

## Murder of SP's wife by extremists

Adds a new dimension to the issue

THE murder of a police officer's wife in Chittagong has added a new dimension to the ongoing terrorist attacks in the country. Targeting a family of an SP highlights the vulnerability of the security forces, and members of their families, engaged in counter terror operation. We often criticise the police hardly recognising the risk they, and as the recent killing shows, their families, are exposed to. We deeply condole the death and condemn this dastardly act. It shows the ever expanding nature of the threat and the viciousness of the attacks. Targeting the police which are supposed to provide security to the people is throwing challenge to the security forces and the state. This is proof, if proof is ever needed, that nobody can feel safe in this environment.

We are happy to note that the home minister has shifted from his previous stance on the nature of the killings and acknowledged that these are well planned and may be linked to the extremists. We hope that this will lead to a more invigorated investigation and arrest of the extremist masterminds.

While we acknowledge the fact that a large number of suspects have been arrested in connection to these killings, a quick trial and conviction would engender confidence in public minds as would arresting the masterminds and complete plugging of their source of finance. It is high time also that the law enforcers honed in all their efforts to fight the menace that is spreading its tentacles in the country. A coherent anti-militancy drive needs to be initiated quickly.

## Section 155 (4) goes against rape victims

Approve the newly drafted law that eliminates it

IT is incomprehensible that in this day and age we are forced to confront a situation whereby a rape victim is further victimised because of a chauvinistic provision in an archaic law. This is the case of Section 155 (4) of the Evidence Act 1872, as found in a research published by Bangladesh Legal Aid and Services Trust (BLAST), which allows the victim's character to be considered as part of the legal process in a rape case. This includes her romantic or sexual history – in other words whether she is 'virtuous' or not, to deserve justice after being raped. That this preposterous condition should still be applied while trying rapists is both incredulous and repugnant. It results in rapists to go scot free and the victims to be denied of justice.

Rights activists have long been fighting to eliminate the degrading, invasive two-finger test that basically establishes whether a raped victim was a virgin or not before the rape. Section 155 (4) gives justification for this abhorrent test. A victim's character, her personal history, has nothing to do with the enormity of a crime like rape and therefore should not be used as a mitigating factor in the passing of the verdict.

Reportedly, this newly drafted Evidence Act has removed this deplorable provision. But until this is passed as a law by the Parliament, the old provision can still be referred to. We therefore urge that the newly drafted Act that has done away with Section 155 (4) be immediately approved.

# Illusive investments



SYED MANSUR HASHIM

THE Centre for Policy Dialogue (CPD), one of the top think-tanks in the country, has stated in its post-budget assessment that we will require Tk 800 billion in investments to implement the proposed budget. It has also stated that the government will have to raise an additional Tk 6.5 billion in revenue and expend an additional Tk 7.6 billion to reach

the annual growth rate being discussed. Taking those figures at face value for the sake of argument, we face a seemingly Herculean task, which will, in all probability, not be possible to achieve. When we take into account the rather sorry state of revenue collection of the past few years by the national board of revenue (NBR) – for which the NBR itself is not at fault, but rather the very ambitious targets set by policymakers – one wonders precisely how and where these thousands of crores in new investments are going to come from.

The Independent Review of Bangladesh Development (IRBD), a yearly exercise the CPD goes through after each budget is presented, has brought into question the clarity aspects of the budget. That private investment is down is not news. It has been down for some time now regardless of what policymakers claim to the contrary.

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What is of import is the fact that no clear picture is given as to how private investment will be boosted, more precisely how investors' confidence will be restored. For without domestic investment, we can forget about foreign investment. Meaningful foreign investment will not come to a country where local businessmen do not feel very encouraged to invest.

Going by what the finance minister has said during the budget speech, we are in complete agreement with him that the country needs investment in both the public and private sectors if we are serious about moving the economy in the right direction. Yes, prices of a whole



range of industrial raw materials used in construction may indeed be going down, like cement, fly ash, stone, boulder, cement etc., but the budget still fails to give us clear-cut policy directions as to how private investment will be boosted. Indeed, economists have pointed out that unless we can boost private investment from the current 21 percent to 27 percent, the desired 7 percent plus growth rate will not be forthcoming. The fact that corporate tax slab remains at its previous level may actually be discouraging joint ventures with foreign companies or even holding up local investors from expanding their industrial base. It has also been pointed out that the budget does not specify how we will transform our workforce from a semi-skilled to a skilled one. Bold public statements will hardly suffice.

The question of the Value Added Tax (VAT) Act has drawn much ire from small and medium enterprises. Although its implementation has been deferred for six months, it is of little solace since the increase by 100 percent will come into effect from the beginning of 2017. Hence businessmen in Dhaka and Chittagong city corporations will have to give annual VAT of Tk 28,000 as opposed to the current Tk 14,000. For small entrepreneurs falling under Khulna, Rajshahi, Rangpur, Sylhet and other city corporations, the annual VAT has been raised to Tk 20,000. The package VAT that had been the demand for small businessmen have not been taken into consideration in the proposed budget as NBR does not get desired revenue from that system which amounts to about Tk 100 million. Needless to say, the new system will significantly boost government revenue, but we will have to wait and see to what extent it impacts negatively on small and medium entrepreneurs (SMEs). The general fear is that profitability will be hit significantly

and that will make future investments very problematic in terms of expanding businesses for SMEs.

While there has been much hoopla regarding the government decision to allow for whitening of undeclared funds, we should be pragmatic on the issue. Successive governments have tried and failed to address the illicit flow of funds abroad. With the hundi system of illegal money transfer firmly entrenched in countries like Bangladesh, no law (including the anti-money laundering act) has been successful in addressing the issue. It is a fact of life. Perhaps the time has come to rethink our options. Would it not be better for these monies to be invested in the economy instead of sitting in some vault in some European country? This line of thinking of course opens up the Pandora's Box between the ethical and unethical practice. However, we should be realistic and work on a legal framework which would allow for undisclosed funds to enter the mainstream economy. So that the billions of dollars that have been siphoned off or simply not accounted for is invested in productive sectors of our economy instead of some foreign economy.

At the end of the day, we need investments. And local industry and the business community need to feel that their money is safe. The ball is essentially in the government's court and it will have to come forth with solid policy directions that will allow for the basics to be addressed like quality and reliable power followed by access to land and reducing the cost of doing business. Concrete steps like that inspire hope for Captains of industry and business that it is safe to invest again.

The writer is Assistant Editor of The Daily Star.

## “Is the Forest Department to be a landlord without any responsibilities?”

Bangladesh Environmental Lawyers Association's (BELA) chief executive Syeda Rizwana Hasan talks to Sushmita S Preetha of The Daily Star about the deplorable state of our forests, weaknesses in the proposed amendment to the Forest Act 1927, and the consistent failure to reconcile livelihoods and conservation in forest landscapes of Bangladesh.

Forests should constitute at least 25 percent of the total land area in order to maintain the ecological balance in a country, but we are nowhere close to the desired target. How would you evaluate the current state of our forests?

In a poverty-ridden country like Bangladesh, forests play a critical role in providing livelihood opportunities to the people. They are essential in protecting us from natural disasters, which, we fear, will only increase over the years due to climate change. But if we look at the state of our forests, we can't help but be disappointed. In 1971, 16 percent of our total land consisted of forests; now it has declined to 6 percent. Our forests have been destroyed at a rapid rate for a number of reasons – including, inadequate, vague and colonial laws, failure to include forest-dependent communities in the management of forests, difficulties in demarcating the forest boundaries, corruption and irregularities of the Forest Department, etc. Meanwhile, currently, in the name of social forestry, what is being done is plantation of various types of foreign trees that do little to protect the environment. Natural forests are being encroached and being replaced by artificially planted forests.

What are the limitations of existing forest-related laws?

What we need to protect and conserve our forestry are a relevant and strong legal structure and effective implementation of the laws and policies. No new law has been enacted in the last 90 years. Although the Forest Act, enacted in 1927 during British rule, is controversial and ineffective for the most part, there hasn't been much change in the law over the years. Since the main objective of the 1927 law was taxation and regulation of movement of forest produce, it is no wonder that it is not possible to conserve forests through this law. The two amendments made thus far have done little to help with conservation, but rather has accelerated the process of deforestation. In the new proposed amendment to the Forest Act, the words “conservation” and “sustainable use” has been added, but there's no definition of either of the two concepts.

All administrative laws of the country have a separate section demarcating the powers and functions of the relevant department. The Forest Act is the only piece of law which doesn't contain any section on the Forest Department. As such, the department has never really had any defined responsibility of protecting forests. Is the Forest Department to be a landlord without any responsibilities?

Environmental activists, including you, have staunchly criticised the new proposed amendment to the Forest Act, 1927 and stated that it would make the Forest Department into a “neo-emperor of the forest”. What are your main objections?

If the amendment was such that its main objective was to protect and conserve the forest, then we would have no problems. But the amendments proposed would mainly increase the powers of the forest department.

And environmental activists and forest dependent communities more or less concur that these powers will make the forest department more arbitrary. For instance, one of the changes made has been in regards to the process of declaration of a reserve forest. Under the 1927 law, it was stated that if the government wants to declare a reserve forest, it must notify everyone of its intention through a gazette notification. It would then issue a notice under Section 6 and an inquiry would take place as to the rights of the people over the forest. Under the existing law, it was the DC who would inform the relevant stakeholders. The people could approach the DC and say, 'Look, I have claims over the forest, I cultivate my paddy here, or graze my cows here, or depend on the forest produce'. The DC would settle the

that land declared as reserve forest in 2000, for instance—but on which due process has not been completed—is now a reserve forest, since 18 months is over?

The other issue we have is that the amendment increases the punishment from 6 months to 2 years. But the people who really destroy the forests never get punishment. For instance, an industry grabbed a whole forest in Gazipur, but there will be no punishment for them. It is sad that there have been no amendments thus far to bring these industries to book.

The proposed amendment, then, would curtail the rights of forest-dependent communities and particularly affect the indigenous communities. Is there a way of conserving the forests that is compatible with protecting the lives and livelihoods of the people?

Many people, particularly those from indigenous communities, rely on forests for their lives and livelihoods. However, as per the Forestry Policy, the government is terming them as “encroachers” saying that these “tribal communities” grab land as per their will. This proposed amendment reflects the same sentiment towards communities which are dependent on forests. Rather than term the big industries as encroachers, you are terming the local communities as encroachers. Now whenever there is a conflict, the Forest Department can say, “Your land right is not established,” and file a case against you as an encroacher.

If the government wanted to ensure participation of local people, then it would implement Section 28 of the said law, which states that if a government declares a forest as a reserve forest, it can leave the management of the forest to the forest dependent community. The power that resides with the Forest Department would then reside with the community. The government could issue a rule as to how the community would manage the forest. Unfortunately, it's been 87 years, yet no initiative has been taken to institute a rule to ensure community participation. Instead, the government has introduced the concept of 'co-management', and in its name, what the government is essentially doing now is putting its own people in the committee and making a plan as to how many foreign trees to plant in the locality, further destroying the environment.

According to the Convention on Biological Diversity 1992, signatory countries should “respect, preserve and maintain knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity and promote their wider application with the approval and involvement of the holders of such knowledge, innovations and practices and encourage the equitable sharing of the benefits arising from the utilization of such knowledge, innovations and practices [Article 8(j)]”. In line with this, many countries have made changes to their laws to make them more relevant and people-oriented. It is high time we do so through our law.



Syeda Rizwana Hasan

complaints and claims before finalising the process. Previously, there was no timeline to complete this. But now, as per the amendment, you only get 6 to 18 months to put forward your claims, and if you don't do it, your claims will be forfeited. When the Forest Department issues a gazette notification, they don't exactly widely publicise it or display it on-site (at least it hasn't so far). So now, very secretly, it can declare land, on which many have depended for decades, even generations, as reserve forest. On paper, the department will show it has followed due process, but in reality it will not do so. This will only lead to conflict between the forest department and the communities which depend on the forest. There is also confusion as to whether this provision would be retrospective or prospective. For instance, can the government now say

### LETTERS TO THE EDITOR

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#### Bangladesh deserves fair share of Teesta water

More than a year has passed since West Bengal's Chief Minister Mamata Banerjee visited Bangladesh and assured Bangladeshi Prime Minister Sheikh Hasina of a "positive role" in resolving the outstanding Teesta river issue. But we are yet to notice any sign of resolution of the water sharing issue of common rivers, particularly Teesta, from India. Recent news unveils that there are plans to divert water from more common rivers in the direction of India, which will cause desertification in many places of Bangladesh. Bangladesh has always been friendly and cooperative with India, Our neighbour should reciprocate the goodwill.  
Luthfe Ali, On e-mail

### COMMENTS

**“The legend NO MORE”**  
(June 5, 2016)

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**Biplob Marma**  
Legends never die. Rest in peace Muhammad Ali the great!

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**Toufiquer Rahman**  
He is unquestionably the best athlete of all time. The world won't ever be the same without him. May his soul be in eternal peace.

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**Murshed Ahmed**  
People in every country will remember Muhammad Ali with great pride.