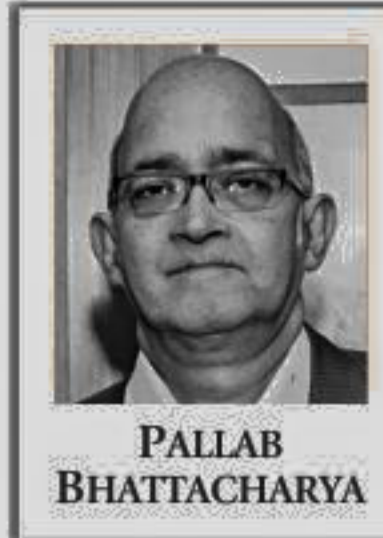


BJP banking on Bengal as Mamata eyes Delhi



PALLAB BHATTACHARYA

If West Bengal Chief Minister Mamata Banerjee nurtures larger ambitions to play a much bigger role at the national level after the ongoing parliamentary elections that by most accounts will produce a hung verdict, the Bharatiya Janata Party led by Prime Minister Narendra Modi is eyeing a good haul of seats in her state to help it extend its rule over India. This is the reason why West Bengal, with a total of 42 Lok Sabha seats up for grabs, has become one of six key battleground states after electorally bigger states (in terms of number of seats) of Uttar Pradesh and Maharashtra which have 80 and 48 seats, respectively. Bihar with 40 seats and Tamil Nadu with 39 are the other crucial states while heartland states of Madhya Pradesh, Rajasthan and Chhattisgarh together account for 62 seats.

But it is in West Bengal that the BJP is going all out to secure as many parliamentary seats as possible and has invested considerable political and financial capital for that over the last years. Bengal is one of the areas other than the seven northeastern states which together have 25 seats that the BJP is looking at to make up for the deficit in seats it might suffer in Uttar Pradesh, Maharashtra, Rajasthan, Madhya Pradesh and Chhattisgarh. In 2014, the BJP had won 60 seats in the heartland states, 71 seats in UP, and in Maharashtra, the party, along with its oldest Hindutva ally Shiv Sena, secured 41 seats.

There is recognition that it will be an uphill task for the BJP to repeat its 2014



BJP general secretary Kailash Vijayvargiya (right) with expelled Trinamool Congress lawmaker and BJP candidate for Jadavpur parliamentary constituency Anupam Hazra (centre).

PHOTO: PTI

performance in this group of states as the law of diminishing returns is likely to catch up. There are three main reasons for this: (i) the BJP faces double anti-incumbency for being in power in UP and in Maharashtra; (ii) the party lost elections to the Congress in the heartland states less than six months back; and (iii) it faces a challenge from a social coalition of powerful regional parties in the form of Samajwadi Party, Bahujan Samaj Party and Rashtriya Lok Dal in UP. In the absence of a pro-Modi wave this time, caste and religious identities are once again expected to shape division of votes in the poll in UP which may not see the kind of consolidation of Hindu votes witnessed in UP in 2014 national polls and in 2017 state assembly polls in the backdrop of the 2013 riots in Muzaffarnagar. Hence, the importance of Bengal and the northeast for the BJP. Coming to West Bengal, at an

election rally in Alipurduar not too long ago, BJP President Amit Shah had set his party's over-ambitious target of securing 23 out of the 42 seats in the state. By most accounts, the party is not likely to get more than five to six seats. Even at the height of the Modi wave in the run-up to the previous parliamentary poll in 2014, the BJP won just two seats against Trinamool Congress' 34. One wonders what the basis of Amit Shah's target of 23 is this time when the Modi magic has lost much of its appeal. Possibly, Shah is pinning his hopes on the steady surge in BJP's vote-share percentage in Bengal from only 6.1 in 2009 general elections when the party had managed just one seat (Darjeeling) to 16.8 in 2014.

There is no disputing the fact that BJP is an emerging force in Bengal's political landscape long dominated by Congress Party since independence in 1947 to 1977 and then by the Left

parties till they were overthrown by Trinamool Congress in May 2011 after a 34-year unbroken rule. The last assembly elections in West Bengal in 2016 saw the BJP's vote share go up from 10.3 percent closing in on Congress' 12.4 percent. But this translated into just three assembly seats for BJP out of a total of 294 seats. The saffron party's growth in Bengal has been at the expense of the Left in the last five years. Many Left activists and supporters have switched over to the BJP which finished ahead of both the Communist Party of India (Marxist) and the Congress in 2018 Panchayat polls in the state.

But the BJP's main hurdle in Bengal is neither the Congress nor the Left; it's Trinamool Congress which is miles ahead of its rivals. In the 2014 parliamentary polls, Mamata's party bagged almost 40 percent of the total votes cast and a whopping 45.3 percent in the state assembly elections two years later securing 211 assembly seats, confirming its undisputed numero uno status in the state's politics. This is what makes Shah's much-vaunted target of securing 23 parliamentary seats in the current polls unrealistic and a nearly-impossible task for the BJP. The BJP cannot match Trinamool Congress in terms of organisational strength and the latter's expansive mass network in West Bengal.

But the biggest stumbling block for the BJP in Bengal is the absence of a charismatic Bengali leader. Modi may be a good communicator but Hindi-speaking star campaigners do not enjoy the same traction as Bengali-speaking Mamata and other Trinamool leaders. The paucity of BJP leadership in Bengal is evident by the fact that it needed a Hindi-speaking leader from faraway Madhya Pradesh, Kailash Vijayvargiya,

to be in charge of party affairs in the state. Despite all this, if there is one party which is showing a semblance of challenge in the elections in the state, it is the BJP, as the Congress and the Left continue to see a decline in Bengal.

The BJP is trying to capitalise on anti-incumbency against Trinamool Congress through a combination of development deficit (lack of new industry and adequate number of jobs in the state) and a communally-polarising nationalist campaign narrative amplified by Indian warplanes' strike on a terror camp in Pakistan in February and by promising citizenship to all Hindu migrants from Bangladesh and identifying Muslim "infiltrators" by applying an Assam-like National Register of Citizens. This is likely to resonate with many in West Bengal as there's a growing perception in the state that Trinamool Congress is indulging in "minority appeasement." Muslims constitute about 30 percent of West Bengal's population—the highest in any Indian state—and their votes determine the outcome of elections in a number of seats. Obviously, Mamata cannot afford to be oblivious to Muslim voters. What the BJP is trying to do is trigger a consolidation of Hindu votes as a counter to Trinamool Congress. Among the parliamentary constituencies where the BJP is eyeing to fare well are Alipurduar and Cooch Behar (both of which went to polls in the first phase on April 11 drawing more than 81 percent turnout), Raiganj, Balurghat, Malda (north), Krishnanagar, Ranaghat, Purulia, Midnapore, Asansol, Kolkata (north), Howrah, Bongaon and Barrackpore. Many of these places are along the border with Bangladesh.

Pallab Bhattacharya is a special correspondent for The Daily Star.

NUSRAT MURDER CASE

What does the law say about disclosing identity of victims?



AIMAN R KHAN

The Feni madrasa student murder case has left us shaken to the core. People from all over the country are demanding that the culprits be brought to justice

at the earliest.

While all this was happening, the negligence of an officer-in-charge of the Sonagazi Police Station came to light. On March 27, 2019, upon hearing a complaint of sexual assault, the OC cross-examined Nusrat in his office. While asking her indecent questions, he filmed her statement on his phone without her consent. To make things worse, he uploaded the video online, probably with the hope that it would go viral, at a time when Nusrat's much-publicised case had everybody talking.

A Supreme Court lawyer sued the OC under the Digital Security Act for recording the victim's statement without her consent and spreading it on social media. This incident raises a very important question: is the privacy of victims of crime being adequately protected in the country? Does disclosing the identity of victims of sexual harassment or of any other offence such as rape constitute criminal liability?

The Penal Code of 1860 defines the

offence of defamation in Section 499. It states that whoever by words or visible representation publishes anything intending to harm the reputation of another person, will be considered as committing an act of defamation. The highest punishment for defaming a person is imprisonment of two years. In our case, the victim was asked indecent questions regarding her complaint. A video of hers was publicised without her consent. According to Section 509 of the same Act, it is an offence to insult the modesty of a woman by invading her privacy, and anyone doing so can face imprisonment of one year or fines or both.

Section 26 of the Digital Security Act states: "If any person without any legal authority collects, sells, takes possession, supplies or uses any person's identity information, then, that activity of that person will be an offence under the Act." It imposes imprisonment not exceeding five years and a fine of Tk 5 lakh or both. Section 29 of the Act states: "If a person commits an offence of publication or broadcasts defamatory information as described in Section 499 of the Penal Code (Act XLV of 1860) in any website or in any other electronic format, then he will be sentenced to a term of imprisonment not exceeding 3 years or fine not exceeding Tk 5 lac or both." Both the sections have separate punishments for second-time offenders.

Section 14 of the Women and Children Repression Prevention Act

2000 imposes a penalty of two years' imprisonment and Tk 1 lakh or both upon anyone who shares news reports disclosing the identity of rape victims. Such news reports may include pictures of the victim during the attack or pictures taken after the incident. Section 20(6) of the same Act provides for in-camera trial for the protection of privacy



SOURCE: CACJC.ORG

of rape victims and witnesses to the offences.

Section 25 of the Prevention of Human Trafficking Act 2012 also mentions in-camera trial for the interest of safeguarding the identity of child and women victims. Section 37 of the Prevention of Human Trafficking Act 2012 talks about protection of victims

and witnesses in criminal trials. It states: "Nobody shall publish or broadcast the name, photograph or any information or identity of a victim of human trafficking or of any member of his family without the permission of the Tribunal." Anyone in breach of this provision shall be liable to imprisonment for a term not exceeding six months or with a fine not exceeding Tk 1 lakh.

Section 11(2)(b) of the Press Council Act 1974 states that the press council must create a code of conduct for newspapers and news agencies and journalists in accordance with high professional standards. This would mean that the press is under strict obligations of maintaining standards and not committing any unethical activity such as disclosing the identity of a victim of a crime in their reports.

The Evidence Act of 1872 states that the court may disallow any questions to witnesses which it finds indecent. It is mentioned in Section 152 that the court shall forbid any insulting or offensive questions to witnesses.

The Children Act 2013 empowers the court to pass necessary orders for better protection of child victims. It can take necessary steps to maintain the highest secrecy of information so that the child's identity may not be disclosed. Section 54(3)(a) states that the secrecy of the child's identity must be maintained and no information regarding the physical features of the child may be disclosed. While taking

witness statements, the child must be kept behind a veil. This section also allows for an in-camera trial.

According to Section 228-A of the Indian Penal Code, anyone who publishes the name of a rape victim is liable to be punished with imprisonment for a term which may extend to two years and shall also be liable to fines. The Supreme Court of India has also barred the disclosure of the identity of rape victims, even after death.

Even the Bangladeshi Law Commission in its reports has criminalised the publication of the identity of victims. But this unethical and illegal practice continues to take place. What is more surprising is that the law enforcers themselves fail to abide by these laws. They must remember that it is their duty to ensure protection of victims at any cost and the media should also help in these efforts. Publishing the identity of victims risks making victims vulnerable to threats and exposes them to further victimisation. Active participation of people—both those who may know the victims personally and even those who don't—is needed to protect victims' identities and, above all, the law enforcement agencies themselves must not forget that they have an obligation to protect victims' identities.

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ON THIS DAY IN HISTORY



Troops march down O'Connell Street to celebrate the birth of the republic. April 18, 1949

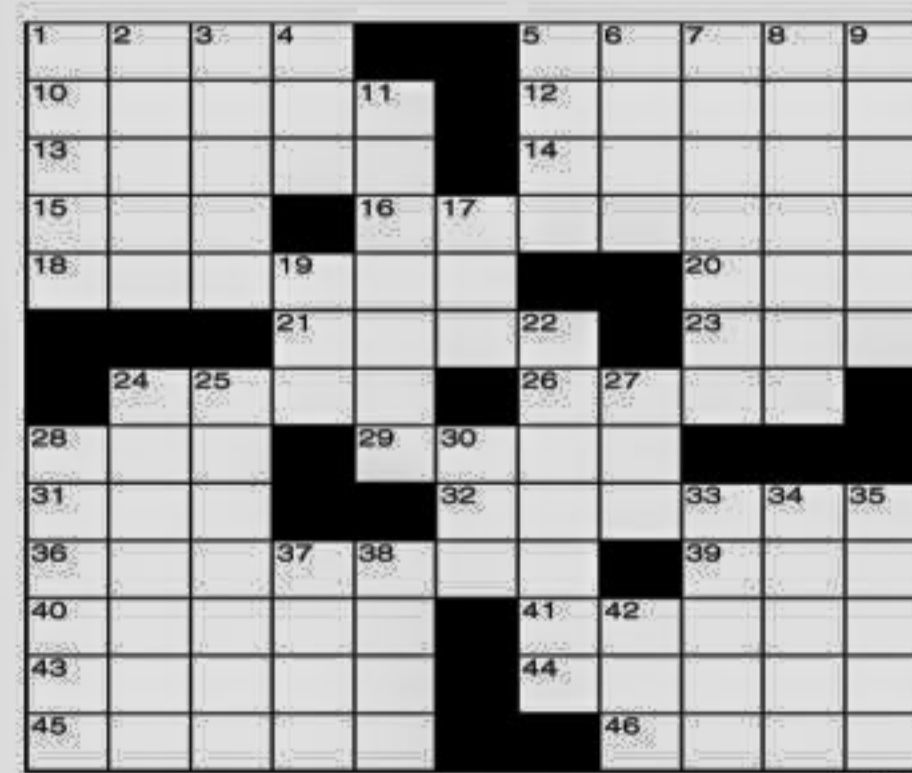
IRELAND BECOMES AN INDEPENDENT REPUBLIC

Six counties in the northern part of the island remained in the Commonwealth, leading to a decades-long ethno-nationalist conflict that culminated in The Troubles.

CROSSWORD BY THOMAS JOSEPH

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| ACROSS | 32 Alley howler | 8 Layer |
| 1 Fishhook feature | 36 Spot for a workout | 9 Laughed derisively |
| 5 Computer problem | 39 King, for one | 11 Leaves |
| 10 Skirt | 40 Fixed look | 17 -- glance |
| 12 Must | 41 Keyed up | 19 Sweetie |
| 13 Use a skillet | 43 Hunger reminders | 22 "Raging Bull" subject |
| 14 Prologue | 44 Mayflower name | 24 Check the addition |
| 15 Moral no-no | 45 Choir group | 25 Posh |
| 16 Habitual hoarder | 46 Terrarium growth | 27 Yonder fellow |
| 18 Trité | | 28 Place for a seaweed wrap |
| 20 Mineral suffix | DOWN | 30 Schedule abbr. |
| 21 Advanced exam | 1 Low singer | 33 Positive-thinking |
| 23 Bad bomb | 2 Benefit | 34 Church areas |
| 24 Monthly bill | 3 Batch of drinks | 35 Prom crowd |
| 26 Attention-getting sound | 4 Fragment | 37 Jason's ship |
| 28 Singer Shannon | 5 Smart | 38 Base meal |
| 29 Big rig | 6 Put in order | 42 Shade source |
| 31 Had a bite | 7 Sitting on, as a horse | |

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YESTERDAY'S ANSWER

MUNICH OFFS
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VASE ANKLE
ALT FATEFUL
LOU OWE URI
ENTERED RIO
TETRA STET
GUYANA
TRAP HAVEAT
WART APOLLO
OPTS BERLIN

BEETLE BAILEY

by Mort Walker



BABY BLUES

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