

# I cannot sing, how I can be free?

When laws become source of insecurity, not protection

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So far they pursued their vocations with enthusiasm and passion, and enjoyed doing so. Now forced by the circumstances most can no longer be engaged in their professional activities and have to pass their days in intense uncertainty. Not only is their livelihood at stake but their lives are also under threat. Instead of serving the people in their own ways through investigative journalism, performing songs that promote a secular and tolerant society, or teaching students, now they have to attend courts and police stations and live in constant worry about their own safety and the safety of their loved ones. As yet, they failed to secure the protection of the law and that of the plethora of agencies that are financed by the taxpayers to ensure rule of law and enjoyment of citizens' rights.

"I still don't have the courage to say whether I was involuntarily

on deplorable living conditions in the university dormitories questioning the role of the prime minister. A case was filed against him by a ruling party student wing activist under Section 57 of the Information and Communication Technology Act, 2006 (amendment 2009 and 2013) for posting false information on his Facebook wall. Following a campaign by the student league, he was arrested. He was also placed in remand for five days that was subsequently recalled by the High Court order while granting him bail. Islam was further denied leave to take up a research fellowship abroad. "The right to express views on current issues and performance of political leaders is an essential prerequisite for a democratic system", noted Maidul. "Bereft of that right, the nation will produce a non-thinking disabled and silent generation," he further observed.

Existential insecurity is no less acute for the Baul singer Rita Dewan. Rita was targeted by bigots for

Administrative orders were issued curtailing expression of health professionals without the permission of higher authorities. On April 15, 2020, the Directorate General of Nursing and Midwifery, prohibited nurses of government hospitals from speaking to the media without prior permission. The government issued show cause notices and imposed punishment to health professionals (including stripping them of current posts by making them Officials on Special Duty) for expressing ideas and thoughts even for petty matters such as questioning the quality of masks supplied.

The role of the law enforcement agencies came under particular focus. The ubiquitous presence of plainclothesmen in most cases of involuntary disappearance and torture in custody including those of Kajol, Sarwar and Shahidul Alam was an issue of deep concern and certainly which is in stark contrast to the instructions given by the

those at the helm of the state do not appreciate the value of freedom of expression and that of the press. In a democratic polity unfettered voice of the people can be the best and the most trusted ally of the government. Free media highlights the gaps in governance and exposes weaknesses of policies, failings of state functionaries and exposes corruption. In performing its tasks a free media communicates the lived reality of the people and their expectations from the state, something that any caring and sensitive government would welcome and encourage. We wish and want to be assured that at least hypothetically, we live in a democracy.

The participants noted that the best antidote to repression and fear is the courage to expose repression and lodge protest. There was unanimity that the Digital Security Act, 2018 instead of providing protection and security to the citizens has become a weapon for those who wish to harm journalists and dissenting voices. It is disappointing that state agencies appear to be abetting the wrongdoers instead of taking action against them.

There was unanimity that all laws curtailing freedom of thought, conscience and expression and that of the press, particularly the Digital Security Act, must be immediately repealed. The state authorities should also refrain from resorting to administrative practices that curb freedom of expression and restricts the media. The need for a law to protect journalists and human rights defenders was also deemed as the need of the hour. Onus lies on the government to initiate a dialogue with all stakeholders in this regard. Furthermore, compensation and support should be provided to those journalists who endured physical and mental torture and harassment at the hand of state agencies for reporting Covid-19 handling of the government and private institutions. No less urgent is the need for decriminalising the defamation law in accordance with Articles 9 and 19 of the International Covenant on Civil and Political Rights that Bangladesh is a state party to.

The punitive actions against those exercising their right to express are an affront to the Constitution and the laws of the land. There was a general agreement that if freedom of expression and that of the media are denied then independence loses its sanctity, democracy loses its vitality and people lose their trust in the system. Rita Dewan lamented, "I cannot sing, how I can be free?"

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CR Abrar is an academic with an interest in human rights and migration, Barrister Jyotirmoy is an advocate of the Supreme Court of Bangladesh and Rezzur Rahman Lenin is an academic activist. All are members of Nagorik.



disappeared or I was lost," said photojournalist Shafiqul Islam Kajol at a discussion session on World Press Freedom Day on May 3, organised by Nagorik, a platform for human rights and rule of law. Kajol said he was aware of the hazards in his line of work, "but I never thought I'd be forcefully disappeared". He was "found" in Benapole near the Indian border in the middle of the night on May 3 last year, 53 days after he went missing. Kajol was subsequently charged for illegal border crossing. Perplexed at the nature of the charge his lawyer Barrister Jyotirmoy Barua noted, "Kajol has told us that he already had a valid Indian visa in his passport when he was charged for entering home from India without valid travel documents. Questions arise why he would feel the need to travel to India without a passport when he already had a visa."

Survival has become more important than pursuing a career for Golam Sarwar, a Chittagong-based journalist. Sarwar was also involuntarily disappeared last November and reappeared after three days. He claimed that he was routinely being followed and continuously receiving threats. "I cannot explain how I spent the last six months. I was seriously injured twice when people attempted to run me over [with a car]. During the last attempt, the nail of my big toe came off. That is when I decided to move to my village", narrated Sarwar. Though he was not explicitly told by his tormentors as to they were so furious with him, Sarwar was convinced this was the result of publishing a news item. "When I was being tortured, my abductors received a call instructing them to ask me if I would stay in journalism anymore," he revealed. In other words, Sarwar was asked to surrender his freedom to pursue his chosen vocation in exchange of "freedom" from harassment and torture. While the case filed by him for kidnap and torture progresses at a snail's pace, Sarwar claims that a politically influential family of Chattogram filed two defamation cases against him and police were investigating those with zeal. In one instance Tk 100 crore compensation was sought for defamation.

In July 2018 Maidul Islam, the Chittagong University teacher, incurred the wrath of the authorities for posting a critical Facebook status

"hurting religious sentiment" after someone posted her music video on YouTube channel in February 2020. In order to quell the discontent Rita issued an apology. In the following 10 months she was subjected to four separate cases and was accused of "creating outrage by insulting religious belief" under various sections of the Penal Code and for "publishing and broadcasting information hurtful to religious values and sentiment" under section 295A, 298 of the Penal Code and under section 28 of the draconian Digital Security Act. Since her childhood Rita has been singing Baul songs promoting harmony, tolerance and pluralism, a genre that is inspired by syncretic Islam. The allegation adversely affected her income opportunities as there has been a substantial drop in event contracts. The social stigma is also telling. "People used obscenities and compared me with atheists. They also called for hanging me", Rita bemoaned.

Democracy entails freedom of the press. Suing journalists and arresting them is anathema to democracy and such a situation leads not only to "controlled media" but "controlled democracy". No functional and independent political system can be built without free thinking. Panelist Maidul asked the question why our leaders do not understand the perilous consequences of stifling freethinking. "We do not have to go far for such examples, look at Pakistan and Afghanistan," he observed. Rita Dewan noted if laws are meant to bring the delinquents to account why then it is the journalists, health professionals, teachers, students, writers, poets, cartoonists, singers, bloggers, and freethinking intellectuals who are becoming its victims. The latest victim of the defamation law is a 14-year-old school student of Bhaluka Upazila. In June 2020 the local Juba League leader filed a case under the DSA against him for posting an "offensive" post about the prime minister in his Facebook ID. Earlier, nine cases were registered for allegedly posting "defamatory" posts on social media on a former health minister. Among them two teachers of Begum Rokeya University and Rajshahi University were arrested.

The Covid-19 pandemic has thrown a major challenge to freedom of expression of doctors, health workers and other stakeholders.

Supreme Court of Bangladesh in the BLAST and others vs. Bangladesh & Others case (Writ Petition No. 3806 of 1998) and the Torture and Custodial Death (Prevention) Act, 2013. The initial reticence of police stations to register complaints by the victims and members of their families was palpable. The lack of progress in investigation and reluctance of the investigating officials to share information about the status of investigation of concerned cases with the victims and their families is another source of distress for the latter. Sarwar found it curious that the police asked for remand of the suspects of his case only after they secured bail. Accessing legal redress had not been easy either. Rita alleged that only a segment of her rendition distorting her message was used by the complainant and the Police Bureau of Investigation without giving much effort to find out the actual fact of the case and without going through the whole record of the song completed their investigation and presented a report to the court that was taken cognisance of by the court.

The personal costs borne by the victims were also highlighted. In addition to the physical harm sustained by Kajol and Sarwar, every single victim endured mental abuse and trauma. They are also paying a huge financial cost as they cannot bear the cost of cases and pursue their livelihood. Rita, the breadwinner of the family, no longer gets invited to soirees and cultural events. She informed that so far she incurred a huge debt to defray her legal costs and maintain the subsistence of her family. Sarwar and Kajol are physically frail and mentally too traumatised to resume their profession. Their inability to chase their lifelong passion is agonising. What meaning can life have for a singer who cannot sing and for an investigative journalist if he cannot chase stories?

All four victims felt that their respective fraternities have either failed or have been inconsistent in extending them support during their ordeal. The journalists' fraternity, both at local and national levels, was forthcoming in demanding Kajol and Sarwar's return from involuntary disappearance status, but so far have shown little enthusiasm in holding the perpetrators to justice. Rita Dewan was abandoned by the artists' fraternity during the entire period of her tribulation and so



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## Corrigendum/Amendment of e-GP Tender Notice

Corrigendum on Section 5: Technical Specifications and Compliance of Goods and related services (Form e-PG3-4) and Price and Delivery Schedule for Goods (Form e-PG3-3A). The item no. 1 (Karl Fischer Titrator) of both form has been replaced with Potentiometer Titrator with technical specification in corrected form.

Tender/Proposal ID	Name of Tender	Field Name	Old Value	New Value
573391	Supply and Installation of Laboratory equipments and others for DAE Central Lab.	Document last selling date & time	12/05/2021 12:00	18/05/2021 12:00
		Closing Date & Time	12/05/2021 15:00	18/05/2021 15:00
		Opening Date & Time	12/05/2021 15:00	18/05/2021 15:00
		Last date & time for Tender/Proposal Security Submission	12/05/2021 14:30	18/05/2021 14:30
		Start Date(Lot No : 1)	20/05/2021	23/05/2021

This is an online tender where only e-Tender will be accepted in the National e-GP portal and no offline/hard copies accepted. To submit e-Tender registration in the national e-GP system portal ([www.eprocure.gov.bd](http://www.eprocure.gov.bd)) is mandatory.

The fees for downloading the e-Tender documents from the National e-GP system portal have to deposited online through any registered Bank's branches.

Further information and guidelines are available in the National e-GP system portal and from e-GP help desk ([helpdesk@eprocure.gov.bd](mailto:helpdesk@eprocure.gov.bd)).

The procuring entity reserve the right to accept or reject all tender/proposals without showing any causes.

  
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