

A capital crime may have been committed

An open threat of sexual assault by an agent of the state should be investigated

NAJRUJ KHASRU

THIS is what we know: It was a recorded telephone call. The caller is a male, and so is the recipient. The caller's tone is menacing and commanding, while the recipient sounds subservient. Being aware of the presence of a particular female on the recipient's side, the caller's focus changes. He speaks to the female. He accuses her of not responding to his calls. He then commands her to immediately make her way to a five-star hotel, where he is situated. He threatens to use the country's law enforcement agencies if she were to deviate from his commands. He lays his cards on the table: he is going to rape her that night. He gives chilling details of his intended sexual crime on her. She remains supremely dignified, utters a few disjointed nervous words, and then appears to fall into a terrified silence.

This telephone conversation reportedly took place approximately two years ago. It is not clear who recorded it or revealed the identities of the participants. However, the reliability of the recorded call and the identities of the parties involved are beyond doubt. Both recipients have confirmed its authenticity, and the caller has made no attempt to dispute his part.

We, therefore, know for sure that the caller at the time was a state minister of Bangladesh. The male recipient is an actor, the female is a well-known actor as well. Under the Penal Code of Bangladesh, the contents of the call disclosed a serious sexual offence and prelude to further serious sexual offences, requiring a thorough police investigation. It can be alleged that the state minister was the offender (hereinafter referred to as the alleged offender) and the female actor in question (hereinafter referred to as the victim) was undoubtedly at the receiving end of an appalling sex crime.

We also know that the offender, while a state minister, was a loose cannon. A few weeks earlier, he had made slanderous and degrading remarks about some female university students. Just before the recorded telephone call became public knowledge, he

also made obscene and vile remarks about certain members of an opposition political family.

The prime minister of Bangladesh moved quickly. She forced the alleged offender to resign from his ministership. A high-ranking police officer announced that the matter would be investigated. This was followed by newspaper reports that the male recipient of the call had been questioned by police for over five hours, presumably as a witness to a crime. The victim was abroad on a pilgrimage

the alleged offender, moving from five-star hotel to five-star hotel, was about to leave the country. The home minister felt that it was his duty to clear the air. Referring to the controversial Digital Security Act (DSA), he declared that the former state minister's utterances did not fall within the ambit of the legislation, and therefore he was free to leave the country if he so wished.

Within hours of the home minister's announcement, the alleged offender boarded a plane, heading towards Canada. On the



The authorities cannot stay mum in the face of such a blatant show of power to threaten a citizen with sexual assault.

ILLUSTRATION: MARTIN LEON BARRETO

at the time. She appeared on social media and seemed keen to cooperate with any investigations on her return. The law minister, who was instrumental in declaring rape as a capital offence in Bangladesh in 2020, told the press how appalled he was at the moral turpitude of the alleged offender while performing the duties of a state minister. Bangladeshis all over the world were expecting an imminent arrest and the beginning of the due process. But, alas, that was not to be.

There were growing speculations that

plane, he posed for photos displaying a victory sign. Many interpreted that as a victory against the poorly administered rule of law in Bangladesh. However, the Canadian border authorities refused entry. It appears that he did not have the requisite Covid-19 papers. Within 72 hours of leaving the shores of the country, the alleged offender found himself back within the territorial jurisdiction of Bangladesh. The victim arrived from her pilgrimage a few days later. It does not appear that the police have any plans to question the alleged offender or the victim.

Forensic psychologists would consider that such a sexual predator, wielding enormous powers as a state minister, would likely have multiple victims. Therefore, a police investigation would naturally flow from such telephone calls in any country that valued its rule of law.

There are a number of reasons why the home minister should now reflect on his earlier decision, and acknowledge that a serious sexual offence may have been committed, requiring police investigation. A simple forensic analysis of the telephone call indicates that the victim had been avoiding contact with the alleged offender, due to fear and his sexual harassment. His menacing and commanding tone and expressed intention to use top law enforcement agencies show that there are no lengths that he would not go to, in order to fulfil his evil designs on the victim. It was petrifyingly clear that his was not an empty threat. Forensic psychologists would consider that such a sexual predator, wielding enormous powers as a state minister, would likely have multiple victims. Therefore, a police investigation would naturally flow from such telephone calls in any country that valued its rule of law.

Even if a police investigation concludes that the telephone conversation was an isolated incident, the call itself is sufficient evidence of an offence of threat to rape under the Penal Code, requiring the case to go before a competent court of law for its judgment. The Canadian Supreme Court case of *R v Macraw* (1991) is widely cited as authority for declaring that as rape amounts to sexual violence, rape threats should also be considered as threats of serious bodily harm under the Penal Code of common-law countries, of which Bangladesh is one.

The Bangladesh government needs to come to grips with its records on upholding the rule of law. The World Justice Project,

in its recently published Rule of Law Index 2021, paints a dismal picture of Bangladesh. Among 139 countries, Bangladesh is ranked 124—just above countries such as Uganda, Zimbabwe and Myanmar. This case, in a small way, illustrates how Bangladesh loses the plot. While the state refuses to investigate an alleged offender for a serious sex offence on solid evidence, cases are being filed with courts all over the country under the DSA for his defamatory utterances, by people who have political or personal scores to settle, now that the former state minister has fallen from grace. It is evident that the rampant misuse of this particular legislation is instrumental in Bangladesh's sliding down in the Rule of Law Index. Ironically, in this particular case, it is unlikely that the legislation would be allowed to be misused, simply because most of those who are trying to settle scores are of a different political shade.

As things stand now, we have an alleged sex offender with solid evidence of his offence in public domain. Such evidence also indicates that he may have committed other grave offences. There is a victim ready to cooperate with police investigation. Will the home minister initiate the due process and allow the law enforcement agencies to investigate the crime, before the alleged offender tries to flee again? Will he rise to the challenge? It remains to be seen. But the law-abiding citizens of the country, probably, would not be holding their breaths!

Najrul Khasru is a Bangladeshi-British barrister and a part-time tribunal judge in England.

Can Bangladesh leapfrog into the future with 4IR?



AMERICAN geographer Jared Diamond makes an interesting point in his bestseller "Guns,

Guns, and Steel. He argues that the Eurasian civilisation is not so much a product of ingenuity, but of opportunity and necessity. Civilisation is not created out of superior intelligence—it results from a chain of developments, each made possible by certain preconditions.

The same argument may apply to the history of industrial revolutions. The rising European powers' fortune, extracted from their colonies, fuelled the First Industrial Revolution. The Second and the Third followed in succession. Each grew on the wealth and knowledge accumulated from the preceding ones.

The world is now witnessing the Fourth Industrial Revolution (4IR). It's a convergence of emerging technology domains—including nanotechnology, biotechnology, new materials, and advanced digital production (ADP). Hardware, software, and connectivity merge to achieve ever more ambitious goals. Sensors detect specific actions or ambient conditions, allowing for independent software to improve itself with Machine Learning (ML) and Artificial Intelligence (AI) to determine subsequent actions. All of these are taking place at a breathtaking speed, giving little time for nations and individuals to prepare for the new 4IR paradigm. It's a global phenomenon, and the consequences are still uncertain.

The pessimistic view is that 4IR may lead to massive unemployment as technology will replace humans. The optimists hope that the developing countries would be able to utilise the opportunities offered by 4IR. They may leapfrog several intermediate stages of industrialisation and transition into higher economies. However, such leapfrogging requires some preconditions to be fulfilled. These include the right level and mix of skills, absorptive capacity, and industrial readiness.

One thing is clear, though. If a nation doesn't adapt to the 4IR paradigm, it will lose its competitive advantage in the Global Value Chain (GVC). It's true for any country, including the developed ones. Professor Michael Wooldridge of Oxford University believes that the UK is less internationally competitive on AI than it was two

years ago. Why? Because it hasn't invested sufficiently in technology and failed to attract global talent.

Where does Bangladesh stand in this brutal war of survival?

Bangladesh's economy heavily depends on a single sector: ready-made garments (RMG). RMG alone earns over 80 percent of total annual exports, according to Bangladesh Garment Manufacturers and Exporters Association (BGMEA). The other source of earning is remittance from low-skilled migrant workers, who sent around USD 24.78 billion in remittances in 2020-21 fiscal year, according to Bangladesh Bank. Both are at the bottom rungs of the GVC, which will face increased disruptions by 4IR technologies such as AI, ADP, and Robotics. ADP may eliminate the advantages of large-scale offshoring of mass production and favour more "back shoring" of production tasks. The costs associated with fragmented GVCs, and the advantages offered by having both design and production at home base, may well promote this trend.

Should Bangladesh continue providing low-cost production and labour? Or can it train its abundant young population, making use of the opportunities 4IR is offering?

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Each country must find its own path for advancement, just as Bangladesh has done to reach lower-middle-income status in 2015, and is on track to graduate to the developing country category by 2026. However, many developing countries are now stuck in the "middle-income trap" as they could not compete with low-income, low-wage economies in manufactured exports as well as with advanced economies in high-skill innovations. Such countries failed to make a timely transition from resource-driven growth with low-cost labour to productivity-driven growth. Bangladesh may also find itself in such a trap if it doesn't continuously move up the GVC ladder by

leapfrogging via technological advancement.

An example of successful leapfrogging is the mass usage of mobile phones in Bangladesh. Can the same process apply to industrialisation, replacing labour-intensive production processes with smart factories? Ideally, it should, but requires investment in skilled workforce and technology, and government support. The development of a skilled workforce in relevant technologies also requires a close collaboration of the universities and vocational institutes with the industry.

Which sectors should Bangladesh focus on? It's often relatively easier to invest in short-cycle technologies, where innovation frequently disrupts the existing norms and processes. Both China and the Republic of Korea followed this path and moved to long-cycle technologies only at a later stage. Sectors in which previous knowledge remains in use for a longer period pose greater obstacles to the entry of new economies. That makes AI, ML, Natural Language Processing (NLP), and robotics prime candidates for investment.

Meanwhile, the government has an important role to play. Any attempt to leapfrog comes with inherent risks, and the government must support the industry to mitigate them. Such support may include tax rebates, subsidies, and state-led investments. The government may set up dedicated research centres to collaborate with relevant foreign institutes. An example of such collaborations is the recent opening of Canada's Global Institute for Food Security (GIFS) in Bangladesh. GIFS, a well-known research organisation of the University of Saskatchewan in Canada, will work with Bangladesh Agricultural Research Council (BARC) to promote advanced research.

Bangladesh enjoys several advantages, including a generous government policy to promote IT skills. Its government is formulating the National Blended Learning Policy 2021 to introduce a technology-oriented education system. Bangladesh must implement such policies earnestly. Failure to do so and adapt to the 4IR paradigm may cost dearly and may even erode much of the progress it has achieved so far.

Having said all that, Bangladesh must also continue its liberal arts education. A nation needs a combination of technical and cultural learnings that can come only from an all-round education.

Dr Sayeed Ahmed is a consulting engineer and the CEO at Bayside Analytic, a technology-focused strategy and management consulting organisation.

Government of the People's Republic of Bangladesh					
1	Ministry/Division	Prime Minister's Office			
2	Agency	Bangladesh Navy			
3	Procuring Entity Name	Bangladesh Navy/Ashrayan-3 Project			
4	Procuring Entity Code	224115700			
5	Procuring Entity District	Dhaka			
6	Invitation for	Supply, Installation and Commissioning of: a. Lot-1: 02 in numbers CODAN NGT-SR 100W with Portable Laptop, Whip aerial, Cable and other essential accessories. b. Lot-2: 04 in numbers VHF sets with cable, UPS and other accessories. c. Lot-3: 08 in numbers Walkie-Talkie sets and other accessories. d. Lot-4: 02 sets Office Intercom (more than 50 line) and other accessories at Bhasan Char, Char Isshor, Hatia, Noakhali.			
7	Invitation Ref No	PD Ashrayan-3 Project/2019-2020-2021/WD-13(Ka) (Lot-1, 2, 3, & 4)			
8	Date	28 December 2021			
KEY INFORMATION					
9	Procurement Method	Open Tendering Method (OTM).			
FUNDING INFORMATION					
10	Budget and Source of Funds	GOB			
11	Development Partners (if applicable)	Forward Base, Bhasan Char.			
PARTICULAR INFORMATION					
12	Project / Programme Code (if applicable)	NA			
13	Project/ Programme Name (if applicable)	Ashrayan-3 (Development of Shelter House for Forcibly Displaced Myanmar Nationals and Necessary Island Security Infrastructure at Bhasan Char in Char Isshor Union, Hatia, Noakhali) (1 st Revision).			
14	Tender Package No.	WD-13(Ka) (Lot-1, 2, 3, & 4)			
15	Tender Package Name	Emergency Telecommunication Instrument (Harbour Area)			
16	Tender Publication Date	By IFT (28.12.2021)			
17	Tender Last Selling Date	13 January 2022			
18	Tender Closing Date and Time	14 January 2022 12.30 pm			
19	Tender Opening Date and Time	14 January 2022 13.30 pm			
20	Name & Address of the Office(s)	Project Director's Office, Ashrayan-3 Project Office, NHQ, Banani, Dhaka - Selling Tender Document (Principal) Ashrayan-3 Project office, NHQ, Banani, Dhaka - Selling Tender Document (Others) Nil			
NO CONDITIONS APPLY FOR SALE, PURCHASE OR DISTRIBUTION OF TENDER DOCUMENTS					
- Receiving Tender Document	Ashrayan-3 Project office, NHQ, Banani, Dhaka				
- Opening Tender Document	Ashrayan-3 Project office, NHQ, Banani, Dhaka				
INFORMATION FOR TENDERER					
21	Brief Eligibility and Qualification of Tenderer	Previous experience at Bhasan Char is preferred. However, BIN, TIN, Income Tax & Type of contractor from NBR is to be updated. Bank solvency of more than BDT. 40 lac is required from a reputed bank.			
22	Brief Description of Works	Supply, Installation and Commissioning of: a. Lot-1: 02 in numbers CODAN NGT-SR 100W with Portable Laptop, Whip aerial, Cable and other essential accessories. b. Lot-2: 04 in numbers VHF sets with cable, UPS and other accessories. c. Lot-3: 08 in numbers Walkie-Talkie sets and other accessories. d. Lot-4: 02 sets Office Intercom (more than 50 line) and other accessories at Bhasan Char, Char Isshor, Hatia, Noakhali. During your proposal you should clarify the following issues: a. Details on BoQ. b. Particular of each sets/lots. c. Details of associated accessories. d. Scope of supply and services. e. Delivery timeline including commissioning. f. OEM authorization and genuineness certificate. g. Warranty certificate.			
23	Maintenance of Items (Goods)	01 (one) year free maintenance after satisfactory test-trial of all lots			
24	Price of Tender Document (TK)	2,500.00			
25	Lot No	Identification of Lot	Location	Tender Security Amount (BDT)	Completion time in weeks / months
	Lot-1, 2, 3 & 4	Emergency Telecommunication Instrument (Harbour Area)	Bhasan Char	50,000.00 (Fifty thousand) only	To be mentioned (maximum 45 days are preferred for delivery & installation)
PROCURING ENTITY DETAILS					
26	Signature and Name of Official Inviting Tender		 Project Director Ashrayan-3 Project Prime Minister's Office Naval Headquarters Banani, Dhaka -1213		
27	Designation of Official Inviting Tender				
28	Address of Official Inviting Tender				
29	Contact details of Official Inviting Tender		9836141-9 Ext 2565 ashrayan3bn@gmail.com		
30	The procuring entity reserves the right to reject all the tenders or annul the tender proceedings				
GD-2397					