

When a judge breaks the law

Prompt action from the chief justice and the law minister is heartening

WE congratulate the chief justice for his prompt action in suspending the criminal case trial powers of Mosammat Kamrunnahar, judge of Women and Children Repression Prevention Tribunal 7. Our congratulations are also due to the law minister, who deserves all praises for quickly rising to the occasion and reacting publicly and vociferously against Judge Kamrunnahar's observations. Such action by the law minister, followed by that of the chief justice, have together greatly enhanced the prestige of and strengthened our deeply held respect for our higher judiciary.

Judge Kamrunnahar's conduct and her views on women have raised some very disturbing questions in our mind. What if the judge had not revealed her mind the way she did, and only pronounced the accused "not guilty" ostensibly because the case was weak, but actually because she thought the women were "willing"—a conclusion she could only come to out of prejudice and not based on facts?

So the challenge before our judicial system is: How do we know the mindset of a judge before appointing him or her to that special tribunal? If he or she believes that a woman who goes to a hotel late in the evening at the invitation of a friend, swims and socialises with other guests, including men, can be raped because she seemed "willing," that is not a mindset which can ever do justice to a female victim. We dare not hazard a guess as to what she and other judges like her think of women who travel on business, stay in hotels, meet business partners, travel to factories together, etc.

The point we are making here is that, just because someone is fully qualified to be a judge, does not mean that they should automatically be placed in a Women and Children Repression Prevention Tribunal, because pronouncing on gender-based violence against women, especially rape, requires a sensitivity and a nuanced understanding of the sufferings of the victims that a mere bookish knowledge of the law does not automatically bring into play.

We humbly suggest that before assigning a judge to that specialised court, especially one set up to impart justice to victims of sexual crimes and gender-based violence, they should undergo suitable training on gender equality, gender violence, all contemporary national and international laws on gender, elements as to what constitutes equal rights in every aspect of social, economic and political life of a woman, etc.

We congratulate the law minister for another step he recently took. He declared that in future no arrest would be made in any case under the Digital Security Act (DSA) without completing prior investigation. It was reported that he would talk to the home minister about it. We hope that he has already done so, and urge him to make the matter official and public through a formal notification.

Ensuring fire safety should be a national priority

Revelations of fire service data is highly concerning

IT is a matter of deep concern that fire incidents in Bangladesh have increased four times over the last two decades. According to data provided by the Fire Service and Civil Defence, around 285,000 incidents of fire took place in the country between January 1, 1999 and December 31, 2020, causing an estimated financial loss of around Tk 6,900 crore. The data also shows that between 2004 and 2020, fire accidents killed at least 2,308 people.

The highest number of fire incidents in one year occurred in 2019—24,074 to be exact. The second highest number of fire incidents—21,073—occurred as recently as 2020. That the two highest numbers of fire incidents occurred in the last three years shows that they have been increasing alarmingly. Experts have attributed this rise to unplanned urbanisation, violation of building construction rules, a culture of non-enforcement of the law, carelessness, increased use of gas cylinders and different electronic devices, and lack of supervision by the authorities concerned.

As per the statistics, between January 1, 2016 and December 31, 2020, 71,684 or over 71 percent of fires originated from electric disturbances, various types of burners, and burning cigarettes. According to one expert from the Department of Civil Engineering at Buet, electric short-circuit has been the main reason behind the rise in fire incidents. Unfortunately, in a study that was done a few years ago, it was discovered that most high-rises in Dhaka and other cities were without fire safety measures, primarily as they were constructed flouting the building code. And despite numerous sensational cases where hundreds of lives were unnecessarily lost—because of a host of irregularities on the building owners' part—from fires, we have seen the authorities take very little action to ensure fire safety in buildings across Dhaka and other major cities.

To reduce the number of fire incidents, the authorities have to significantly change their attitudes towards such disasters. Rajuk, which is responsible for implementing building codes in Dhaka, has to be equipped with adequate and quality human resources. It also has to be held accountable for failing to ensure that all buildings adhere to fire safety regulations. The authorities must strictly enforce fire safety standards in all buildings, as well as launch awareness and training campaigns to make sure that people are aware of what to do in case of any fire emergencies. Moreover, including fire safety issues in the national curricula could also be a good idea.

Success of the RTI Act relies on an effective Information Commission

SHAMSUL BARI and RUHI NAZ

THE Right to Information (RTI) Act, 2009 is made of interlocking parts. We usually focus on two of its main protagonists: citizens, for whose empowerment the law was enacted in the first place, and public authorities, who are required by the law to respond to legitimate information requests. Today, we will focus on another key element of the system—the Information Commission of Bangladesh.

The role of the Information Commission in implementing the RTI Act takes up more than half of the entire written text. And this is for good reason, because the law has entrusted the commission with a wide range of activities to carry out the purposes of the law. The "purposes" are facilitating citizens' participation in the affairs of the state so that "transparency and accountability of all public (offices) shall increase, corruption... shall decrease and good governance... shall be established."



The Information Commission needs constant attention and support from all concerned in order to ensure successful implementation of the RTI Act.

PHOTO: COLLECTED

There can be no bigger objective than this in a democracy. The goal is to move away from an age-old culture of official secrecy that has kept citizens in the dark about the work of their government, and usher in an era of open and accountable governance, where citizens are at the centre. They are given the key role to play for the success of the law. But for that to happen, only an enlightened commission, with the necessary independence, authority, resolve and impartiality, can pave the way. Moving away from darkness to the light can be a long and arduous process.

The Information Commission is tasked

with framing the rules and regulations for RTI implementation so that citizens are able to submit their information requests without much difficulty, and public authorities who are required to deal with them do so with due diligence and in accordance with the law. Among other things, the commission has been tasked to make sure that the authorities respect the timeline specified for their response. It verifies that any denial of request is based on the law and reviewed by a senior official on appeal, and that citizens' complaints against final denial or incomplete disclosure are duly considered by the commission. It is mandated to ensure that both the complainant and the respondent are duly heard, and all those decisions by the Information Commission are based on law, duly explained and properly justified, and that any recalcitrant or defaulting official is duly chastised. Whenever necessary, the Information Commission undertakes on site investigations to establish the truth.

Reading between the lines of the law

Commission to ensure that all public offices preserve any information they possess or create through an appropriate information management system, so that they can be easily accessed; each office is required to proactively disclose all relevant information of interest to citizens through their annual reports, websites or by other means. Officials tasked with meeting the information demands of citizens are expected to be duly appointed and properly trained, and their names and particulars displayed

dialogue between the Information Commission and the citizen groups monitoring the application of the law.

Most of the introspective reviews of the RTI Act's operation in the country over the last one decade have been focused on the role of citizens and public authorities in the implementation of the law, and very little on the work of the commission, which steers the ship of RTI. This was perhaps justified in the initial phase of implementation of the law when all, including the Information Commission,

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prominently on office notice boards and official websites.

To ensure that the Information Commission undertakes its tasks in an objective and professional manner, specific provisions have been inscribed in the law for the selection process of the three members of the commission, including its chief. They include the necessary safeguard requirements of impartiality, integrity, expertise, experience, and necessary knowledge of the field. This is clearly one of the most important provisions of the law. The goal of the law can be thwarted if inappropriate or unqualified persons are selected.

As the Information Commission's role is clearly geared towards facilitating the use of the law by citizens to promote its purposes, the latter bear the ultimate responsibility of overseeing that they are duly performed. Towards that objective, citizens must keep a constant watch on the activities of the commission, on its decisions and how it conducts the complaint hearings, on the balance it seeks to establish between genuine information requests from the citizens and the legitimate concerns of public officials to safeguard basic public interest, whether it is reading and interpreting the law correctly, and, most importantly, whether its activities hinder progress. Any negative public perception about the commission's work can be extremely detrimental to its image, and therefore to the success of the RTI Act. As such, there is no alternative to frank and constructive

were busy finding their way through this new and very onerous process. With the passing of time and the benefit of significant knowledge and experience about the process, we must now turn our attention to a proper flourishing of the Information Commission's role.

As strong believers in the efficacy of the RTI Act for constructive citizen-government interaction to advance the cause of democracy in the country, and as ardent supporters of the very important work of the Information Commission in this regard, we also believe that there is a need for special efforts to develop a closer interaction between citizen groups committed to advancing the objectives of the RTI law as well as the Information Commission, so that we can review our respective roles together and identify ways to cooperate for mutual benefits.

We suggest that an in-depth assessment of the work of the Information Commission, which is objective, impartial, and constructive, be undertaken on a regular basis by citizen groups, individual researchers or any other third party, in close collaboration with the commission. We hope that in all future commemorations of International Right to Know Day and other such important occasions, assessments of this nature will receive greater focus. The commission is the key to the success of the RTI Act. It needs constant attention and support from all concerned.

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At 50, Bangladesh is a land of opportunities and promise



TARIQ AHMAD

I am delighted to be returning to Bangladesh in its Golden Jubilee year, and I look forward to celebrating the tremendous achievements of the past half century with friends

old and new. Two weeks ago in London, Prime Minister Sheikh Hasina described Bangladesh at 50 as a "land of opportunities and promise." I could not agree more. I also agree that the time is ripe for us to reset and renew the Bangladesh-UK bilateral relations. The ties between our two countries have evolved through our history, and today, as we work as equal partners across the breadth of our interests, I am confident that our partnership will continue to flourish over the next 50 years and beyond.

I cannot look forward without reflecting on the momentous events of 1971. I join my friends here in honouring the memory of those who sacrificed their lives in service to the founding ideals of Bangladesh, and the promise of democracy and freedom enshrined in the constitution for those who had lived without them for so long. I know that when Sheikh Mujibur Rahman arrived in London on January 8, 1972 as the leader of a free Bangladesh, the excitement and optimism were palpable. Our then prime minister, Edward Heath, knew that this

was a historic moment, and welcomed Bangabandhu to 10 Downing Street the same day. Later, our Royal Air Force flew him home to greet a newly-liberated country.

Today, the world looks on with admiration at what Bangladesh has achieved in its first half century: the fastest-growing major economy in Asia before Covid-19; a leading contributor to peace and security, especially as a provider of troops to UN peacekeeping missions; and one of the most influential

the second-largest cumulative investor in Bangladesh. We have committed to providing Bangladesh with duty-free, quota-free access to the UK market until 2029. I look forward to identifying and encouraging more innovative investment in both directions.

With more efforts to improve free and fair trade between our countries, I believe we can continue to grow our economic ties. The UK is a world leader in finance, health and education services—all of which will become more important in

delighted that Royal Navy frigate HMS Kent visited Bangladesh last month as part of the first deployment to the Indo-Pacific region of the UK's new aircraft carrier, which has been working and exercising alongside nations across the Indo-Pacific region. I am also very happy that, as a dialogue partner, we will be able to support the Indian Ocean Rim Association's important work under Bangladesh's forthcoming presidency. Its efforts at ensuring that the Indian Ocean's economic potential is harnessed in an inclusive and sustainable way should also contribute to good governance and maritime security.

We also work together closely on the Rohingya refugees crisis, a situation that I continue to find desperately sad. I am concerned to hear about increasing violence and insecurity for those living in and near the camps, and call on everyone in the international community to work together on a solution that will allow the Rohingyas to return to their homes as soon as possible, in a way which is safe, dignified and voluntary. We will continue to work with the Bangladesh government to support the Rohingyas for as long as necessary, and have already provided over GBP 320 million to the humanitarian response.

We work together closely on climate issues, and last week at COP26 we announced GBP 120 million of new funding for climate action in Bangladesh over the next six years. This will help turn our pledges in Glasgow into a reality on the ground, by scaling up adaptation in some of the most vulnerable communities, expanding renewable energy options, and tackling pollution and waste.

All of this is possible because of our deep links and shared history. The 600,000-strong British-Bangladeshi diaspora plays a vibrant role in UK politics, arts, cuisine, healthcare, and education. People are at the heart of our relationship. And it is people I look forward to celebrating while I am here this week.

Congratulations to everyone in Bangladesh on your Golden Jubilee. I hope you will join me in looking forward to many more years of #BritBanglaBondhon.

Lord Tariq Ahmad of Wimbledon is the UK government's minister of state for South Asia and the Commonwealth, and the UK prime minister's special representative on preventing sexual violence in conflict.



Bangabandhu Sheikh Mujibur Rahman is greeted by British Prime Minister Edward Heath in London on January 8, 1972. The UK has been a development partner of Bangladesh since its birth.

PHOTO: ARCHIVES

The UK is a world leader in finance, health and education services—all of which will become more important in supporting Bangladesh's future prosperity.

global voices on climate change, as we have just seen at the UN Climate Change Conference (COP26) in Glasgow, Scotland. Over the next few days, I will listen to my friends here in Bangladesh, and will set out my aspirations for our ever-closer cooperation in future, including on trade, security and the democratic principles that the father of the nation, and so many others, fought for in 1971.

Bangladesh's landmark graduation from the Least Developed Country (LDC) status, due in 2026, highlights our shared interests in each other's prosperity. We can take this forward together through our new UK-Bangladesh Trade and Investment Dialogue. We have much to build on: the UK is currently the third-largest destination for Bangladeshi exports and

supporting Bangladesh's future prosperity. There is a particular opportunity for UK universities to provide world-class higher education to young Bangladeshis, as they already do through partnerships in Malaysia and Sri Lanka.

Educating girls is one of the smartest investments we can make to fight poverty and save lives. This week, I will announce new UK government support for education in Bangladesh, to ensure equitable access and learning for all children, especially girls, which can contribute to Bangladesh's continued economic growth.

We work together closely on security issues, including counter-terrorism, maritime and aviation security, and through our shared peacekeeping operations around the world. I was