt crises have a high potential for chaos. Before the Griesafault, it was often mistakenly assumed that solutions to sovereign-debt repayment problems could be achieved through decentralised negotiations, without a strong legal framework. Even afterwards, the financial community and the International Monetary Fund (IMF) hoped to establish some order in sovereign-

bond markets simply by tweaking debt contracts, particularly the terms of so-called collective-action clauses (which bind all creditors to a restructuring proposal approved by a supermajority).

But simple modifications like contract amendments will not overcome the system's deficiencies. With multiple debts subject to a slew of sometimes-contradictory laws in different jurisdictions, a basic formula for adding the votes of creditors—which supporters of a market-based approach have promoted—would do little to resolve complicated bargaining problems. Nor would it establish the exchange rates to be used to value debt issued in different currencies. If these problems are left to markets to address, sheer bargaining power, not considerations of efficiency or equity, will determine the solutions.

The consequences of these deficiencies are not mere inconveniences. Delays in concluding debt restructurings can make economic recessions deeper and more persistent, as the case of Greece illustrates.

This brings us to the second lesson of the British ruling. With the stakes so high and the system so broken, debt markets have little reason to remain in the US. America has always prided itself on the strength of its "rule of law," a selling point that has made Wall Street host to the largest sovereign-debt market. But Griesa's ruling, based on a peculiar—and in our view, indefensible—interpretation of certain terms in Argentina's contract, showed that US commercial interests can dominate its courts' decisions.

The vaunted American rule of law no longer looks so robust. Perversely, it protects the strong against the weak. The Griesafault is only the latest of many decisions and legal changes that have revealed what one

might call a symptom of "corruption, American-style," in which lobbying and campaign contributions compromise the entire system, even when no individual official is on the take. The US would be wise to react before the sovereign-debt market migrates from New York.

China should stand ready to pick up the slack. Its savings now far outstrip those of the US, and it is striving to make Shanghai a global financial centre. That ambition has become more attainable in view of the damage to the US system's credibility in the aftermath of the 2008 financial crisis. But, if Shanghai is to emerge as a leader in sovereign lending markets, China should be aware of the shortcomings of legal frameworks elsewhere, and design a more efficient and equitable alternative.

The final, overarching message of the British court's decision is one that all countries should heed. There is an urgent need to renew the United Nations' efforts to create a multinational legal framework for sovereign-debt restructuring. Though the US is striving to undermine these efforts, the UK ruling reminds us that America's judges are not the world's judges.

That last revelation may not make Wall Street happy; but, for the many countries around the world that rely on sovereign debt, it is very good news indeed.

Joseph E. Stiglitz, a Nobel laureate in economics, is University Professor at Columbia University. His most recent book, co-authored with Bruce Greenwald, is *Creating a Learning Society: A New Approach to Growth, Development, and Social Progress*. Martin Guzman, a postdoctoral research fellow at the Department of Economics and Finance at Columbia University Business School, is a co-chair of the Columbia Initiative for Policy Dialogue Taskforce on Debt Restructuring and Sovereign Bankruptcy.

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*There is an urgent need to renew the United Nations' efforts to create a multinational legal framework for sovereign-debt restructuring.*

## LETTERS TO THE EDITOR

l e t t e r s @ t h e d a i l y s t a r . n e t

### Inadequate safety measures at Bangabandhu Safari Park

Bangabandhu Sheikh Mujib Safari Park, one of the most attractive tourist attractions in Gazipur, Bangladesh needs more safety measures for the visitors. Amidst thousands of visitors, one hardly finds any security personnel. The most horrific thing is that there are some plastic-made buses to visit the core of the safari park where the tigers and lions roam in the open field. There are no security officers inside the bus and visitors can easily open the window if they wish. So the transport carrying visitors need more safety measures otherwise accidents might take place. Each bus should have at least one armed security officer. The authority concerned should look into the matter immediately.  
**Farhad Haque**  
CEO, Emscan International Dhaka

### Community clinic needed

The catchment area of the community clinic at Jangalia under Rajapur, Feni comprises the villages Jangalia, Sumaspur, Bat Shree, Mehdiapur, Abdul Nobi and Jadabpur with a total population of 25 thousand. Jangalia and Sumaspur are two adjacent villages with 11,000 people. The people of these two villages get primary health care from Jangalia Community Clinic. The other four villages with 14,000 people are deprived of the service. Mehdiapur is located almost in the middle of the villages and is well connected by road. If a community clinic is established at Mehdiapur, people of all these four villages would be able to get health care at ease and the government's mission to reach primary health care at the door steps of rural community will be achieved.  
**Prof. M. Sadeq Sonar**  
Mehdiapur, Feni

### Focus on women empowerment

As a man, it is difficult for me to understand the hardships a woman goes through in our society. They are regularly harassed on streets, in homes and at their workplaces. Their abilities and contributions are diminished by the patriarchal mindset of our society. As a society, we also have the tendency to thank the husbands of women for their success as if to establish that without their spouses' 'permission' and support, they couldn't be successful in their endeavours. Despite all that, women in Bangladesh are making tremendous strides in every field. I identify myself as a feminist because I believe that women deserve equal rights as men. We need to focus on women empowerment if we want our country to progress economically as well as socially.  
**Shamsu**  
On e-mail