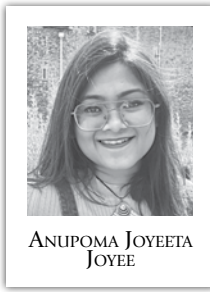


Does anyone care about the Banshkhali Power Plant workers?



ANUPOMA JOYEETA JOYEE

ON April 17, police opened fire at the Banshkhali Power Plant workers. They were asking for something very simple—payment of due wages, increased

wages, reduction of working hours to half days on Friday and break during iftar. Whether we choose to view these requirements as their “demands” or “rights” depends on what we think should be the minimum standard of living for a worker. So far at least seven workers have died as a result of being shot by the police. In the aftermath of this all-too-familiar tragedy, we need to question why usually it is the workers who get penalised instead of the perpetrators/corporations.

The backdrop of the Banshkhali power plant is plagued with a history of deceit and persecution against the working-class locals. Yet, the plant has historically received support from the state authorities especially while acquiring lands, (Kallol Mustafa, “Banshkhali Coal Power Plant Propaganda and Reality”, *The Daily Star*, April 13, 2016) rather than being probed for the reasons that are resulting in the killing of innocent people.

Since 2016, 10 people have been killed by the police during various protests connected with the Banshkhali Power Plant. Farming and fishing were the predominant means of earning for the Banshkhali locals prior to the possibility of the power plant damaging the biodiversity of the area. Time and again thousands of locals have risen to the occasion to protest its establishment, since not enough was done by the government to ensure the security of their livelihood.

In 2016, police killed four people while they were protesting land acquisition by the S Alam Group. Their land was, allegedly, acquired

fraudulently by downplaying the number of households in the area to 150 from 7,000 (Kallol Mustafa, “Banshkhali Coal Power Plant Propaganda and Reality”, *The Daily Star*, April 13, 2016). Furthermore, in 2017, another Banshkhali local was killed for demanding that the location of the power plant be shifted. These were actual human lives that were lost because they saw through the delusion of employment and development promised. They wanted to be heard. Instead, they were shot and killed while the wrongdoers faced no consequences, except perhaps offering some money to the deceased’s family. This has always been a recurring theme. Despite continuing to grow richer by exploiting the labour of the poor, the wealthy walk off scot-free. The demands of the working class are usually simple—do not destroy their livelihood and if you do so, at least do not deprive them of their meagre entitlements.

Class inequality is mounting and will continue to do so, especially with the threat of climate change. Extraction of fossil fuel and coal-fired power plants are direct causes of climate change. In fact, many of the reasons for which the Banshkhali locals began objecting to the power plant in 2016 were the consequences of the changing local climate (i.e., negative impacts on their agricultural lands, health and aquatic life, etc.).

As the state continues to prioritise capitalist corporations over the poor people who will decisively be at the forefront of the climate crisis, it must expect similar movements from people as their concerns over shelter and livelihood will keep rising progressively. More often than not these situations are intensified by silencing the powerless working class unable to cope with the crisis instead of holding the corporations accountable for their illegality and deception. The pattern of protecting the corporations is hard to miss.

Similar parallels can be drawn with the way the government has imposed

lockdown during the second wave of Covid-19. The seriousness of the ongoing pandemic was prematurely downplayed in March. When the infection rates increased alarmingly, with no practicable plans, the government imposed an inadequate lockdown. The current provision of lockdown shows that the factory workers getting the deadly virus is not something that worries the state. The

them.

To that end, it is also important to question the proportionality of firing 332 shots at an unarmed protest. The police stated that they fired bullets in self-defence and to protect property. While that is allowed under the Penal Code 1860, such defence (known legally as “private defence”) undertaken for protection of a person or property must be proportionate to the perceived threat.



An injured worker of under-construction SS Power I Plant is being taken to Chattogram Medical College Hospital. Five workers were shot dead when they were demonstrating for salaries of up to three months in arrears. PHOTO: STAR

mismanagement and oversight despite having a whole year to come up with contingency plans for the minimum wage workers clarify that the value attached to their life and health is less than that of their employers. Workers are expendable.

Those wielding monetary, or muscle power are generally the ones the state sides with. From submitting false reports to deceiving locals about the impact of the project, big corporations have harmed workers time and again. Yet, the workers are the ones termed “unruly” by the police for protesting, so much so that it is justified to fire at

Police are allowed to act in self/private defence. However, they do not have the power to use disproportionate force. In case of an unarmed demonstration, it is irrational and disproportionate to skip teargas, rubber bullets and fire shotgun bullets directly. Illegality aside, such shooting is also unethical when the demonstrators are placed in a completely unfair situation.

We must not consider the police firing at this protest in isolation of the conduct of big corporations. They have misrepresented and misled the masses, duped the state offices with false reports, failed to obtain

Environmental Impact Assessment, site clearance, environmental clearance (Anu Muhammad, “Scrap projects of destruction”, *The Daily Star*, April 11, 2016). Against this extreme level of violations (Anu Muhammad, “No to projects of mass destruction”, *New Age*, April 19, 2021), the workers have been shot on multiple instances while making completely legal requests. Why are they always confronted rather than being cooperated? While corporate owners continue to accumulate an obscene amount of wealth even during the pandemic, we have to ask why the state forces’ wrath is used on the people who are literally going hungry rather than on employers who constantly fail their legal obligations.

When the state itself draws power from capitalist corporations rather than from its citizens, it naturally prioritises the benefit of the corporations over their workers, regardless of the corporations’ defaults. There is a growing culture of repressing legitimate protests by using disproportionate force by the police, regardless of whether the protests are by unpaid workers or school children. Simply suspending or terminating such officers, if it is done at all, instead of treating it as a criminal violation of the law validates the use of disproportionate force and the killing of innocent citizens.

More than 3,500 people have been made accused in two cases filed over the incident. However, we have yet to see any measures being taken against the owners who were clearly at fault or against the police officers who used criminally disproportionate force. Considering the state’s inaction and police’s activities, can we honestly assure the working class that their rights matter? From now on the government should be wary of boasting about the rising GDP because while this economy unquestionably stands on the minimum wage workers’ plight, they never receive any help to survive.

Anupoma Joyeeta Joyee is a Barrister-at-Law. Email: anupomajoyee@gmail.com

WORLD INTELLECTUAL PROPERTY DAY

IP and SMEs: Taking your ideas to the market

MOHAMMAD TOWHIDUL ISLAM

INTELLECTUAL property (IP)—evolving as an idea from the human intellect and embodied in a physical object—becomes a non-physical asset either for an individual or a company including a small and medium-sized enterprise (SME) by generating a quantifiable figure of economic benefits to it and also by increasing the value of other assets with which it is attached. In Bangladesh, an SME is an enterprise which may employ up to 300 people and invest a capital of not more than Tk 50 crore and which deals in manufacturing and service-oriented businesses. In fact, SMEs account for about 7.8 million trading entities, i.e. more than 99 percent of the country’s total businesses, and contribute about 25 percent to GDP. With the manpower and capital, an SME may develop certain ideas of doing business, manufacturing things, or providing services. Each of these ideas comes from the human brain and turns into a property—an intellectual property on their embodiment in physical objects. Consequently, they give rise to the right to own, possess, and transfer the IP, have a monetary value, and add up to the enterprise’s wealth.

An SME may have different types of IP rights including patents, designs, trademarks, geographical indications (GI) and copyrights. It can hold these rights upon inventions from its own research and development (R&D) or upon licensing contracts that enable it



to value-add to licensed technologies. When the R&D wing of an enterprise says it has an idea, the idea can result in an invention of a product or a process out of which a given product may be manufactured in a different way, and can be owned with a patent right. Again, the idea of an enterprise can result in a shape of a product that can be owned with a design right. Furthermore, an enterprise’s idea of publishing a textbook, composing a lyric, drawing, or painting an artwork, can result in a literary and artistic work and can be owned with a copyright. Such a product or process, or a design or a literary and artistic work or a service that is commercialised

in the market with a trade name or brand name, set up, trade-dress, logo, symbol and so on, can be owned with a trademark right, or a product that comes from a geographical location having a reputation attributed to it and is traded in the market, can be owned with a community right of GI.

To protect IP rights for its products or services, an SME is required to fulfil certain conditions. For example, if an SME does have an invention for a product or a process, it must register the same with the Department of Patents, Designs and Trademarks (DPDT) for a patent by showing the novelty, non-obviousness, and industrial application. In case of a shortage in any of the

criteria, it cannot register the product or process, although in some parts of the world its product or process can be registered for a petty patent or utility model protection. Under the current IP regime, a patent lasts for 16 years. Moreover, without registration, an SME cannot go to the court which is the Court of District Judge burdened with all forms of IP suits to prevent others from copying its product or process or claim compensation and other related remedies. It also cannot assign or license the patent right to others with registration.

An SME must also register any shape, pattern or ornament applied to any product with the DPDT for a design by showing the representation (meaning shape or surface of the article, lines or colour), the statement of novelty (meaning invention in the shape must be new) and the definition of the article (meaning identification of the article to which the design is to be applied). The initial term of registration is five years, and it is renewable for the next two terms of each five years. Without registration, the design right cannot be protected, assigned, or licensed.

In the case of a product or service traded in the market with a recognisable sign, design, or expression which identifies products or services of a particular SME source from those of others, the SME can register it with the DPDT for a trademark by fulfilling the requirements of distinctiveness and absence of possible harmful effects for the trademark registration. The

initial term of registration is seven years, and it is renewable for 10 years each time after the end of the previous duration. However, if a trademark is not registered for its being descriptive or generic in nature, it can be protected without registration. In that case the SME will have to produce evidence in proving the infringements. Further, without registration, the trademark right cannot be assigned or licensed.

In the case of GI products, an SME can register itself with the DPDT as a registered user to trade in the GI goods with their respective trade-names. The initial term of registration is five years, and it is renewable for three years each time after the expiry of the last term. Without registration, a GI can be protected but registration in the country of origin entitles the SME to register it beyond the country. In the case of a literary and artistic work, an SME can register it with the Copyright Office for the copyright to ensure especially the economic right arising therefrom either as a rights-holder, creator, licensee, or a producer, broadcaster and performing house. An SME’s copyright lasts for 60 years even without registration but upon fixation. However, without registration, a copyright cannot be assigned or licensed.

So, an SME’s products or services can create economic benefits to it and value-add to its existing assets if they are endowed with IP rights and secured upon registration.

Dr Mohammad Towhidul Islam is a Professor of Law at the University of Dhaka.

QUOTABLE Quote

SUZY KASSEM
(1975—)
AMERICAN WRITER

Doubt kills more dreams than failure ever will.

CROSSWORD BY THOMAS JOSEPH

ACROSS

- 1 Swift
- 6 Makes do
- 11 Blue hue
- 12 “Casablanca” costar
- 13 Moroccan city
- 14 Blazing
- 15 Wing
- 16 Hosp. sections
- 18 Big truck
- 19 Kauai souvenir
- 20 Greek consonants
- 21 Kitchen invader
- 22 Marina sights
- 24 “Beetle Bailey” dog
- 25 “Now you listen!”
- 27 Grace finish

DOWN

- 1 Almost never
- 2 Flowery shrub
- 3 Focus of some commercials
- 29 “Just a moment”
- 32 Butter unit
- 33 Many a time
- 34 “Evil Woman” group
- 35 Adj. modifier
- 36 Eur. neighbor
- 37 Beans buy
- 38 Goes to sea
- 40 Sean of “Rudy”
- 42 Game leader
- 43 Apt
- 44 Title papers
- 45 Begat
- 4 Lyricist Gershwin
- 5 Cold War easing
- 6 School group
- 7 Punch-in-the-gut response
- 8 Government counterpart
- 9 Wandering
- 10 Handled
- 17 Leave in haste
- 23 Egg layer
- 24 Bauxite, for one
- 26 Corners
- 27 Humbled
- 28 Monsieur’s wife
- 30 Galahad’s mother
- 31 Swindled
- 33 Caravan stops
- 39 Conducted
- 41 – Lanka

WRITE FOR US. SEND US YOUR OPINION PIECES TO dsopinion@gmail.com.

YESTERDAY’S ANSWERS

REEDS ZEBRA
ATSEA EXERT
FATAL SPASM
INTOTO
DAM IVY AIR
ELAINE PURE
LITTERMATES
ACES REDONE
YES BUD MET
TUNDRA
TODAY LATIN
AWOKE EVERY
PETER RESEE

BEETLE BAILEY BY MORT WALKER

HOW OLD ARE YOU, ZERO? 8,667 DAYS

YOU DON'T COUNT IN YEARS?

I LIKE TO LIVE MY LIFE ONE DAY AT A TIME

BABY BLUES BY KIRKMAN & SCOTT

IDENTITY, PLEASE

YOUR DAD.

PROVIDER MENTOR, SOOTHER, TEACHER, ROLE MODEL...

OKAY, OKAY.

NEXT TIME, JUST A NAME, NOT YOUR RESUME.