

The Daily Star

FOUNDER EDITOR
LATE S. M. ALI

DHAKA THURSDAY MARCH 4, 2021, FALGUN 19, 1427 BS

Public confidence in the EC!

CEC's personal attack on one of the EC commissioners

IT is sad that the Chief Election Commissioner (CEC) has personally attacked Election Commissioner Mahbub Talukdar for his criticism of the Election Commission's performance in the recently held local government elections. In a programme held on the National Voters' Day, Mahbub Talukdar pointed out that there was no level-playing field in the elections and that voter turnout dropped because of the use of Electronic Voting Machines (EVM). He also brought to the notice of all the various irregularities—violence, vandalism of EVMs, and grabbing of polling centres—seen in these elections. The statement made by EC Mahbub was not personal in any sense, rather it was institutional. Sadly, instead of addressing his concerns, the CEC criticised him personally, saying that EC Mahbub was trying to “disgrace” the commission. Such a comment by the CEC is unexpected.

The CEC, moreover, said that Mahbub Talukdar was criticising the EC for protecting his own interests. We wonder what he could gain by stating some of the obvious irregularities in the municipality elections which have also been reported in the media. Shouldn't the EC be concerned about the low voter turnout in all the recent elections? Also, the CEC's statement about 85 percent voter turnout was misleading since it happened only in one municipality. We also think the EC should immediately address the EVM-related issues that were reported in the media. Moreover, the commission cannot disregard the violence that took place in the elections.

What we have noticed in the last several years is that all the introspective and self-corrective comments came from Mahbub Talukdar only. Up until now, the CEC has never answered any questions raised against the EC's performance. The complaints regarding the elections have not been handled expeditiously. The very serious accusation made against the EC about the misuse of funds in the name of election training has still not been addressed by the CEC.

While the CEC has accused Mahbub Talukdar of ruining the image of the Election Commission, the reality is that the EC has damaged its own image by not being able to ensure a level-playing field for all in the elections and by not addressing the legitimate concerns of the voters.

We think the CEC should make serious efforts to understand how much public confidence the Election Commission currently enjoys. We are afraid it is not at a satisfactory level at all. In order to gain back the trust of the voters, the Election Commission should handle all the criticisms and accusations made against it institutionally, following proper procedures. This is what we expect from the Election Commission.

The DoE must stop river polluters

HC directives on 30 polluting washing plants welcome

THE High Court on Tuesday directed the Department of Environment (DoE) to take necessary action against 30 washing plants in Keraniganj that have been polluting the Buriganga river. The court also issued a rule against those in charge of Titas Gas Transmission and Distribution Company Ltd (TGTDCL) and Rural Electrification Board (REB) “to explain why contempt of court proceedings should not be brought against them” for providing electricity and gas to the companies despite a prohibition order. While we welcome the HC's ruling and commend its dedication to seeing through this petition, we are also afraid that the parties involved may once again take advantage of the legal loopholes that are there and continue to operate as usual, polluting the Buriganga further.

The recent history of authorities dealing with environmental pollution paints a picture that is full of delays in decision-making as well as promises of change being broken. We think there has been an unbelievable level of indifference on the government's part when it comes to limiting the pollution of our rivers. These 30 washing plants in Keraniganj area dump waste into the Buriganga, polluting its water and environment unlawfully and in violation of court directives. Such levels of pollution have driven fish away from the river, and with them the livelihoods of local fishermen. The DoE had shut down the factories twice before, but they resumed operations each time.

The writ petition in question was filed by the organisation Human Rights and Peace for Bangladesh (HRPB) in May 2010. Delays in taking action against polluting industries may seem insignificant compared to how much the running of such industries benefits our economy. But it is important to remember that each hour of delay is worsening the already abysmal condition of the river, and that the damage may become irreversible if justice is not served speedily enough. So as we commend the HC's directive, we must also urge it to see this (and similar cases) through to its end, and to not further allow these companies to get off scot-free when it comes to river pollution.

LETTERS TO THE EDITOR

letters@thedailystar.net

DSA must go!

There can be no denying that the risks of the Digital Security Act far outweigh its benefits, if any. This has been proved beyond doubt over the past two years or so since the enactment of the law. Why then is the government still supporting it? Whose interest does it serve if not that of the people?

Mushtaq Ahmed's death after being incarcerated in a case filed under the DSA last year may be the most damning indictment of the repressive nature of the law, but he was not the only victim—and he will not be the last either if we don't rescind or at least amend the law to make it pro-people. DSA in its current form must go.

Nadira Sultana, Dhaka.

Mushtaq: DSA's First 'Martyr'

STRATEGICALLY SPEAKING



BRIG GEN SHAHEDUL ANAM KHAN NDC, PSC (RETD)

ON February 25, the most reviled and draconian Digital Security Act (DSA) claimed its first victim, and gave the nation its first Digital Security Act “martyr”. Mushtaq Ahmed was arrested by the Rapid

Action Battalion on May 6 last year under the Digital Security Act, for “spreading rumours and carrying out anti-government activities”, along with cartoonist Kishore, who is lucky to be still alive. There cannot be a worse end to one's life than to die in incarceration. He was jailed in a case in which the investigation agencies had taken nearly nine months to submit the charge sheet.

Mushtaq met a sad end. But appropriating Oscar Wilde's remarks in *The Ballad of Reading Gaol*, let me say that he “does not die a death of shame, on a day of dark disgrace”.

Mushtaq was a poet and Kishore is a cartoonist. Both sought to expose the follies of the government, an undertaking which has now come to be equated with

an anthem and national flag; tarnishing the image of the nation; spreading confusion; creating hostility, hatred among people; destroying communal harmony or creating unrest and disorder; and threatening to deteriorate law and order. Unfortunately, we do not have the specifics that back up these allegations. No concrete evidence to support the charges have been made public as yet, and of the six or seven witnesses, none has given any testimony to the police. Does it require a Sherlock Holmes to determine the merit of the case which the police have not been able to put up cogently? Obviously, there is little substance to prosecute the two. But the law must be bent to inflict pain on the accused, because what they say does not sit well with the authorities or their minions.

We are not aware of what the rumours were that the alleged offenders have been accused of spreading. Cartoons, a perfectly lawful way of reflecting a prevailing situation in the country, and even a Facebook post can land you in jail, make you suffer torture, and may even cause the sudden abridgement of your longevity, as was the case of Mushtaq.

When does a government's threshold of tolerance of criticism and dissent reach the lowest level? When are critics, who

dear and near ones can be construed as anti-state, or an attempt to create social disorder and disturb social harmony. For example, take the case of some of those who were arrested for staging protests and demonstrations after the death of Mushtaq. They were charged with creating social disorder.

Regrettably, the Mushtaq episode betrays the systematic distortion of the legal system, where the process is not only violated wantonly, but also applied so selectively on those that incur the



Mushtaq Ahmed

wrath of the administration for merely exercising their fundamental rights.

In certain cases, under-trial prisoners on grave charges have been found to be spending days on end in hospital. Political link is the only credential that earns them the benefit of the comfort of the prison hospital, and spares them the discomfort of a dingy prison cell. Many felons with political links conveniently develop a health problem as soon as they are arrested, and are promptly sent to the hospital, which becomes their abode till the media points that out.

In other cases, the process moves ever so slowly. Decades pass before a charge sheet is presented to the court. What should we make of the Sagar-Runi murder case in which a charge sheet has not been submitted even after nine years since the day the journalist couple were brutally done away with? Is there a link between this and the Tanwir Muhammad Taqi murder case, in which the charge sheet has not been submitted even after eight years since Taqi's body was found afloat in the Buriganga in Narayanjanj on March 6, 2013? Is it that the killers are well-connected? We believe the truth will emerge someday.

On the contrary, the system moves remarkably fast in certain cases. Look at the case of Erfan Selim—how quickly the case against him for holding illegal weapon and narcotics has been disposed of. What would have been the situation had he belonged to any other party? And in another instance, two brothers accused of attempting to murder managed to escape by fleeing the country during the peak of the pandemic and

worldwide travel ban. Their flight, given the circumstances of their departure and acquisition of travel documents, betrays the complicity of the administration in the entire episode. Not only that, they were granted bail within five hours of returning home. Of the many benefits of being close to the party in power, one is that you can literally get away with attempted murder charges.

What would have been the government reaction to a BNP leader suggesting to an OC of his local thana on telephone to stage a bomb attack on his police station in order to frame someone opposed to one of his personal projects? This is exactly what a ruling party MP from Jashore is alleged to have suggested on his mobile phone to the OC of Keshabpur police station. Predictably, not an eye lid has dropped. One is certain that all hell would have broken loose had he not belonged to the AL.

Unfortunately, neither Mushtaq nor Kishore had the benefit of such political links. That is why it took eight months to submit charge sheets instead of the two months mandated by law. That is why they were denied bail six times. Not only were the police months late in submitting the charge sheets, they also had asked for remand of Mushtaq just two days before he died.

The most reprehensible aspect of the application of the DSA is that the government is being conflated with the state—one can be arrested for making anti-government comments or assuming positions that run contrary to that of the government, as the charges against Mushtaq and Kishore reveal. But is it not the duty of the citizens, in whatever individual capacity they are, to criticise the faults of the administration, to hold the rulers to account, and for those who dare, particularly the intelligentsia and the civil society, to speak truth to power? It seems most of the so-called members of the civil society and intellectuals, barring a few exceptions, have become spineless crustaceans covering to the might of the government.

People deserve answers for the death of Mushtaq.

This hallowed land of ours has been consecrated by the blood of the martyrs many times—in 1971, and preceding that, in 1952 and 1969, and we cannot forget 1987 and Noor Hossain and his sacrifice for democracy. Each of these incidents sprouted a new phase in the nation's life and added a new chapter in our history.

We are told that the DSA is there to give people security. Do we need a law that takes lives to save lives? Suppressive laws are like a fire-breathing dragon that consumes everything in its way. It is also said that every dragon gives birth to a St. George that slays it. The DSA is a dragon and it must be slain unless the Act is immediately rescinded or at least amended.

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

When does a government's threshold of tolerance of criticism and dissent reach the lowest level? When are critics, who point out gross irregularities and systemic shortcomings, snubbed most ruthlessly under the pretext of state security? When does pointing out societal injustices risk not only incarceration but also inhuman torture, and in some cases, death? It is so when the rulers find themselves on a sticky wicket, when they feel inwardly that they no longer command the support of the people.

an act of *lese-majesty*, and everyone in the administration and the ruling party is now like a monarch in his or her own way. Even revealing theft of government relief goods risks the invocation of the DSA, as we witnessed during the height of the pandemic, by the alleged culprits, most of whom were local leaders and elected office holders. Reportedly, both Mushtaq and Kishore suffered torture for pointing out the gross irregularities in the health sector. Should criticising the government merit such treatment? Can the administration avoid responsibility for the death of Mushtaq?

The raft of charges levied against the two include spreading propaganda against the Liberation War of Bangladesh, Father of the Nation, the national

point out gross irregularities and systemic shortcomings, snubbed most ruthlessly under the pretext of state security? When does pointing out societal injustices risk not only incarceration but also inhuman torture, and in some cases, death? It is so when the rulers find themselves on a sticky wicket, when they feel inwardly that they no longer command the support of the people. The only way power can be retained without popular consent is by ruthlessly snuffing out dissent, by tolerating no one who dares to step out of the order of things ordained by the government, by suppressing in every way any attempt to expose the failings of the administration.

The “beauty” of the DSA is that even a cry of anguish at the death of one's

The case for an independent Police Complaints Investigation Commission

STRAIGHT LINE



MUHAMMAD NURUL HUDA

ACCORDING to media reports, more than a hundred lawyers of the apex court of Bangladesh have collectively filed a writ petition with the High Court, seeking its directive to the government to constitute an independent commission to investigate allegations of crimes committed by law enforcers. The writ petition says that a section of law enforcers are involved in eighteen types of crimes that include extra-judicial killing, rape, stalking, drug trade, torture, causing custodial death and enforced disappearances. The lawyer for the petitioners is of the opinion that since law enforcers themselves conduct inquiries into the allegations against their colleagues, the probes are not done fairly and neutrally, and hence the demand for an independent Police Complaints Investigation Commission.

The High Court is yet to set a date for hearing the petition. However, the allegations cited above should cause concern and the rationale for establishing an independent investigation commission cannot be summarily ruled out. One has to bear in mind that the specific form of

authority exercised by police—to arrest, to search, to detain and to use force—can be disruptive of freedom, invasive of privacy, and sudden and direct in its impact on the individual. The point to note is that such authority is, of necessity, delegated to individuals at the lowest level to be exercised and often without prior review and control.

We also have to take note of the reality that the basis for concern about police powers is that the impact of instances of police malpractice is greater for both

into a disastrous confrontation. Since police actions often have implications for civil liberties, it should be viewed more seriously than misdeeds of other public servants.

Public confidence in a complaints investigation system comes from the knowledge that any complaint will be vigorously investigated. The way the complaints investigation process is perceived by the public is, perhaps, an even more important issue than its efficiency as determined objectively,

investigation if necessary.

In Australia and Britain, statutory bodies have been established to oversee internal investigation of complaints against the police. In the United States, all large police departments have both an internal system for investigating complaints and a review board with non-police community representatives to make decisions on the disposition of complaints.

Dr Muhammad Shoib Suddle, a former Director General, National Police Bureau, Pakistan, observes, “While the independent police complaint authority in Britain consists of members of civil society and is mandated to inquire into serious complaints against police, one of the most important functions of the Public Safety Commission in Japan is to ensure that police operations are uninfluenced by the party in power. Being in charge of the administration of the police force in their respective jurisdiction, the apolitical public safety commission at national and prefecture level are meant to ensure that police are insulated from the day-to-day debilitating influences of political control.”

Ultimately, the public needs to be assured that a law enforcer who is corrupt, violent, or otherwise allows personal bias to result in grossly unfair treatment to different sections of society, shall no longer be permitted to remain in its police service. A legally built coercive organisation is always likely to deviate and default, human nature being what it is. Concerned citizens and the authority need to understand that in the arena of law enforcement, the interaction is often between the worlds of the powerful and the powerless, and that civil liberty shall precede enforcement efficiency.

Structured thoughts and ideas on the establishment of an independent police complaints body in Bangladesh do exist. The need, quite clearly, is the political will to commence the process, at least to rein in the worrying malfeasance of our law enforcers.

Muhammad Nurul Huda is a former IGP of Bangladesh.



The public needs to be assured that a law enforcer who is corrupt, violent, or allows personal bias to result in grossly unfair treatment to different sections of society, shall no longer be permitted to remain in its police service. PHOTO: COLLECTED

individuals and society as a whole. These officers are armed with a greater degree of directly applicable power over citizens and, furthermore, the degree of autonomy given to individual officers in their exercise of that power allows even a junior officer to exercise a level of decision-making that is usually reserved for senior persons in other government organisations.

We have to also bear in mind that any challenge to police indiscretion can very well escalate a poor interaction

since there is a very real public fear that complaints against police will not be taken seriously, and that serious matters will be covered up by an internal investigation.

Public confidence will increase when the police complaints system provides for an external body to supervise an investigation, or to review the evidence and conclusion drawn by police investigators, especially when this body has both the power and the will to carry out an impartial review and order a re-

There is a very real public fear that complaints against police will not be taken seriously, and that serious matters will be covered up by an internal investigation.