

## 16th Amendment scrapped

## A positive move for democracy

Welcome the Supreme Court's verdict upholding the High Court ruling that declared the 16th Amendment of the Constitution, which empowered the parliament to impeach any apex court judge, illegal. The verdict finally reinstates the fundamental scheme of our Constitution that separates power between various organs of the state.

Those who argue that in many countries the parliament is empowered to impeach an apex court judge forget the fact that there is no Article 70 hanging as the Damocles sword on the head of those MPs. And in fact, Article 70 of the Constitution was one of the factors considered in the ruling against the 16th Amendment. The fact is that the original character of our parliament has undergone significant change with the introduction of Article 70 that prevents an MP from voting freely. A majoritarian parliament, such as we have now, makes it difficult to maintain objectivity when dealing with matters as crucial as the appointment or impeachment of judges.

Thus while some may argue that the 16th Amendment would have restored the Constitution to its original 1972 state, the current scenario makes such hopes impracticable. Rather, the removal of this amendment will uphold the original character of the Constitution by ensuring a judiciary that will work in unison with the executive but at the same time be independent of it. It will also allow for the enactment of a law on the appointment of judges to uphold the independence and dignity of the apex court. Controversial appointments in the past in the absence of a law in this regard have severely undermined the image of the SC.

It will, therefore, be prudent for the legislators to see the merit of this verdict, instead of a setback, which should help end any tussle between the judiciary and the executive. Certainly, the verdict upholds the dignity of the judiciary and the fundamental values of the Constitution.

## 400-year-old Hindu fair shut down

## Why did the authorities fail to ensure security?

THE Rath mela in Dhamrai has been suspended by the local police citing security concerns. But it is alleged that the fair was stopped over a rift between the local lawmaker and the municipality mayor. The Rath mela is integral to the biggest Rath Jatra Utsab in the country.

It is unacceptable that the municipal mayor and his men went to the venue and forced the traders to dismantle their stalls. Allegedly, some of the traders were also beaten up by the mayor's men. Earlier, the mayor allegedly wanted to set up a cattle market at the same place which the local Hindu community, backed by the local lawmaker, opposed. Or maybe he had taken offence for not getting invitation by the organisers of the festival. It seems that the whole affair of closing down the fair was triggered by the ego clash between the mayor and MP.

Instead of resolving the issue, the local administration opted to stop the fair on the pretext of security concerns which is simply ridiculous. If there were any such issues the authorities should have addressed them by taking adequate security measures instead of impeding the festival. One cannot cut the head to cure the headache. This is a matter that concerns a minority community's right to celebrate its festival. It is a failure of the local administration that the festival was not allowed to be organised, and it should be called to account for this.

The local administration should take immediate measures to ensure peaceful celebration of the Rath festival and assist the organisers to continue the fair. The affected traders should also be compensated. The ruling party should look into the issue seriously since the infighting between their party men is affecting the general people.

## LETTERS TO THE EDITOR

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## Bangladeshi deposits at the Swiss bank

Like every year, the Swiss National Bank (SNB) has disclosed the country-wise deposit information with banks. The amount deposited by us last year was equivalent to around Tk 5,500 crore, which is 20 percent higher than the previous year. It has been observed that the deposit amount from Bangladeshi nationals in the Swiss bank increases every year, and our government has no information about the depositors or the sources of funds.

What are the sources of the funds deposited at the Swiss bank? Are they siphoned off from the country, and if yes, then how much money has so far been plundered? While some of it may be clean money, it is easily conceivable that a lot of it is black money. The government must find out where these funds are coming from before being deposited at the Swiss bank, and take punitive actions if they comprise of tax-dodging money or are siphoned off capital.

Zonaed Emran

By e-mail

## Extortion on the highways

After Eid, the minibuses which ply between the city and outlying areas are charging thrice or more of the normal fare. People who have to travel from the city to the adjacent upazillas are forced to pay this higher amount daily for no valid reason. As a result, the daily transportation cost is adding to the already increasing cost of living. The bigger buses which can accommodate a large number of people are absent from the roads.

Who will take the necessary actions to mitigate the sufferings of the commuters?

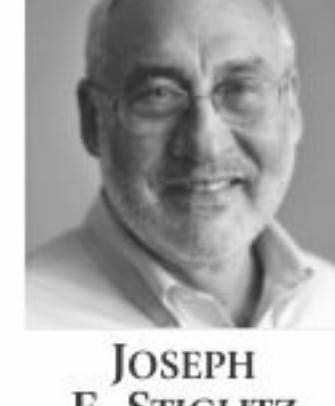
Zabed Wali

Chittagong

## PROJECT ■ SYNDICATE

## Trump and the truth about climate change

## BUSINESS &amp; FINANCE



JOSEPH E. STIGLITZ

UNDER President Donald Trump's leadership, the United States took another major step toward establishing itself as a rogue state on June 1, when it withdrew from the Paris climate agreement. For years, Trump has indulged the strange conspiracy theory that, as he put it in 2012, "The concept of global warming was created by and for the Chinese in order to make US manufacturing non-competitive." But this was not the reason Trump advanced for withdrawing the US from the Paris accord. Rather, the agreement, he alleged, was bad for the US and implicitly unfair to it.

While fairness, like beauty, is in the eye of the beholder, Trump's claim is difficult to justify. On the contrary, the Paris accord is very good for America, and it is the US that continues to impose an unfair burden on others.

Historically, the US has added disproportionately to the rising concentration of greenhouse gases in the atmosphere, and among large countries it remains the biggest per capita emitter of carbon dioxide by far — more than twice China's rate and nearly 2.5 times more than Europe in 2013 (the latest year for which the World Bank has reported complete data). With its high income, the US is in a far better position to adapt to the challenges of climate change than poor countries like India and China, let alone a low-income country in Africa.

In fact, the major flaw in Trump's reasoning is that combating climate change would strengthen the US, not weaken it. Trump is looking toward the past — a past that, ironically, was not that great. His promise to restore coal-mining jobs (which now number 51,000, less than 0.04 percent of the country's nonfarm employment) overlooks the harsh conditions and health risks endemic in that industry, not to mention the technological advances that would continue to reduce employment in the industry even if coal production were revived.

In fact, far more jobs are being created in solar panel installation than are being lost in coal. More generally, moving to a green economy would increase US income today and economic growth in the future. In this, as in so many things, Trump is hopelessly mired in the past.

Just a few weeks before Trump's decision to withdraw from the Paris accord, the global High-Level Commission on Carbon Prices, which I co-chaired with Nicholas Stern, highlighted the potential of a green transition. The Commission's report, released at the end of May, argues that reducing CO2 emissions could result in an even stronger economy.

The logic is straightforward. A key problem holding back the global economy today is deficient aggregate

demand. At the same time, many countries' governments face revenue shortfalls. But we can address both issues simultaneously and reduce emissions by imposing a charge (a tax) for CO2 emissions.

It is always better to tax bad things than good things. By taxing CO2, firms and households would have an incentive to retrofit for the world of the future. The tax would also provide firms with incentives to innovate in ways that reduce energy usage and emissions — giving them a dynamic competitive advantage.

The Commission analysed the level of carbon price that would be required to achieve the goals set forth in the Paris climate agreement — a far higher price than in most of Europe today, but still manageable. The commissioners pointed out that the appropriate price

Macron, poked fun at Trump's campaign slogan, declaring "Make Our Planet Great Again."

But the consequences of Trump's actions are no laughing matter. If the US continues to emit as it has, it will continue to impose enormous costs on the rest of the world, including on much poorer countries. Those who are being harmed by America's recklessness are justifiably angry.

Fortunately, large parts of the US, including the most economically dynamic regions, have shown that Trump is, if not irrelevant, at least less relevant than he would like to believe. Large numbers of states and corporations have announced that they will proceed with their commitments — and perhaps go even further, offsetting the failures of other parts of the US.



SOURCE: IFUN.COM

may differ across countries. In particular, they noted, a better regulatory system — one that restrains coal-fired power generation, for example — reduces the burden that must be placed on the tax system.

Interestingly, one of the world's best-performing economies, Sweden, has already adopted a carbon tax at a rate substantially higher than that discussed in our report. And the Swedes have simultaneously sustained their strong growth without US-level emissions.

America under Trump has gone from being a world leader to an object of derision. In the aftermath of Trump's withdrawal of the US from the Paris accord, a large sign was hung over Rome's city hall: "The Planet First." Likewise, France's new president, Emmanuel

In the meantime, the world must protect itself against rogue states. Climate change poses an existential threat to the planet that is no less dire than that posed by North Korea's nuclear ambitions. In both cases, the world cannot escape the inevitable question: what is to be done about countries that refuse to do their part in preserving our planet?

The writer, a Nobel laureate in economics, is University Professor at Columbia University and Chief Economist at the Roosevelt Institute. His most recent book is *The Euro: How a Common Currency Threatens the Future of Europe*.

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## RAPE IN BANGLADESH

## Are we becoming selective activists?



UMMEHANI BINTE ARIFF

IT is sickening how rape is becoming a regular occurrence in our society and there is a report of an incident of sexual violence every day from various parts of the country, each more vicious and more heinous than the one before. The victim profile is so diverse indicating that no girl, no woman is safe. When I started writing this article, the number of rape cases reported in 2017 was 93. By the time this article was ready for publication, that figure had risen to 138. This was within a matter of 4 weeks. I cannot help asking myself, what is happening? Why the rise in sexual violence? Why have the men in our country become so cruel?

As a lawyer at BRAC, I have tried to find the answer by analysing the data at my disposal. From a bird's eye view, it is apparent that not many cases reach court and even if they go to court, the conviction rate is insignificant and

cases go to trial each year. According to Ain O Salish Kendra (ASK), in Bangladesh 138 women were raped, 6 were killed after being raped and 4 committed suicide after rape in the first 4 months of 2017. Many women's rights groups have confirmed that the incidence of rape and murder after rape is on the rise across the country. Ignoring and letting this kind of crime go unpunished is not only a miscarriage of justice but also a threat to humanity. The low conviction rate in rape cases serves to encourage the perpetrators. If things remain the way they are, the chances of rapists paying for what they did are nil. They have nothing to worry about.

The common barriers to access to justice are practically identical in most cases. A large number of the cases are either pending at the witness stage, "settled" out of court, or dismissed because the charge sheet was poorly framed. Data extracted from BRAC Human Rights and Legal Aid Services (HRLS) case studies confirms the hypothesis of low conviction. Recent data compiled by HRLS regarding rape cases shows that from 1998 till September 2016, HRLS provided support in a total of

1,450 cases, amongst them 695 cases were disposed of. Alarming, only in 89 cases, a verdict conviction was reached. Our research shows that 73.77 percent of the alleged perpetrators of rape are out on bail. Data collected from 61 districts of Bangladesh show that a number of rape cases were "settled" out of court. In most of these cases, political pressure, social stigma, patriarchal attitudes, and protracted court proceedings leave no option to the survivor's family but to "settle" out of court. Lack of support services or provision of protection for victims and witnesses is what discourages survivors and families of the survivor to fight for justice. These figures depict a disturbing but real picture of our protracted justice system. In a society like ours, if a rape

survivor shows enough bravery and decides to seek justice through the court system, we let her down. We make her wait for so long that she decides to give up or is forced to give up.

It is interesting that even though sexual violence is widespread and frequent, we tend to protest only a handful of these cases. The incidents of child rape that have risen over the last few years have pretty much gone unnoticed. We did not say anything when a desperate father (named Hazrat Ali) found no other way, but to jump in front of a moving train with his 8-year-old daughter, Ayesha, who was raped and the police had refused to take her case. We did not shed a tear when the mentally challenged girl in Madaripur was raped. The 80-year-old victim was a mere afterthought. Recently, police arrested a 14-year-old for raping a 3-year-old toddler in Bagerhat. All these incidents occurred in 2017 alone and were published in national newspapers in the last one and a half month.

While my Facebook newsfeed was over-flooded with posts of the Banani rape incident, Hazrat Ali and Ayesha's suicide posts went unnoticed. How do we pick and choose? How do we decide when to yell? What crime is heinous enough to raise our voices? Why are we not as sympathetic towards the 8-year-old rape victim from Satkhira, as we are with the victims of the Banani case? Where is the human chain for the 80-year-old rape victim from Narayanganj? For the mentally challenged rape victim in Madaripur? Is it because Banani is too close to home for some of us? Why this selective activism? Gulshan and Banani alone do not represent Bangladesh. Shouldn't we have protested and said 'enough is enough' a long time back? Are we yet to reach our breaking point?

My intention is not to advocate for an outcry every time there is a rape. If that was the case, we would have to quit our day jobs and permanently camp out on the streets. My hope is that we will not be so selective about our protests. If we choose to protest, let's protest for change; let's cry out for safer streets and safer spaces; let's protest against the rape of all women and girls. Each and every one of them has the right to live with dignity and not be violated. Let us advocate for a stronger justice system so that more offenders are brought to justice.

I hope to see speedy justice in the Banani rape case, but also to see arrests and trial in the other incidents of sexual violence as well. The punishment for such crimes against women and girls must be harsh. The percentage of unreported cases is already high and getting higher each year. If action is not taken immediately in cases of violence against women and girls, these heinous crimes will become nothing but mere statistical data for researchers to analyse and write about.

Let us work together to end this brutality before it is too late.

severely delayed. In Bangladesh, police statistics on cases registered on violence against women (VAW) show that rape is the second most commonly reported form of violence against women, following dowry-related harassment. According to a research study by BRAC University's School of Law ("Reasons for the low rate of conviction in the VAW cases and inconsistencies in the legislative framework", Naznin SM Atia and Sharmin Tanjina, 2015), lack of proper and adequate evidence, weak presentation of case by the prosecution, technicalities of legislation, out-of-court settlements, insufficient police investigation and case backlog are the main reasons for low conviction rate under *Nari o Shishu Nirjatan Daman Ain, 2000*. Just 2 percent of rape

cases go to trial each year. According to Ain O Salish Kendra (ASK), in Bangladesh 138 women were raped, 6 were killed after being raped and 4 committed suicide after rape in the first 4 months of 2017. Many women's rights groups have confirmed that the incidence of rape and murder after rape is on the rise across the country. Ignoring and letting this kind of crime go unpunished is not only a miscarriage of justice but also a threat to humanity. The low conviction rate in rape cases serves to encourage the perpetrators. If things remain the way they are, the chances of rapists paying for what they did are nil. They have nothing to worry about.

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The writer, a Senior Executive (Analysis and Strategy) for Human Rights & Legal Aid Services Programme at BRAC.