

Murders from 'infighting' on the rise

Independent investigations needed to find real culprits

ACCORDING to news reports in various papers published yesterday, at least seven dead bodies were recovered from Narayanganj and Uttara on Sunday. Four of the bodies were found in Araihaazar of Narayanganj, one in Bhulta, Narayanganj, and two in Uttara. The four bodies found in Araihaazar were bullet-hit, and police suspect they were shot at close-range. The two bodies recovered from Uttara were already decomposing, and the men are suspected to have been killed earlier and dumped there. Before this, on September 14, three other bullet-riddled bodies were found in Rugganj of Narayanganj. Naturally, the rising death toll does not bode well for public sense of security, and can create fear and panic among citizens. While we are yet to get any concrete explanation about the most recent cases, an initial explanation put forward by the police has pointed towards in-fighting between criminals. This does not reassure, since the explanation of in-fighting (along with shootouts) have been much repeated recently. In the case of the bodies recovered on September 14, police claimed the murders were the result of gunfights between two groups of drug dealers, while the family of one of the victims had alleged that men claiming to be with law enforcement had picked him up a day earlier. In the 243 cases of "drug dealers and peddlers" killed since May 4, at least 50 deaths were attributed to gunfights. In many cases families maintained that the victims were picked up by law enforcement men in plainclothes. The rising death toll calls for immediate investigations into the killings, as well as the claims of the relatives of those killed. For this, independent probes are necessary. Whoever may be the real culprits, unverified attribution of causes before investigations can only harm the image of the police, and give rise to a sense of insecurity and panic.

Stamp out sexual harassment in the media

All outlets must form complaint cells

THANKS to the rise of the #MeToo movement, issues related to sexual harassment and sexual assault, especially at the workplace, have received much-needed attention in recent times. What the movement has also done is bring focus to the prevalence of sexual harassment in specific industries, including the media. It is time for media outlets in Bangladesh to pay attention and enable an environment in the newsroom so that female journalists are not afraid to speak out. This was highlighted at the third national conference of Bangladesh Nari Sangbadik Kendra recently where women journalists suggested that sexual harassment cells be formed at media outlets. Despite the High Court issuing guidelines in May 2009 which called for complaint committees to be formed at all public and private sector workplaces and educational institutions, many organisations, including media outlets, have no such committees in place. This, unfortunately, reflects the indifference of the top-level management in many of these organisations when it comes to creating a conducive environment for their female employees. Female journalists in the country are not immune to discrimination or harassment by their male colleagues. Many women journalists have voiced that they experienced unwanted sexual advances or inappropriate physical contact at the workplace. With so few women in executive positions in the media in the country, female journalists have to deal with male bosses and in the event that they experience sexual harassment by their bosses, they face the risk of retaliation or losing their job by reporting them. Given the media's unique role in exposing stories about sexual harassment and assault and in increasing awareness, it is quite ironic for media outlets to not have an institutional mechanism in place so that women can report incidents of sexual harassment. It is time media outlets in the country practised what they preach and formed complaint committees at their organisations.

LETTERS TO THE EDITOR

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A tribute to Ayub Bachchu

The legendary rock star Ayub Bachchu recently left us. We are greatly saddened by his untimely departure. During his lifetime, Ayub Bachchu enthralled people with his unique performances. He truly belongs to a rare breed of extremely talented musicians. But stars never truly die. He will continue to shine as bright as ever in the hearts of his fans. And he will always be remembered with love and adoration.

Nur Jahan
Chittagong

THE CIVIL SERVICE BILL

Are some more equal than others?



THE civil service bill placed in parliament on Sunday with a provision to shield government employees from arrest by police in cases filed against them on charges of criminal offences committed in connection with their duties, raises question if political memories are really wafer thin. Section 41 of the bill moved by the government weeks before the parliamentary election makes it mandatory for law enforcement agencies to take prior permission from the government to arrest a government employee accused in a criminal case if they want to arrest him, before a court accepts the charges against him. Usually, the police are legally empowered by criminal laws to arrest anybody immediately after the filing of a case against him or her for committing criminal offences like murder, corruption, bribe, extortion, vandalism etc. After making arrest, the police carry out their investigation and submit charge sheets before the court to hold trial. Then the court either accepts or rejects the charges. On acceptance of the charges, the court begins trial by framing the charges against the accused. But the provision, if it is turned into law through the passage of the bill, will put government officials in a privileged class by making them "more equal" than the rest of his/her fellow citizens—making it mandatory for the Anti-Corruption Commission to take permission for arresting any public servant. No other people in the country will enjoy the same privilege. Thus, in light of several judgements delivered by the apex court, the proposed provision clearly runs counter to some constitutional provisions including equality before the law and right to equal protection of law. This provision also confronts the constitutional prohibition set by article 28 (1) on discrimination on grounds only of religion, race, caste, sex or place of birth. Such a move is not a new one. Almost a similar provision was introduced in November 2013, weeks before the last parliamentary election held on January 5, 2014, making it mandatory for the ACC to take permission from the government to file cases against government officials on graft charges. The provision was widely criticised in the public domain. Its legality was challenged with the High Court which struck it down in January 2014. In the verdict, the court said: "Our Constitution does not allow any body to get special privilege for restraining to file corruption case against him/her." "The embargo of prior permission and/or sanction from the government to lodge corruption case has created an inconsistency with the fundamental right guaranteed in Part III of the constitution," it stated. The HC stressed that insertion of Section 32Ka of the Act, 2013 that introduced the special provision had interfered with the independent function of the ACC and had frustrated the object of the Anti-Corruption Act, 2004. Referring to the controversial provision introduced in the ACC Act 2004, the HC said: "We must maintain that if the Statute would purport to confer absolute unbridled powers upon the executive to pick and choose parties for the purpose of more beneficial or prejudicial treatment, it shall be liable to be struck down for being foul to Article 27 of the Constitution." Article 27 of the constitution reads: "All citizens are equal before law and are entitled to equal protection of law." "The protection in Section 32Ka which was introduced in the ACC Act has susceptibility of shielding the corrupt. We hold that the provision

suffers from the vice of classifying offender differently for treatment there under for inquiry and investigation of offences, according to their status and/or rank in life," asserted the HC bench of Justice Quazi Reza-Ul Hoque and Justice ABM Altaf Hossain in the verdict delivered on January 30, 2014. The HC said that every person accused of committing the same offence is to be dealt with in the same manner in accordance with law. The status or position of preferential person does not exempt them from equal treatment under article 27 of the Constitution, it added. In striking down the controversial provision, the HC unequivocally pronounced that decision-making power does not isolate corrupt persons into two classes when they have committed a crime and have to be tracked down by the same process of inquiry and investigation. "The corrupt persons, whether privileged or general people, are birds of the same feather and must be confronted with the process of investigation and inquiry equally, based on the position or status in the society, no distinction can be made," said the HC verdict. More than two and a half decades before the HC verdict, the Appellate Division in Sheikh Abdus Sabur



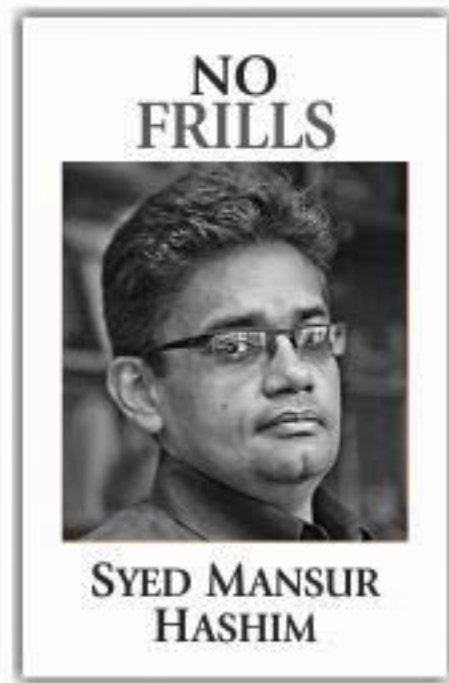
versus Returning Officer & Others case in 1988 strongly opposed classification of persons for the purpose of legislation. The apex court observed that: "Classification of persons for the purpose of legislation is different from class legislation, which is forbidden. To stand the test of 'equality' a classification, besides being based on intelligent differentia, must have reasonable nexus with the object of the legislature intends to achieve by making the classification." "A classification is reasonable if it aims at giving special treatment to a backward section of the population; it is also permissible to deal out distributive justice by taxing the privileged class and subsidising the poor section of people. What is of fundamental importance in law making is that while making a classification the legislature shall not act arbitrarily but must make selection on rational basis. In the light of these observations I shall see whether the impugned legislation is supportable in terms of 'equality of law' with the meaning of Article 27 of the Constitution." In the 2014 verdict, the HC also referred to some landmark verdicts delivered by the Indian Supreme Court upholding the principle of equality. It said the equality protection, similar to our constitution, is guaranteed in

Article 14 of the Indian Constitution. The Supreme Court of India had time and again observed that the principle underlying the guarantee of Article 14 of the Constitution is that all persons similarly placed shall be treated alike, both in privileges conferred and liabilities imposed. In Maneka Gandhi versus Union of India the Indian SC in 1978 observed that: "Equality is a dynamic concept with many aspects and dimensions and it cannot be imprisoned within traditional and doctrinaire limits Article 14 strikes at arbitrariness in State action and ensures fairness and equality treatment." The Indian Supreme Court in Ramana Dayaram Shetty versus International Airport Authority of India pronounced that "a discriminatory action of the Government is liable to be struck down, unless it can be shown by the Government that the departure was not arbitrary, but was based on some valid principle which itself was not irrational unreasonableness or discriminatory." Given the above, the civil service bill raises the most crucial question: what should our parliament now do in regard to the civil service bill. Does it turn it into law with its legislative power which is not unlimited? Our Constitution imposes restrictions on the parliament's

legislative power in article 26 (2) which says: "The State shall not make any law inconsistent with any provisions of this Part [III which deals with fundamental rights], and any law so made shall, to the extent of such inconsistency, be void." The bill was sent to the parliamentary standing committee on the public administration ministry for scrutiny. The committee should test Section 41 of the bill that seeks to shield government employees from arrest in criminal cases like corruption, bribe, extortion and abuse of power. The intention of seeking to introduce such a provision to shield government employees remains in question even after knowing the fate of the controversial provision introduced in the ACC law in 2013. Before concluding, let's quote from the Shujat Ali versus Union of India case verdict delivered in 1974 by the Indian Supreme Court in which the apex court said: "The doctrine of classification should not be carried to a point where instead of being a useful servant, it becomes a dangerous master."

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Moving away from coal isn't easy



ENVIRONMENTALISTS will disagree, but dependence on coal for energy is increasing, not decreasing in Asia. Back in the late '40s, climate change hadn't set in and economic realities dictated establishment of an industrial base at the cost of the environment in countries like China and India—major consumers of coal for energy. Today, China is the undisputed leader in the race to finding alternative and clean energy sources. The fallout of a heavily coal-dependent energy mix has reached a stage which has forced the Chinese government to invest heavily in greener technologies. According to a report in *The Financial Times* recently, "The old growth model based on manufacturing exports lifted millions of Chinese out of poverty and made China an economic superpower. But it also brought challenges including a coal-dominated energy mix that was damaging to people's health. Some recent estimates put the cost of damage to health from poor air quality, much of which is associated with burning fossil fuels, at around 10 percent of China's GDP." Experts estimate that China is on track to "exceed its target of a 40-45 percent reduction in carbon intensity from 2005 levels by 2020 and the reduction could be as high as 50 percent." While China has made "green-growth" (and the way it is financed) a priority area, significant challenges remain. In 2017 global coal consumption amounted to 3,731.5 Mtoe (Million tons of oil equivalent); China is the main coal consumer with 1,892.6 Mtoe or 51 percent of total consumption (source: BP Statistical Review of World Energy, 2018). While China continues to aggressively invest in renewables

(investments projected to reach USD 360 billion by 2020), the country's coal installed capacity *will only reach its peak in 2025*. Yes, renewable technology costs have gone down and this downward spiral is expected to continue, but they still remain *much more expensive than coal*. While China, like Bangladesh, will continue to subsidise the actual cost of energy for industry, its industry remains heavily dependent on coal. The coal infrastructure is well developed and the shift to renewables will require new infrastructure to be built. All this entails expenditure and time. And although China has been forced to shut down its older coal-fired plants due to health issues and damage to environment and the banning of coal-fired heating systems in residential areas—these moves have led to higher unemployment and no viable alternatives to rural communities to warm their homes during the cold winter nights. These are, however, short-term problems that will be overcome as power from renewables become available. Today, China is taking giant leaps in renewable technology. This feat was made possible because it based its initial industrialisation model on coal. Rapid industrialisation using cheap energy couldn't have come from any other source. And that is true of every major industrialised country in the world. Moving closer to home, the same rules apply to India. When it gained independence in 1947, policymakers set on a path to industrialisation that was coal-centric. And although the Modi government has initiated a clean-energy campaign, the country remains the second-largest consumer of coal (after China) having consumed 424 Mtoe, or, 11 percent of global coal consumption in 2017. According to a report in *The Economist* published on August 2, 2018 "no country is likely to contribute more to the growth in energy demand over the next two decades than India, says International Energy Agency (IEA), a global forecaster. When India submitted plans for climate-change actions at the

Paris summit, it predicted that its electricity demand would triple between 2012 and 2030. If coal meets much of the growing appetite for power, as the IEA expects it will, no country will contribute more to the rise in carbon emissions." Yes, India also has plans to generate electricity from renewables. The aim is to install 175 gigawatts (GW) of renewable capacity by 2022. With the sharp downturn in renewables like wind and solar, it may be possible to generate electricity from solar and wind at Rs 3.00 per kilowatt hour (according to *The Economist*). For India too, the move to renewable technology is dictated by environmental concerns. So why isn't it happening faster? Coal has been the undisputed leader for more than six decades and it's not just about being cheap. It has much to do with the economic benefits it bestows to the millions of people living around coal mines. For instance, Rohit Chandra (political scientist) is writing a book on India's coal industry. According to him, around 10-15 million people benefit indirectly from the coal business. Development of the coal industry in India's eastern states have helped develop infrastructure like roads, homes and water, a job which local governments have failed to do and coal (dirty and all) provides a big source of revenue for state governments in the more backward states. The multi-billion dollars industry is not going to roll over and play dead in India. China is in a better situation as it is a one-party state and can ramrod policies through, but the situation is somewhat different for India. Renewables—with all its technological advancements has not advanced to the stage where it can provide massive amounts of power, reliably and on the cheap when compared to coal. And what of the expenditure to upgrade electricity grids to integrate power from solar and wind farms? Who is going to pay for that? What is certain of course is that while there is consensus that coal-dependence

must go, neither India nor China are at a stage where they can move away from it. Rather, as data suggests (*The Economist*), India is gearing up to increase coal production from 560 million tonnes in 2017 to 1 billion tonnes by 2020. Indeed, the government target for national production is between 1.3bn-1.9bn tonnes by 2030. Until the cost of generating power in India falls below Rs 2.00 per kilowatt hour (that's approximately the cost of producing power using coal), we will probably not see massive adoption of solar in India. Renewables are good but costly. Moreover, not all countries can switch to unlimited renewable energy use (like Bangladesh cannot generate hydro, geothermal, wind energy). Solar energy generation will also be limited as we do not have plenty of free land to harness solar energy to convert into electric power. Energy experts believe that billions of dollars will continue to be invested into renewable power technology because climate change is a fact of life. We do need to move to cleaner technologies if we wish to continue our way of life. But it is not going to happen for some years yet because of technology and cost barriers. For Bangladeshi policymakers who have earmarked a substantial chunk of future power to be generated from coal, we need to think about what sort of regulatory frameworks we need in place (which will be strictly enforced and not be pieces of legislature gathering dust on some bookshelf) to govern pollution. The government should seek technical assistance from countries that have invested in and have experience dealing with clean coal technology so that all of our future coal plants are efficient and less polluting. Lastly, we need to rethink about the way we are going about setting up solar plants that are not necessarily as efficient as they need to be in a land-scarce country.

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