

## Accidents caused by negligence is a criminal offence

So is inaction that allows those to pass

ACCIDENTS, they say, occur when one gambles with safety, cuts corners with rules and regulations, and discards laid down procedures for the sake of reaching the destination in a rush. The recent fire in MV Abhijan has exposed all these follies that the surface transport sector is plagued with. We wonder at the utter apathy of the authorities to address the problem in a forthright and urgent manner, so that tragedies like the one that struck MV Abhijan are not replayed.

We repeat that the 41 lives lost in the fire was not an "accident," but murder. We do not want to recount the list of violations which border on criminality that the owner of said vessel indulged in to refit it with more powerful engines than the approved ones, except to say that fitting unapproved engines was not the only violation. The crews were untrained, and fire extinguishers were there but nobody knew how to use them. Such violations are not exceptions but the rule, exposed only after a disaster strikes. And this state of affairs is pervasive across the entire gamut of the surface transport sector—be it water, rail or road. And taking the case of the water transport sector, the litany of recent accidents in this sector should put any administration to shame, and drive them to wake up to a problem that is responsible for deaths and injuries that are easily avoidable.

We often hear a common refrain—"lack of manpower"—whenever the oversight authorities' lack of action is pointed out. The most surprising matter is that even the BIWTC vessels are operating without fitness certificates. This horrendous fact was exposed after the ferry Shah Amanat capsized in Paturia Ghat in October: the ferry had long become obsolete, its economic life having expired. The inland water transport authorities should put their house in order first.

The regrettable matter is that, after every such tragedy—and they are pathetically frequent—the authorities, as usual, form committees, which recommend certain actions and then nothing more happens. The probe body set up after the MV Mayur accident on June 29, 2020, had made 16 recommendations, including providing proper training to launch masters and drivers, and installing modern technology in launches to prevent such accidents in future. The recent disaster suggests that nothing of the sort was done. The question is: why?

The primary reasons why the surface transport sector remains the most dangerous and vulnerable are that the recommendations are not religiously followed, the errant persons are not held to account, and those who are responsible to exercise oversight are not held accountable for the abdication of their responsibilities. Unless these points are addressed, passengers' lives on road, rail and waterways will continue to be at risk.

## Women workers return with crushed dreams

Address their plight at home and foreign lands

WHEN homecoming should be a joyous occasion, it is mostly the opposite in case of the female migrant workers of Bangladesh. Hundreds return empty-handed, with bruises on their bodies resulting from physical abuse in the hands of their employers. These women leave behind their families at home in search of legal earning opportunities abroad, but end up losing whatever they had in the beginning. The stories of their plight in foreign lands attract media headlines every now and then, but usually they don't reach the corridors of power where they should.

Some research findings on the issue, presented by the Bangladesh Institute of Labour Studies (BILS) on December 26, 2021, shed much light on the conditions of our female migrant returnees. About 55 percent of 323 female migrant workers' return to the country was either unexpected or forced, and as many as 22.6 percent of the female migrants returned before even completing one year of their migration. About 17.6 percent came back between one and two years, and 17.3 percent within two to three years. The data was collected between July and December in 2020. The female migrant workers also have the sorry tale of abuse of many dimensions to tell the authorities upon return. About 38 percent of the returnees were physically abused in their destination countries, while 52 percent were victims of forced labour. Many returnees came back empty-handed, a burden of debt already hanging over their heads: the report showed that about 61 percent of the returnees had a debt of Tk 76,736 each.

It's disconcerting to note that the woes of the returnees don't end with their return home. They face the new challenge of social discrimination and even stigma in some cases, on top of economic hardships. About 60 percent of the returnees interviewed could not find work or employment, and in terms of social stigma, 52 percent perceived a change of attitude among the members of their community towards them.

It needs no emphasising that this is a serious issue that deserves to be addressed with due priority by the authorities concerned. It has been observed by Shamsun Nahar, member of the parliamentary committee on labour and employment ministry, that about a dozen ministries are involved in providing services to migrant workers, but there is a lack of coordination among them.

Bangladesh will have to look the problem in the eye and formulate policies befitting the dignity and honour of the country's female migrant workers. Not only that, but the employing countries, too, should share the responsibility for the well-being of the migrant workers from the humanitarian point of view. We hope the proposal put forward by nearly 90 percent of the returnee workers to introduce some sort of social security protection scheme will be reviewed by the ministries concerned.



BLACK, WHITE AND GREY

ALI RIAZ

It seems like *deja vu* in Bangladeshi politics. As President Abdul Hamid is holding dialogues with various political parties to seek suggestions for members to form the search committee for the next Election Commission, it has brought back the memories of 2012 and 2017.

Similar processes were followed by President Zillur Rahman and President Abdul Hamid to appoint "search committees" for the election commissions. The commissions appointed through the process held two general elections in 2014 and 2018, respectively. Referring to two previous occasions, some are reminding us of the famous quote of Karl Marx from the book *"The Eighteenth Brumaire of Louis Bonaparte,"* where he wrote, "Hegel remarks somewhere that all great world historic facts and personages appear, so to speak, twice. He forgot to add: the first time as (a) tragedy, the second time as (a) farce." But what happens when the same appears the third time is something yet to be seen.

Some have called the dialogues "a farce," while others have described these meetings as "photo sessions." The beginning of the dialogues was interesting as the party which has the distinct honour of being concurrently the ruling party and the opposition has reportedly "requested" the president to appoint the spouse of a senior party leader as a member of the Election Commission. Another party, which has been a partner of the ruling coalition since 2009, said it wants the president's intervention in enacting a law regarding setting up an Election Commission. Although stipulated in the constitution, a law on Election Commission appointment process has not been enacted in the past 50 years. The leaders of the party in question have neither spoken about it before nor taken initiative to draw the attention of the ruling coalition. Raising the issue after Law Minister Anisul Huq already said that the government was in no rush to enact the law—citing time constraints—is interesting. "It is impossible to formulate the law for EC formation within this short time," the minister said, although there are instances of passing laws and amending the constitution within an even shorter time—in haste and without any demands from the citizens at large.

There's no denying that enacting a law will not bring solutions to all the ills with

the current electoral system, particularly the role played by the commission in the past two general elections. But that would have been a step in the right direction. Instead, now the discussion is on who will be on the search committee. The discussion seems to move in a circle every five years, whereas the entire electoral system has collapsed in plain sight.

However, as the discussions on the search committee continue to dominate the news cycle and public discourse, five questions need to be asked.

First, the constitutionality of appointing a search committee remains questionable. The constitution stipulates that the president would appoint the members of the Election Commission, and it also stipulates that a law will guide the appointments. Nowhere is there a reference to a search committee. Of course, the president can seek advice and recommendations, if he chooses to do

search committee or for the Election Commission. It has been twice that the political parties have recommended names to the president, but it has never come to light what qualifications they considered for those recommendations. Perhaps we should also consider that a political party would not suggest a name whom it considered as unhelpful.

Fourth, have those who served on such committees before ever said on what basis they prepared the list they sent to the president? Those who have participated in a nomination process, especially which involves recruitment, know well they must first decide what kind of qualifications they deem fit and what kind of candidates they will consider eligible. The responsibilities are clearly articulated in the constitution, but it is imperative to know what the search committee has considered as qualifications to serve in this capacity.

Prime Minister shall ... submit for the consideration of the Cabinet any matter which the President may request him to refer to it."

This kind of optimism is not new; I myself have tried to draw attention to these provisions of the constitution multiple times in the wake of the political crisis in 2013. It is worth recalling that around that time, six prominent citizens—Kamal Hossain, Shahdeen Malik, Jamilur Reza Chowdhury, Akbar Ali Khan, Sultana Kamal and Badiul Alam Majumdar—met President Abdul Hamid and requested him to take the initiative to solve the crisis. But everyone knows what followed. Recently, 37 citizens made statements expressing hope that the president would act in the light of Article 48 (5). Their optimism is nothing short of grabbing the last straw. But if experience is any guide, there is not much to be expected.

As such, in the past weeks, discussions on elections have been put in a circular mode as to the composition of the search committee and the Election Commission, not why and how the electoral system has lost its appeal to the citizens, and how it has collapsed entirely since 2014. It is essential to have an independent and powerful Election Commission, but the commission alone cannot deliver a free and fair election. The lesson of 11 elections held in Bangladesh since 1973 is that a free, fair, and participatory election cannot be held under a partisan government. The prerequisite for holding a free election is a non-partisan government. It has become more difficult to have a non-partisan administration than ever because of the unabashed politicisation of the administration.

One can ask what the incentive for the ruling party is to change the system. It is the ruling party which scrapped the system that ensured free and fair elections. There is no reason for them to revert. But the past seven years, especially since 2018, have provided incontrovertible evidence that a non-partisan government is a *sine qua non* for a free and fair election. It has become incumbent on the opposition parties to create a pathway for restoring the citizens' right to vote and holding a free election. It is the responsibility of the opposition parties, not of a single party alone. The question is whether they are all able to demand in a united voice. Only that will chart the future course. It is upon the opposition to decide whether they will spend the time discussing the dialogue and Election Commission formation or find ways to restore citizens' rights.

Ali Riaz is distinguished professor of political science at Illinois State University and a non-resident senior fellow of the Atlantic Council.

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so. But the question is why the president is selecting the search committee when a law would be sufficient to do so. Despite a clear alternative, the president's choice of a search committee warrants an explanation which is not forthcoming.

Second, from the experience of 2012 and 2017, it is logical to ask why a system that cannot deliver acceptable elections in the country should be followed. Doing the same thing over and over again and expecting different results indicates there is no desire to learn from the past. It is not understandable why two consecutive experiences are not considered enough to learn. Those who have invented and those who have implemented the idea could have gone through some introspection.

Third, what is the eligibility to become a member of the search committee to be appointed by the president? We are unaware whether the political parties were told of any qualifications of the potential nominees for the

Considering the importance of the Election Commission, particularly given the political environment, the search committee should keep the nation informed of their recommendations so that the nation can evaluate. One can raise the question of the candidates' privacy, but as these individuals have consented to being nominated by the political parties, they should allow the public scrutiny.

The fifth question is: can the president really do anything? Article 48 (3) of the Constitution of Bangladesh stipulates that "in the exercise of all his functions, save only that of appointing the Prime Minister pursuant to clause (3) of article 56 and the Chief Justice pursuant to clause (1) of article 95, the President shall act in accordance with the advice of the Prime Minister." Yet, often we have hoped that the president would do something. Such an optimism lies in Article 48 (5), which states, "The

## India's Omicron challenge on multiple fronts



PALLAB BHATTACHARYA

SINCE the first Omicron case of Covid-19 was detected in Karnataka on December 2, instances of the most rapidly mutating and contagious variant of the disease have been on the rise across India. In the

last four weeks, the number of Omicron cases has shot up to 578 (as of December 27 morning). It is quite natural that there is widespread anxiety, especially after the daily caseload of Covid-19 has been on a steady and sharp decline over the last few weeks.

The gradual spread of Omicron has raised the level of alarm and anxiety all around India, including at the highest level of government. Part of the reason behind Prime Minister Narendra Modi appearing in the unscheduled televised address to the nation on the night of December 25 was to amplify the threat perception following the Omicron cases. It was the address in which he announced extending the Covid vaccination drive to 15-18 age groups and booster dose to vulnerable people aged above 60 years, including those with comorbidities, from the New Year.

Scientific evidence so far indicates that Omicron is much less severe than the Delta variant, which has so far been the dominant variant across the world, including India. According to public health experts, the Omicron variant is at least three times more transmissible than Delta. What has added to the prevailing fear about Omicron is the projection of the mathematical modelling of the Indian Institute of Technology (IIT) in Kanpur that Omicron will peak by February 2022. Given the mild nature of Omicron so far, the experts suggest focusing on checking its speedy spread.

Considering that a good number of Omicron patients in India don't have international travel history, a limited community transmission of the latest variant has already begun. As of December 25 morning, 183 of the Omicron cases in

India were analysed, 121 of whom were foreign returnees, while 44 had no foreign travel history. The details of 18 people hit by Omicron were unknown, according to Balram Bhargava, director general of the Indian Council of Medical Research. That is why public health experts favour prioritising community surveillance and a strict watch on clusters reporting an unusual (unusual because major parts of the country are witnessing a steady fall in Covid cases) number of cases to not only

though full vaccination "is unlikely to stop symptomatic infection, a combination of prior infection and vaccination in a large fraction of adults will ensure low rate of severe disease, hospitalisation and mortality." According to health ministry statistics, India has so far fully vaccinated 61 percent of its 940 million adult population, while 81 percent have been given the first dose, as per figures on December 24, 2021. With just a few days of the outgoing year remaining, the



A healthcare worker collects a Covid-19 test swab sample from a man on a road in New Delhi, India, on December 6, 2021.

PHOTO: REUTERS

follow up on positive cases, but also their contacts on a day-to-day basis. There are two objectives behind this: a) To monitor the clinical status of the patients; and b) To analyse their symptoms, because this variant is capable of mutating like no other earlier variants.

A major challenge for India is to scale up Covid vaccination to take the threat posed by Omicron head-on. Of the 183 Omicron cases analysed as of December 25, 91 percent (87 in real terms) are those who were fully vaccinated, with three having had booster shots as well, while seven were unvaccinated and two partially vaccinated. It is, therefore, critical that India steps up its vaccination drive.

Eminent virologist Shahid Jameel said

target of fully vaccinating the entire adult population by this year's end, as was being visualised by the government, is going to elude public health policy planners.

As the shadow of Omicron looms larger than ever, the government has to race against time to complete the vaccination campaign. The door-to-door vaccination drive appears to be struggling to get the desired level of momentum, largely due to the issue of vaccine hesitancy mostly among the rural population. This has resulted in widening the gap not only between rural and urban vaccination pace, but also among fully and partially jabbed there. There has, therefore, been a suggestion that vaccination be made mandatory.

Public health experts also want India to quickly come out with a clear policy on the need for booster doses and vaccination of children now that many schools across the country have reopened after a long closure forced by the pandemic. The debate is already on whether booster doses should be administered—and if so, when—particularly to vulnerable sections of the population like healthcare workers, the elderly or those with comorbidities. As late as on December 24 this year, the Indian Council of Medical Research had said it was still studying scientific data before coming out with a booster dose policy. But Modi's announcement on December 25 of "precautionary dose" (which is called booster dose in other parts of the world) for those above 60 years of age sets at rest the speculation as to when the booster dose administration will start.

Two factors seem to have made out a strong case for a booster dose. First, nine out of ten Omicron cases in India have been found to be with full vaccination, and second, nearly 90 percent of India's vaccination drive has been done using AstraZeneca's Covishield, which is reportedly not very effective in checking Omicron. It has been suggested by some experts that Indian job manufacturers go public with their data if and how much their products work against Omicron.

The onset of a fresh spell of Covid-19 was a question of time. India could not have remained insulated. According to experts, what needs to be watched is the community transmission potential of Omicron in India in the coming weeks.

The government of Prime Minister Modi and the state governments need to guard against any lacunae in the handling of Omicron challenge after the devastating second wave overwhelmed the healthcare infrastructure at several places earlier this year. The federal government has ramped up availability of oxygen, oxygen concentrators and plants, hospital beds and beds with ICU facility, medicines needed for Covid treatment and other related components of healthcare infrastructure. The challenge lies in their proper implementation.

Pallab Bhattacharya is a special correspondent for The Daily Star. He writes from New Delhi, India.