

# The Daily Star

FOUNDER EDITOR  
LATE S. M. ALI

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## Govt's reaction to verdict on 16th Amendment

### Spare judiciary from unfounded attacks

WE are heartened by the law minister's reaction to the verdict on the 16th Amendment to the Constitution. In well-measured words chosen to stake out his government's position, he said he respects the verdict although he disagrees with it. He also termed as "unacceptable" the reason for which the amendment was declared unconstitutional. We are also happy that he said, "The parliament never had any intention to limit or hamper the independence of the judiciary by any amendment."

However, we are alarmed by the minister's supplementary comments on the verdict that it was "driven by hatred." A similar instance of attack on the Supreme Court has been made by a former chief justice on Wednesday, who seemed to have suggested that the verdict may have been predetermined. We think such a comment without any conclusive proof to support it is contemptuous of the highest legal institution in the country.

Disagreeing with the verdict of a court is common in a democratic dispensation, and while constructive criticism is welcome, as has also been made clear by the Chief Justice, questioning the integrity of the judges and the Supreme Court is disconcerting, to say the least.

We cannot but express our deep concern at the deteriorating and often personal nature of the attack directed at our highest court. We request all concerned to respect the institution of the parliament on the one hand, and that of the Supreme Court and the Chief Justice on the other.

## Price of rice still high

### Delay in cutting duty unhelpful

THE flash floods in March wiped out 90 percent of the Boro crop resulting in 1 million tonnes of crops. Then we had the fungal outbreak in some 19 districts which did further damage. Now it is August and the government is about to sign a deal with Cambodia for import of a million tonnes of rice. What has come as a shock for the market is that private importers have 7,000 tonnes of rice imported from India waiting on trucks at Hili in Dinajpur and Benapole in anticipation of a further cut in duty. That decision is still pending as the National Board of Revenue has not received any such order.

This is not the way to go about business during a market crisis where the price of coarse rice per kilo has been hovering around Tk45 for the last two weeks, which is a rise of more than 40 percent. Yes, we understand that a slew of agreements are in the making with a number of countries, but why is there so much confusion about slashing of import duty between the ministry of food and the government? As we are facing a crisis of rice stocks, is it not prudent to expedite agreement on import duty so that those trucks can get moving to wholesale markets and citizens can breathe a little easier with some form of price stabilisation? We urge authorities to decide quickly on the import tariff because our public granaries are depleting fast.

# Biswajit, murdered twice

### STRATEGICALLY SPEAKING



BRIG GEN SHAHEDUL ANAM KHAN  
NDC, PSC (RETD)

ON the very day that the world was observing the International Human Rights Day in 2012, a poor man was denied the basic right guaranteed to all human

beings under God—right to life. Biswajit was a victim of depraved politics, killed brutally by some members of the student wing of the ruling party.

We said in these very columns five years ago lamenting his death that he was a victim of politics totally bereft of morality, hankering after power. And one cannot help repeating what was vented in this very space that, "bad politics makes animals of human beings there is no doubt, and one cannot avoid a feeling of strong revulsion that such brutes should be categorised as humans. What we saw being done to Biswajit by his fellow beings is not to be found even in the animal world. It was not Biswajit that perished in the face of a cruel and merciless attack, the perpetrators were cruelty personified passing off as human beings. It was humanity that became victim of man's animal instincts, an instinct nurtured by hatred towards political opponents and fed on the mutual animosity of the leaders of the two parties."

What was shocking was the loud reticence of the so-called conscience of the society to condemn the killings, perhaps because the conscience they carried in them were not moved enough by the wrongs of those that belonged to the party they ingratiated themselves by being associated with. Biswajit's greatest misfortune was that he was killed by the wrong party goons.

But if that was the first time Biswajit fell victim to man's cruelty, then the second time he was victim to man's devilry. The very process of the investigation reeked of complicity to dilute the case, while the politicians were busy trying to prove that the alleged killers did not belong to their party. The remark of the home minister was blatantly partisan. All kinds of dilatory comments were thrown up as red

herrings to the extent that reservations about the veracity of the videos and photographs were expressed by people holding responsible office. And it was suggested that only if the pictures were found to be true would the police take action. And the statements of the minister and the police regarding the arrest of the alleged killers were contradictory.

I recount all these facts to reinforce the point that there were attempts to weaken the case as the observations of the Honourable High Court indicate.

commenting on Facebook! One wonders how so many accused in a sensational murder case manage to remain fugitives.

While delivering its verdict on the death reference and appeals of the accused, the Court has asked the authorities to find out the possible lapses in the autopsy and investigation of the killing. The Court would not have given such directive were there not sufficient grounds for it to suspect dereliction of duty.

Though no judgment is beyond criticism, one would be doing great

on how the court in its wisdom sees the evidence.

Our issue is with those that prepared the case for trial. Credit must go to the government for trying the case in speedy trial court which delivered the verdict after less than a year's trial. But a legal process is more than just holding trial. It must be seen that the case has cent percent chances of conviction. In this regard a report in a Bangla daily reveals a very disturbing truth. It says 88 percent of the accused in cases of murder, rape, women repression etc. escape



Biswajit was a victim of depraved politics, killed brutally by some members of the student wing of the ruling party.

And that was when Biswajit was killed the second time.

And evidently, political link worked in the investigation process. Either the medical examiner was blind or he had done autopsy of a different person. His report belied what the footages and statements of the accused exposed.

And eleven amongst the accused are absconding. Apparently some of them have acquired the ability to become invisible very selectively. One of them, reportedly, is frequenting between two of our neighbouring countries and

injustice to the judiciary if motives were ascribed to the judgment, as a former chief justice has done in commenting on the Supreme Court verdict on scrapping of the 16th Amendment. It is not for us to judge the verdict or the differences between the two courts in the degree of punishments awarded. A court's verdict stems from the available evidence produced before it, nothing more and nothing less. And of course there are exculpatory circumstances that the court can take cognisance of in awarding punishments. Everything is predicated

punishment. Of the many reasons for this, experts opine, are weakness in the process of investigation and money and political power. Biswajit's murder investigation is a blatant example.

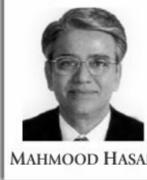
We must remind ourselves that the legal process cannot be strengthened if the people associated with it lack integrity and professionalism. Merely holding trial doesn't necessarily guarantee delivery of justice.

Brig Gen Shahedul Anam Khan ndc, psc, (Retd) is Associate Editor, The Daily Star.

## INDIA-CHINA STANDOFF

# Time to take a step back

### FROM A BYSTANDER



MAHMOOD HASAN

ALL is not well between the two Asian giants. Since mid-June 2017 tension has been simmering between India and China on Bhutan's border high up in the Himalayan mountains.

Chinese military engineers were seen attempting to build a road through a plateau known as Doklam in India and Donglang in China. The plateau lies at a junction between China, Sikkim and Bhutan. The border between Bhutan and Tibet around Doklam is a disputed area, according to India. Bhutan declared that the Chinese road may penetrate Bhutanese territory and has asked China to return to the status quo before June 16, 2017. Bhutan, which does not have an embassy in Beijing and does not directly negotiate with China, sought assistance from India, with which it has a Friendship Treaty since 1949. India quickly sent its troops to the area around end-June, and stopped the Chinese military from constructing the road.

This sparked a military standoff between the two countries with both Delhi and Beijing issuing strong threatening invectives. The standoff continues. Beijing's position is that the dispute, if at all, is between sovereign Bhutan and China, and India, as a third party, has no *locus standi* in the matter. The Chinese position is that India has trespassed into a "defined section" of the boundary and China has warned India of serious consequences if it does not pull back its troops.

The root of the current dispute lies in the interpretation of the 1890 treaty that was signed between Britain and China demarcating the border between Sikkim and Tibet. The Chinese claim that Prime Minister Jawaharlal Nehru accepted the treaty is rejected by India. Because of security concerns India cannot allow geopolitical intrusion by China in South Asia.

It is the geostrategic policies of the two countries that are driving this dangerous standoff. Delhi strongly believes that China is trying to gain strategic advantage by building the road in the disputed Doklam area. The road will bring the Chinese military (PLA) very close to the Indian "Chicken's Neck". Chicken's Neck is the 27km narrow strip of corridor between the northern tip of Bangladesh and southeastern Nepal that allows passage to India from the west to the eight northeastern states. India simply does not want any Chinese road built either on the "disputed" area or even in the non-disputed Chinese side. Because the Chinese road will critically change the dynamics of the military

strategy on the ground for India. A small push by the Chinese military across Sikkim can cut off the Chicken's Neck severing communication between mainland India and its northeastern states.

Indian Defence Minister Arun Jaitley said that the India of 2017 is not the India of 1962, and the country is well within its rights to defend its territorial integrity. External Affairs Minister Sushma Swaraj, speaking at the Rajya Sabha on July 20, also asserted that India is capable of defending itself against an onslaught by China. She said that both sides must pull back its troops before talks can begin. Indian Foreign Secretary Subrahmanyam Jaishankar said India and China have handled border issues in the past and there is no reason why they should not be able to settle this issue this time. He also said differences should not become disputes.

Indian National Security Advisor Ajit Doval was in Beijing for the National Security

crisis has become extremely difficult because of domestic compulsions. The Communist Party is scheduled to hold its 19th Congress in autumn this year. Any pullback by China will be seen as an act of surrender by President Xi Jinping, who is set to become the most powerful leader that China has seen in decades.

The case is similar for Narendra Modi's ultra-nationalist BJP—there is little room for any conciliation with China. Besides, festering insurgency in the northeast and the Gorkhaland movement along the Chicken's Neck is a source of concern for India, which may play into the hands of China. Also, India cannot let its traditional ally Bhutan and a buffer between India and China fall under the geopolitical influence of China.

The 4,056km India-China border has, so far, neither been demarcated nor internationally recognised. This has led to



Advisors (NSA) meeting (July 27–28) related to the BRICS summit to take place in Xiamen from August 31–September 4, 2017. Doval had meetings with China's State Councillor Yang Jiechi, who is also a special representative of boundary talks. Yang Jiechi expressed China's stern position and asked Doval to end the trespass.

Beijing wants to resolve the dispute before the BRICS summit, because the standoff will surely dampen the outcome of the summit. It would be difficult for President Xi Jinping to welcome Indian PM Narendra Modi for the summit, at a time when troops from each side have been deployed on "eyeball-to-eyeball" confrontation. A similar awkward situation occurred at the G20 summit in Hamburg (July 7–8), when the two leaders did not hold a meeting, as according to the Chinese foreign ministry, "The atmosphere is not right for a bilateral meeting..."

For China, stepping back and resolving the

frequent frictions, standoff and even war. But the fact remains that India has been wary in settling the border issues, despite having many negotiations with China over the past decades. Some experts believe that this standoff will be a long-haul affair. So far it has been a war of words between Delhi and Beijing—no shots have been fired. Bangladesh should also hope that no hostilities break out in Doklam, which is not very far from the Panchagarh district of Bangladesh.

India-China relations have always remained distrustful, despite great progress in commercial relations. Going by the statements of Chinese officials it appears India is adamant in occupying Doklam, risking war. But a war will not resolve anything—only patient behind-the-scene negotiations will bear fruit.

Mahmood Hasan is former ambassador and secretary.

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## LETTERS TO THE EDITOR

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### Let the Farmgate park be safe

Farmgate is one of the busiest places in the capital city. Thousands of families reside here and in the neighboring areas. There is a park at the heart of Farmgate. This park could be a splendid place of social gathering for the inhabitants. Children could play here after school, parents could socialise, senior citizens could exercise and passers-by could take rest. However, very unfortunately this park is not in a state to serve any of this purpose. Due to mismanagement and indifference of the concerned authorities, this park has turned into a shelter for the addicts, beggars and sex workers. Additionally, this park is not neat and clean. Therefore, the authorities should take some stern measures to beautify this park and make it a safe and secured place for the city dwellers.

Jerry Cornelius Cardozo  
Farmgate, Dhaka

### Fish revolution in recent times

The Daily Star in its Wednesday issue carried a report that details a report conducted by researchers from the IFFPRI and Michigan State University about Bangladesh's fishery sector. This report stated that the fish value chain in Bangladesh is growing and changing rapidly. I was delighted when I came to know that Bangladesh was the world's fifth largest producer of inland aquaculture and that the production of fisheries tripled in the last 10 years. Thanks to the government for playing an important role in developing infrastructure for this sector. This progression should be strictly maintained as we expect to export fishes after meeting our local demands.

Raihan Hossain Shohag, KUET