

The Daily Star

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# Proposed telecom act amendment will only harm the industry

*BTRC must be allowed to function independently if we are to modernise the sector*

AS the world continues its journey towards the Fourth Industrial Revolution, with exponential growth seen across the global telecommunications industry, we are concerned that Bangladesh, instead of following suit, is taking a huge step backwards with a planned amendment to the Bangladesh Telecommunications Act. This will strip the Bangladesh Telecommunication Regulatory Commission (BTRC) of its independence and cede most of its powers to the telecom ministry, which will hamper the commission’s ability to take decisions and implement effective measures, and ultimately be hugely detrimental to the growth of the industry.

The BTRC’s independence had already been curtailed in 2010 by making it a requirement for the commission to seek ministry approval for issuing, renewing, transferring or revoking telecom licences, and for setting tariffs on different services. However, the 2021 draft amendment will be the final nail in the BTRC’s coffin. It will transfer almost complete control over to the ministry by requiring the commission to take ministry approval for almost everything it plans to do. It will give the ministry the power to recruit, appoint, promote, transfer and penalise all higher-tier BTRC employees (Grades 1 to 9) without involving the commission chairman; the responsibility of investigating allegations against the BTRC commissioner will be transferred from the Supreme Court judges over to the ministry as well.

The rationale that Posts and Telecommunication Minister Mustafa Jabbar has provided for taking away the BTRC’s independence is that the commission can often function in an autocratic manner, especially in the case of appointments. However, if that is the case, the ministry has every authority to call for an investigation into these occurrences and act with due diligence. But it cannot be the reason behind completely transferring the authority of the BTRC over to the bureaucracy, simply because it is not functioning effectively.

It is worrying that the government does not seem too concerned about how the proposed amendment will affect consumers, the industry and the future trends of growth. According to experts, the challenges and roadblocks that are impeding the growth of the telecom industry are not addressed in the draft law, and there are no clear-cut ideas as to how it will work with and implement the “Digital Bangladesh” road map either. Rather than updating a 20-year-old law for modern times, the amendment will only tighten the government’s grip on the telecom sector and create a conflict of interest, where the government will become both the regulator and the operator of the industry. We can simply find no rationale behind amending the law in a way that will not only fail to modernise the industry, but will ultimately harm it instead.

# Should workers’ lives come so cheap?

*Hashem Food’s legal ploy must be foiled*

AS per a report published in *The Daily Star* on Tuesday, Hashem Foods Ltd has bought legal indemnity by handing out a meagre Tk 2 lakh to each of the families of the victims killed in the devastating fire that engulfed its factory in Rupganj, Narayanganj on July 8. While paying said amount, these families were made to give an undertaking, which absolves the factory owners of all monetary liability for the 54 people who were killed in the fire.

We have two points to emphasise here. Firstly, we believe that Hashem Foods’ action is a mean ploy to circumvent the law and avoid the consequences—both penal and legal—which the culpability of their callous disregard for workers’ safety makes them liable to. It can be mentioned that a writ petition is pending with the High Court, filed on July 11 by four organisations seeking Tk 5 crore in compensation for each of the victims’ families.

As we have said in these very columns before, the fire was not an accident but a case of pure and simple murder, and the factory owners cannot be allowed to get away so cheaply. We are not privy to the findings of the report of the committee set up by the Ministry of Labour. But our views have been substantiated by the citizens’ committee which is unanimous about the gross negligence and callous disregard for workers’ safety displayed by the factory owners. Not only is the money offered a pittance, the manner in which the acquiescence of the victims’ families has been obtained smacks of deceit. Most of them cannot read and did not know what they were signing on. So whatever agreement has been made by Hashem Foods is *ultra vires*—it has no legal basis.

Secondly, the agreement should not absolve the owners of the penal consequences for their culpability in the 54 deaths. In this regard, we would hope that all the necessary investigations are completed quickly, and the case is taken to court as soon as possible and the guilty parties are punished. Industrial accidents have continued to occur mainly because those responsible for the accidents have either not been called to account for their acts of omissions or commissions, or have managed to escape through legal loopholes. Unless examples are made of all those in the chain, apart from the owners, who are responsible for overseeing that safety measures are complied with—and that includes several government agencies, too—accidents will continue to occur and poor workers will continue to die.

# Legal empowerment: the missing catalyst for human trafficking victims



SHUPROVA TASNEEM

WHEN you first read it, it may seem like something scripted for the silver screen: the story of a Bangladeshi woman who is struck by an awful tragedy—her 17-year-old daughter lured away by traffickers and forced to work in a brothel in India. At her wit’s end, and with no support from anyone, the woman decides to take her fate into her own hands, going on a hero’s journey to save her. Taking the ultimate risk of being willingly trafficked to India by the same gang—yes, you read that right—she escapes from Delhi, travels around a thousand kilometres to Bihar, and pulls off a daring rescue of her child from the hands of the villains.

What makes for good content onscreen, unfortunately, translates into an extremely sombre reality. This is, of course, the story of a woman with immense fortitude and strength of character. But it is also the story of yet another marginalised family that has fallen through the cracks, and yet another woman who was unable to access the system meant to help or protect victims like her daughter. It is only after her story became viral on social media that the Rapid Action Battalion, early last month, arrested three members of the gang that trafficked them.

According to a report in *The Daily Star*, this gang has allegedly trafficked over 200 girls and women into India over the past 8-10 years. So why did the authorities only apprehend them recently? The speed with which the arrests were made suggest this could have been done much sooner.

The reports surrounding this woman’s daring rescue mission do not clarify if she had reached out to local law enforcement agencies in order to get her daughter back. However, one can only imagine that the decision to get yourself trafficked to another country—opening yourself

*Trafficking is, unfortunately, not a new phenomenon in Bangladesh. Data suggests that around 400 women are trafficked out of Bangladesh every month.*

up to all kinds of risks, including being beaten, raped or even killed, with no idea of whether you will ever come back—is not one that is taken lightly. So what happened? Did the police ignore her? Did she lack the financial capacity to convince the authorities to take her seriously? Did she think she would be discriminated against because of her humble

background? Did she worry that, because of social stereotyping and patriarchal norms, her teenage daughter would be ostracised instead of being recognised as a victim? Regardless of whether this woman reported her daughter’s trafficking or not, this incident raises serious questions about barriers to accessing justice in this country, especially for women from marginalised backgrounds.

The importance of social media in getting the attention of law enforcement agencies is also hugely disconcerting. Many will remember the horrific video

How did this gang operate for so long, right under the noses of both Bangladeshi and Indian authorities, using digital spaces that are regularly monitored and policed in both the countries (often to the detriment of free speech)?

True, in all of these cases, the law enforcement agencies acted with a great deal of efficiency and speed—but only after an online outcry stirred them into action.

Trafficking is, unfortunately, not a new phenomenon in Bangladesh. Data suggests that around 400 women are trafficked out



We need proactive action—not reactive—to prevent human trafficking in Bangladesh.

PHOTO: ZAHEDUL I KHAN

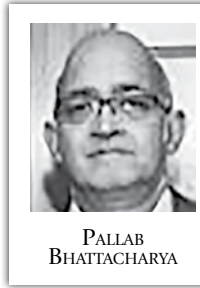
of the gang rape of a woman in Noakhali that acted as a catalyst for the nationwide movement for justice for rape survivors. In an interview to *The Daily Star*, the woman had said: “I went to the [local] Member and told him that I am poor and I do not have the power to go to the police myself. I asked him to investigate the matter and seek justice on my behalf.” However, her appeal fell on deaf ears, and it was only after the video of her abuse went viral that four people were arrested for the crime.

In a similar fashion, the transnational gang that used TikTok to traffic women to India and force them into sex work was only uncovered after (Indian and Bangladeshi) police began investigating a viral social media post of a 22-year-old Bangladeshi woman being tortured and sexually assaulted in India. As arrests were made on both sides of the border, one of the apprehended members of the ring admitted they had trafficked nearly 1,000 women in the last eight years. Is it possible that none of the family members of these women tried to take recourse to the law?

of Bangladesh every month. Some reports suggest that around 200,000 women and children have been trafficked out of the country over the past 10 years. Research from almost 20 years ago identified at least 18 transit points along the Bangladesh-India border—with the Benapole and Satkhira routes being the most commonly used. Yet, armed with this knowledge, and even after setting up the monitoring cell for human trafficking and several trafficking tribunals, Bangladesh has made very little headway in getting human trafficking under control. These transit points are still being used regularly, as the investigation into the TikTok trafficking ring revealed—their victims were being held at “safe houses” in bordering districts such as Satkhira before being trafficked to India.

According to the US Department of State’s “Trafficking in Persons Report 2021,” Bangladesh prosecuted 517 suspected traffickers last year, but convicted only seven—and only one of them was convicted for sex trafficking.

# India and the great power game over Afghanistan



PALLAB BHATTACHARYA

AS Indian Foreign Secretary Harsh Vardhan Shringla was wrapping up his talks with senior US officials in Washington on the evolving situation in Afghanistan, Pakistan rushed its

ISI chief General Faiz Hameed to Kabul to ensure the inclusion of people it had backed for decades in the new Taliban government. The two contrasting pictures summed up the altered great power game over Afghanistan since the Taliban took over the country.

While India is trying to explore how to realign its Afghan policy and recover the ground it has laid with the governments of Hamid Karzai and Ashraf Ghani by investing USD 3 billion in assistance over the last two decades, Pakistan is seeking to influence the composition of a new dispensation in that country it has always considered a “strategic depth,” after remaining on the margins since the previous Taliban regime was ousted in 2001.

One of the main purposes of Shringla’s US visit was how to come out with a coordinated strategy to take out their nationals stranded in Afghanistan unharmed, and to deal with the new regime in Kabul that appears to be tilting towards the China-Pakistan axis. His talks with Secretary of State Antony Blinken and Undersecretary of State Wendy Sherman provided an opportunity to exchange views on the Taliban’s second accession to power in Afghanistan.

Shringla’s visit to the US came hot on the heels of the first official contact between India and the Taliban on August

31, when Indian Ambassador to Qatar Deepak Mittal had a meeting with the Taliban’s Deputy Political Head Sher Mohammad Abbas Stanikzai in Doha at the latter’s request. The terse readout issued by the Indian Ministry of External Affairs after the meeting spoke about India raising its concerns with Stanikzai over the safety of Indians and religious minorities in Afghanistan, and terror groups operating from that country against India and other countries. Shringla was a little more elaborative

US and the European Union. Notably, around the time Shringla was in the US, Indian Foreign Minister S Jaishankar was in Slovenia attending a meeting of the EU which, among other things, dealt with the Afghan developments. There is a compelling case for that. The one key area of convergence between India, the US and the EU is to put pressure on the Taliban to not allow terror groups like ISIS, al Qaeda, Jaish-e-Mohammed, ISIS (Khorasan) and Pakistan-based Haqqani network to operate in Afghanistan. The

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when he told the media in Washington that although India’s engagement with the Taliban was “limited,” the latter had indicated that they would be “reasonable” in handling things.

At the same time, the Indian foreign secretary made it clear that New Delhi would like to continue to be in wait-and-watch mode as far as the Taliban was concerned. The question is: How long will India be in the wait-and-watch mode? Former Indian diplomat Vivek Katju is among those Indian foreign policy experts and strategic thinkers who have disfavoured shunning the Taliban and want New Delhi to accept the reality of having to deal with the group.

Having little clout with the Taliban, it is now pretty clear that India is aligning its future Afghan policy with those of the

Taliban has gone on record saying it would look to China to bankroll the Afghan economy, but it cannot afford to leave out the US, the EU and India, for that matter, when it comes to pumping in aid. Besides, the Taliban has assets amounting to USD 10 billion in the US, which could be frozen if it does not cater to the major security interests of the American and western countries. The last thing the Taliban would want is a collapse of the crumbling Afghan economy.

This is an area where the Taliban needs Pakistan cannot help in any way. So if the Taliban does not improve its acceptability to the US and the West, it cannot expect that aid and cash would flow into Afghanistan. The Taliban has to decide if it would dance to the tunes of

Despite the existence of the Prevention and Suppression of Human Trafficking Act, 2012 and Bangladesh’s accession to the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, in 2019, there is a clear disconnect between our policies on paper and our actions on the ground. The State Department report also wrote: “The number of convictions decreased, while law enforcement continued to deny credible reports of official complicity in trafficking, forced labour and sex trafficking of Rohingyas, and child sex trafficking, including in licensed brothels, and did not demonstrate efforts to identify victims or investigate these persistent reports.”

The report also suggested that the government made minimal efforts to assist Bangladeshi victims of trafficking abroad, and did not provide support to victims penalised for the unlawful acts they were forced to commit by their traffickers. This is a fair assessment, given that at least six victims of the TikTok trafficking ring, including a minor, are reportedly still stranded in India, and only recently, seven Bangladeshi women who were trafficked to India and jailed for their “illegal entry” finally managed to return home after being imprisoned for two years.

Saying that the issue of trafficking is complicated would be an understatement, and it is almost impossible to curb it without transnational cooperation. However, there is one common theme here on our end in Bangladesh—from having appeals disregarded by law enforcement officials to being left to languish in foreign prisons/shelters, the female victims of trafficking are still extremely vulnerable and are often ignored. And now their vulnerabilities have been exacerbated by Covid-19. According to a recent report in this daily, transnational trafficking syndicates are now specifically targeting women in city slums and selling them to brothels in India after promising them lucrative jobs.

In a country where labour trafficking syndicates continue to mushroom and flourish, and where such trafficking can even occur via official channels—the case of 14-year-old Kulsum, who was killed in Saudi Arabia in September 2020 after being sent there with false papers, comes to mind—it should come as no surprise that many vulnerable women are voluntarily going abroad in the hopes of employment, only to be trapped into sex slavery. What is surprising is how little is being done to tackle this. There is much more to be said about the repatriation and rehabilitation of trafficking victims and the support that they deserve from their country, as well as about the creation of conditions within the country, so that women do not feel the need to take such dangerous decisions.

But before everything else, they must be able to access the formal justice system and the laws that are meant to protect them. It is high time state authorities seriously invested their time and effort into ensuring this legal empowerment.

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Pakistan and allow terror groups to have free ingress in Afghanistan at the risk of earning economical reprisals of much of the international community.

New Delhi would like all the assurances Stanikzai gave to Mittal to be translated on the ground before it takes the next steps to deal with the new regime in Afghanistan. But the Taliban has so far been sending contradictory signals. While some Taliban leaders have said that it views the Kashmir issue as a bilateral one between India and Pakistan, some others have said they have the right to flag the issue of Muslims in Kashmir. Foreign policy analysts like Katju and C Raja Mohan believe the US and the EU have given enough hints that they would not be averse to opening contacts with the Taliban. This is most succinctly brought out by the fact that while on August 2, the UN Security Council—under India’s presidency—had warned the outfit against going for forced capture of power to establish an Islamic Emirate, it made no mention of either of the issues in its resolution of August 16, a day after the Taliban captured Kabul. India was the president of the UNSC during August.

The US, under Barack Obama, had once propagated a distinction between “good Taliban” and “bad Taliban” in order to help solve the Afghan muddle and pull its military out of Afghanistan. At that time, India had rejected any distinction between “good terrorists” and “bad terrorists” on the ground that it is a spurious and self-serving argument. New Delhi may have to revisit some components of its known stand and come up with a reworked diplomatic template in order to come to terms with a new reality in Afghanistan.

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