

March 25 as Genocide Day

Launch campaign for international recognition

WE are heartened by the parliament's declaration of March 25 as Genocide Day. This is to consecrate the supreme sacrifice of the valiant souls who were killed by the Pakistan army during our Independence War. That said, it is disappointing to know that the UN is yet to recognise the killings of the occupying force as genocide.

Genocide is defined in Article 2 of the Convention on the Prevention and Punishment of the Crime of Genocide (1948) as "any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group..." Newspapers of the gory days of 1971 teem with reports of the kind of atrocities committed in Bangladesh which the UN says is tantamount to genocide. Even Pakistan army generals have described the motive behind their brutal actions on the night of 25 March 1971 and the nine months thereafter. These are crimes that fall under the said UN article.

It is not only a matter of numbers alone, three million, which by itself qualifies the killings as genocide; what matters also is the way in which the carnage was carried out, and the trauma, that has been left behind. And these are no less horrifying than similar atrocities of the 20th Century.

We would hope that a rigorous campaign would be launched to get UN recognition in this matter. The government should go the whole hog, reinforcing its efforts internationally to have the UN acknowledge this as genocide. And that we hope would put a stop to those who deny the killings as genocide.

Moghbar-Malibagh flyover collapse

Why is safety a non-issue for contractors?

IN the early hours of March 13, a 36-metre-long girder weighing 70 tonnes fell from the flyover and killed a temporary worker while injuring two others. This is the second such incident where a girder fell during installation at the same spot although luckily no one was injured then. This merely highlights the lack of concern of the authorities regarding safety measures, not just for the people working on the site but also for the thousands of people who must navigate traffic underneath the structure on a daily basis. Hardly have we seen such abject disregard for public safety as in this case. Considering the lax safety measures taken at the site, we must thank Providence that more people have not become casualties.

We are shocked to hear the project director brush the collapse off as merely an accident. His comment is as odious as it is unacceptable. He cannot make such an obtuse statement and absolve himself or the construction company of wrongdoing. There are so many things that can be done. The construction site can be fenced off and traffic can be managed better so that people do not travel under areas that are being constructed. Obviously these are not being done properly.

We hope now that in the aftermath of such a serious incident, LGED will revisit the construction design and also take a look at the quality of materials being used. And a good thing that might come out of this exercise, should it take place at all, is an opportunity to take a closer look at the workmanship and put into place safety measures that should be associated with a construction of this magnitude.

WORLD CONSUMER RIGHTS DAY Rights – as elusive as ever



UPASHANA SALAM

WHEN buying a product in Bangladesh, apart from the usual concerns about its price and quality, consumers have to worry about whether the product they buy, including life-saving drugs and baby food, can cause actual harm to their health or even be fatal to them. In fact, relatives visiting from abroad

constantly warn us about buying cosmetics from shops here, and even go to the extent of bringing their own water filters and grocery items from back home, simply because one cannot trust whether the brands sold in many stores in Bangladesh are genuine or not. Toxic elements such as brick chips and diesel are constantly mixed in basic ingredients like chilli powder and cooking oil. Meanwhile, multitude of news reports, cartoons, editorials, even interventions from the government have failed to stem the sudden price hike of bare essentials like dairy and other food products. When talking about consumer rights in Bangladesh, it's impossible to concentrate on one particular area. Starting from contamination of food products to selling of counterfeit items and sudden rise in prices, consumers in the country are more or less doomed.

The problem remains the same as with every other issue in the country — there is a law, the Consumer Rights Protection Act, 2009 (CRPA) to be specific, but as usual implementation continues to be rather elusive. Rules for the operation of the Act were only made in 2013. According to legal experts Saqeb Mahbub and Arafat Hosen Khan, while the Act mainly deals with the "obligations of economic operators and products safety", one of its main limitations is that it remains a mostly "administrative" Act without focusing on a "rights-based, bottom-up approach like other new consumer protection legislation around the world" (Protecting Consumer Rights, *The Daily Star*). They further argue that even though the Act has enabled the establishment of an institution tasked with consumer protection, it fails to address citizens' rights as consumers, falling short of empowering consumers to actively participate in the "enforcement of these rights." Thus, this enables the Act to be yet another flawed, bureaucratic legal mechanism that remains largely ineffective, once again allowing space for rampant corruption.

Moreover, the process of filing complaints is a lengthy and complex one. While in most other countries there are designated institutions where consumers can file complaints, consumers in Bangladesh have to obtain the approval of the Director General of the Directorate of National Consumer Rights Protection or any person authorised by him. Under the Act, complaints cannot be filed directly at the Magistrate's court; instead it has to be addressed to the Director General or someone authorised by him within 30 days of the "complained cause of action." Within 90 days of lodging the complaint, the charge has to be once again filed with the Magistrate Court with the approval of the DG. In short, the person or entity responsible for filing such complaints has to first be approved by a single individual, thereby leaving room for further irregularity. Consumers are hence not even given the opportunity to take their case to court, and are forced to rely on the concerned government officials. They can only thus hope that effective action will be taken by the concerned authorities against those who violate their rights.

It takes little imagination to understand how time-consuming the whole process of simply filing and getting anyone to heed a complaint can be, especially when considering that this is Bangladesh we are talking about, where the culture of red tape and cumbersome government regulations rule.

In what is perhaps the most disturbing aspect of filing consumer complaints, while the complainant does not need to bear any cost for filing a case, if the Magistrate responsible for investigating the complaint thinks that fault of the product needs to be proved by proper testing or analysis, the complainant will have to "bear the cost of the testing of the sample" (Booklet on Consumer Protection in Bangladesh, 2010, published with support from the Government of Bangladesh and financed by the European Union). It is ironic that after going through the whole process of filing their complaint and getting someone to acknowledge their claim, consumers have to pay money to ascertain whether the product is contaminated or whether it has in anyway been tampered with. Which ordinary citizen would want to suffer through such an exhaustive, time consuming process that will also require them to shell out money for a process that should ideally be paid for by the governing authority? Does this not seem to perpetuate the idea that all consumers with a complaint against any product or trader can afford to allocate extra money in their budget for something like this? We also need to remember that the body responsible for

bodies, and 34 State Commissions have been set up in each district and state of the country as well as at the national level.

It's true that mobile courts and sudden raids by the police have unearthed factories and establishments selling spurious products or manufacturing under extremely unhygienic conditions. Fines have been imposed and imprisonment threatened. But such raids are nearly not enough compared to the extent of the problem in almost every sector. This allows countless of unscrupulous traders and manufacturers to continue to dupe the consumers with unfair prices, substandard or fake products.

The issue of filing a complaint, moreover, would arise only if our country's consumers are aware that they have rights under the law. Even if urban consumers might have some vague idea of the existence of a law that protects their rights, citizens living in rural areas usually remain ignorant of such a law. While you will find a couple of posters here and there, but there is no informed, wide-spread programme that makes consumers aware of their rights. While traders have managed to build up a strong nexus, even successfully colluding with corrupt



These lobsters injected with jelly were seized by coast guards in Chandpur last year. Some traders use jelly to increase the weight of lobsters.

PHOTO: ALAM PALASH

testing products for quality and safety, the Bangladesh Standards and Testing Institute (BSTI), is beset with problems of its own. Allegedly, the organisation does not even have modern equipment and facilities that can accurately test samples of products. Let's not even get into various media accounts that question the efficiency and integrity of some BSTI officials. But despite all that, we can argue that if after testing it is found that the sample is safe and the consumer's complaint is false, the consumer could be ordered to pay the costs incurred. However, asking them to do so even before anything is ascertained would further deter consumers from taking any stand against unscrupulous businesses.

It is also very unfortunate that there is no separate court that deals with consumer rights in Bangladesh. If we were to provide an example, India has famously established a consumer court that deals with cases regarding consumer grievances and disputes. Consumers are not required to hire a lawyer, and can represent themselves without having to pay any court fee, except for a nominal amount. Moreover, in order to provide inexpensive and quick redress of consumer complaints, 604 district forums, or quasi-judicial

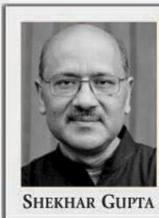
officials and law enforcers, consumers, though larger in numbers than the traders, have failed to organise or mobilise themselves. We could once again learn from our neighbour, where a wide-scale organised consumer movement against black marketing, adulteration of food, food shortage and hoarding forced the Indian Government to strictly enact the Consumer Protection Act 1986. This long-drawn battle started in the 1960s but the persistence of consumers led to not only the formulation of a law but also its appropriate enforcement.

If we, the consumers, want our voices to be heard, then the time to be armchair activists is over. We are the ones who need to make the authorities, the traders, the numerous bodies realise that if we are to spend *our* money, we deserve to get the best. We deserve to know how it is being spent, why prices of certain products are suddenly increased, why services are abruptly halted, why in the name of strikes, we are forced to suffer. And until we get what we deserve, we need to organise, mobilise, and demand our right.

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Maximum Modi, maximum opportunity

Narendra Modi is now the new colossus of Indian politics. The question is no longer winning 2019, but what he will do with the new status.



SHEKHAR GUPTA

THE description "tectonic shift" was first used for election results by Union Cabinet minister Ravi Shankar Prasad. It has since gathered currency among pundits

and partisans. Narendra Modi has swept Uttar Pradesh as no one had since the post-Emergency Janata wave. The Congress looks at single figures, maybe even less than five in a state where its vice-president campaigned as "UP ka ladka". BJP has, similarly, swept Uttarakhnad and become a real force in Manipur, where it was non-existent. Surely, this is a tectonic shift.

I would contest it, but simply on the basis that "tectonic" change is too mild for a power shift that resets not just the political geography of India, but also its sociology, psychology and ideological pathologies.

The big pointers first. Narendra Modi has now risen as India's most popular mass leader since Indira Gandhi in her heyday and he has earned it all from his own effort rather than build on a legacy. Second, he has acquired control of the ruling party as no Indian leader did, not even Rajiv Gandhi, since Indira Gandhi. It follows that it redefines BJP for the first time as a party with a suprema, a prime vote-catcher and a personality cult of its own. With him, his brilliant, all-conquering electoral field marshal Amit Shah has also risen as the most powerful chief of a national party since K. Kamaraj in the 1960s.

Modi is the first leader from outside the heartland to acquire such national stature, the first, let's qualify, after

independence. At the risk of being misconstrued, let me add that the last non-heartland leader to acquire such pan-Indian stature was only the Mahatma. No comparisons here, except that he too came from Gujarat. Modi has now acquired an aura that dazzles beyond partisan politics. Even those who disagree with him, and vote against him, say they do not suspect his personal integrity and good intention -- the reason they've been forging on demonetisation after suffering severely from it.

Modi's most loyal supporters also acknowledge that on the economy, reform, social messaging, his record halfway past his first term as prime minister has been patchy. "Wait for his second term," they say, "learn from his history in Gujarat." His first term as chief minister was contentious, overly political and divisive. In the second, he focused on the economy and infrastructure and built the springboard for national power later. It was also in his second term that he totally defanged the RSS, filed sedition cases against the troublesome VHP leaders and demolished scores of illegally-built temples in his encroachment clearing drive.

It would be reasonable to believe that this sweeping victory has brought that second term forward as 2019 seems more a certainty now. The defeat of Aam Aadmi Party (AAP) in Punjab and destruction in Goa should also detox his mind of any insecurities in Gujarat later this year. His party and the RSS are totally beholden to him. He has that greatest weapon, a brahmastra if you so prefer, that a mass leader has: the ability to bring votes. Or, to put it more simply, the ability to get lamp-posts elected.

The question now is, how will he use

this power. Will he get off the electoral juggernaut now and focus on economic change as he did in Gujarat 2007 onwards? Will he invest his phenomenal persuasive skills along with his credibility to sell more challenging ideas of change: economic and governance reform, reducing the size of the government, make durable peace with the neighbours, and make the future secure for the next generations. He now has that kind of opportunity.

Other lessons from this result are simpler. To Congress, it is that times when its first family could get it votes, ended a long time back although the fluke success in 2004 deluded it into believing these were back. Second, that Rahul isn't a mass leader. He can keep the party together, but unless he learns to run it like a holding company with truly empowered CEOs, there is no future.

He must acknowledge then that Amarinder (who he doesn't particularly like) swept Punjab while he got swept out of Uttar Pradesh. In Manipur, a strong local leadership has pretty much held its own. In Uttarakhnad, Harish Rawat lost badly, but remember he is a truly popular local leader who was sidelined until 2016 while power was given to serial defectors, the Bahuguna offspring. Rahul Gandhi has to seriously reflect on his former Assam loyalist Himanta Biswa Sarma's words, that he only relates to those with "blue blood", or entitled political legatees. This election, like several before this, tells you that there is nothing the young Indian detests more than a sense of entitlement. This is, as I have said before, a non-ideological, I-don't-owe-you-nothing young India. Don't try impressing them with your ancestors' track record. Talk about yours.

For the caste-based Uttar Pradesh

parties, it's time to reboot, or go into sanyas. For three decades in the heartland, BJP has worked on a strategy to re-stitch with faith (Hindutva) what caste divided. If only Hindus could vote together than be divided as upper/lower/middle castes, BJP would be unbeatable. L.K. Advani succeeded once with the Mandir movement. But that was short-lived. Modi and Amit Shah have now done this by deftly weaving it in a new, majoritarian Indian nationalism. This has more oomph and longer legs than a mere temple. Akhilesh Yadav's future lies in reinventing himself as a pan-caste young leader (he's younger than Kejriwal and Rahul). Mayawati is looking down the barrel.

In fact, it is the Muslim voter now who'd contemplate the future. The Modi-Shah strategy has isolated the Muslim vote and proved its irrelevance. The "secular" parties have to rewrite their politics entirely if we are not to see the rise of Muslim radical parties, many mini Leagues and further ghettoisation.

And finally: Arvind Kejriwal and Aam Aadmi Party have made a strong statement in Punjab. If it feels like failure, it is because it believed its own hype of sweeping Punjab and Goa. But to finish second in an unfamiliar state ahead of the strongest traditional coalition is an achievement. What's been pricked, is its "me-all-conquering" hubris. It has to focus on the task at hand, not run ahead of the ball, consolidate its still formidable hold over Delhi. It's a cruel but accurate way to put it, so I shall go ahead: AAP's national ambitions deflated, it has to humbly return to municipal concerns, particularly with Delhi corporation elections coming up.

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LETTERS TO THE EDITOR

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Prevent food adulteration

Adulteration of food with toxic chemicals and substances has reached an alarming high in Bangladesh, especially in low priced hotels, shops, and restaurants. Carbide in fruits, formalin in fish, textile colours in sweetmeat and bakery items, pesticides in raw vegetables, and so on are used to increase the shelf life of food items and earn higher profits while cheating consumers. These practices pose serious threats to public health. Due to poor health literacy, many people don't know how to handle or store food items correctly. This may cause food poisoning and cholera. If this continues for a long time, vital organs such as the liver and kidney can be damaged, even resulting in cancer. Children are the most vulnerable to these risks.

Even if we grow increasingly aware regarding the risks of food adulteration, we are helpless to stop it. There are laws and regulations to penalise food adulteration, such as the Bangladesh Standard Testing Institute (BSTI) Ordinance of 1985, and the Pure Food Ordinance of 2005. Enforcement of these laws with the highest penalty must be ensured. We also need more effective awareness campaigns regarding consumer rights, as well as promotion of ethical practices among the business community by business leaders, and capacity development of public health labs by training more staff to properly test food items for adulteration on the spot. Hopefully the concerned authority will come forward to take care of these issues as soon as possible.

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By email