

Law minister's realisation of DSA's misuse a positive development

Time to put this black law behind us

We appreciate the law minister for finally acknowledging the widely known fact that the Digital Security Act (DSA) has indeed been misused and abused. He has further stated that a six-member team has been formed comprising representatives from relevant ministries, including those of law, information and communication technology, and home, to address any discontent with the law. This is no doubt an encouraging development, given that since its enactment on September 19, 2018, the law has been widely misused to muzzle dissent and freedom of the press.

According to ARTICLE 19, a total of 225 cases were lodged between January and November this year under the DSA, and 68 journalists were accused in 32 of the cases. As many as 15 of the journalists prosecuted this year were arrested and subsequently jailed. The ARTICLE 19 data also revealed that 83 percent of the cases filed this year were over social media posts and online expressions of individuals. It was also mentioned in their report that the majority of the users of the law—40 percent—are individuals affiliated with the ruling party, while a third of the cases were lodged by law enforcement agencies. And 40 percent of the cases were filed against people allegedly for criticising the prime minister, ministers, members of parliament, and affiliates of the ruling party.

Earlier this year, the High Court had issued a ruling asking the government to explain why two controversial sections of the Act—Sections 25 and 31—should not be declared unconstitutional. The Editors' Council highlighted many times in the past how the controversial sections would harm the cause of independent journalism and freedom of expression. However, despite widespread criticism by journalists, civil society members, human rights organisations, as well as social media users for policing media operations, censoring content and controlling media freedom and freedom of speech and expression—guaranteed by our constitution—this is the first time that the government has nodded to the possibility of amendment.

We hope that the committee will take into cognisance the widely documented abuses of the DSA, engage with various stakeholders affected by the law and take appropriate actions to abolish the much-criticised sections. The government must also come up with a plan to compensate the victims of the misuse of the law.

Furthermore, we welcome the assurance of the minister that police stations have been asked not to arrest any journalist immediately after a case is filed against him or her, given that 166 people—many of whom were journalists—have been arrested under the Act immediately after the cases were filed this year alone.

It is high time that we put this repressive and black law behind us. We hope that the minister's statements are not mere rhetoric but rather the promise of a Bangladesh that values and nurtures freedom of expression.

Ensure independence of Bangladesh Bank

Politicisation of the sector has led to rising NPLs

AGAINST the backdrop of increasing incidence of default loans and inability to implement banking sector regulations, Bangladesh Bank (BB) is faced with the uphill task of streamlining the sector so it can bring discipline and function better. The unhealthy culture of non-payment of loans by big borrowers has become endemic in Bangladesh, forcing a crippling effect on many banks. The gravity of the situation can be construed from the words of Mashiur Rahman, economic affairs adviser to the prime minister. He said that "non-performing loans (NPLs) in the banking sector had gone beyond control. If banks are unable to recover default loans and mobilise new deposits, the capacity of giving out loans by lenders faces a setback. He called non-payment of loans a social crime."

The fact that the central bank has to wait for the clearance from the finance ministry before taking decisions on major issues also becomes a deterrent in most cases. The panacea, as suggested by a number of former BB governors, is greater autonomy of the bank. Besides the veteran bankers, eminent economists of the country, while commenting on the issue, also emphasised the importance of ensuring integrity in the financial sector to keep it stable. We welcome the expert suggestion for improving the skills of the bank officials while verifying borrowers' ability to repay loans and that an effective bankruptcy act should be there to solve the problem.

We believe with greater power in the hands of the central bank, it would become possible to restrict and bring down the incidence of default loans. An autonomous central bank with the mandate to take decisions independently will contribute to creating a vibrant banking sector crucial for accelerating the economic growth of the country. And it has to be ensured at the same time that Bangladesh Bank will not be subjected to any kind of political pressure while executing their duties.

The collective wisdom of the eminent bankers and revered academics of the country should be taken into cognisance by the authorities concerned and they should act accordingly for the good of the country.

UP elections remind us why we need a political consensus



KAMAL AHMED

It seems that some of us are quite intrigued by the results of the Union Parishad (UP) elections that show official nominees of the ruling party, Awami League, having lost in a big way. According to Prothom Alo, AL nominees' percentage of losing the electoral battle gradually went up from 24 percent in the first phase to 49 percent by the fourth phase. Many critics of the government see it as a sign of serious erosion of popular support to the ruling party.

The fact, however, remains that most of the winners are so-called rebels of the AL and these elections were not a direct contest with AL's main rival, the Bangladesh Nationalist Party (BNP), as the latter boycotted these elections. The Information Minister, Hasan Mahmud, is right to point out that the rebels' win is also AL's win. However, his assertion that the Awami League is the only alternative to the Awami League is quite a different and much more serious issue. It raises a whole range of critical questions, including whether it reflects any intention of making the country a single-party state. And, the scale of rebellion within the party exposes how vicious and deadly the intra-party power struggle has been. The 70 or more death toll of the UP elections that essentially became a factional contest also shows the inability of the party's leadership to resolve internal conflict and build a disciplined party.

These bloodstained UP elections, undoubtedly, have caused enormous pain to those families who have lost their near and dear ones and have left hundreds of others with life-changing injuries. But, it has also exposed the worst weaknesses of the ruling party, including the internecine rivalries between several factions. Factions led by MPs were competing against groups led by Upazila chairpersons or party functionaries. It, however, does not mean an automatic opportunity for the opposition parties to exploit the ruling party's weakness, as those power-hungry local government representatives are

unlikely to remain rebellious for too long and are likely to be welcomed back soon to the ruling party.

Press reports suggest voters' participation in these elections had indeed improved in the fourth phase. The proportion of uncontested winners has also declined in this phase.

But, despite these little improvements in the latest phase of these staggered elections, the performance of the EC remained woeful. These bloodstained UP elections are the latest addition to a very long list of the current EC's miserable failures in fulfilling their constitutional duties and obligations.

It is true that some degree of violence in most electoral contests in Bangladesh

in charge has now become too daunting a task. Questions have already been raised about the prospect of the President's dialogue as the opposing BNP and the few other remaining parties have already declined the invitation. There's some confusion too about the purpose of the presidential initiative as leaders of NAP, one of the parties who had met with the President, told the media afterwards that there had been no discussion on the so-called search committee, though we were told earlier by ministers that it was the precise objective.

Leaders of a few other parties, allied with the ruling Awami League, have called for legislation to form the commission. It is quite interesting to note that none

In the past, electoral violence was largely meant to stifle political competition, but under the current EC, it also disenfranchised the electorate.



Though voters' participation in the recent UP elections has indeed been impressive, the nationwide violence testify to the EC's failures in fulfilling their constitutional duties and obligations.

PHOTO: STAR

is not unexpected. But the spread and gravity due to the failure of the current EC to stand up to the hegemonic pressure from the party in power have hit new records. In the past, electoral violence was largely meant to stifle political competition, but under the current EC, it also disenfranchised the electorate.

As the President has initiated a process of consultation on the formation of the next EC, we need to remind ourselves of these facts, as restoring trust in the electoral mechanism and the institution

of these parties, despite having been partners of the ruling coalition for over a decade, have thought of and spoken about such legislation before. Had they felt the necessity of such legislation as they do today, they could have attempted to introduce a private member's bill in this regard long ago. Perhaps, this is an opportunistic position to align themselves with some citizens' groups who have been demanding enactment of a law codifying required qualifications and criterion for the appointment of election

Is India still a reliable friend of Bangladesh?

HUSSAIN SHAZZAD

DECEMBER 2021 marks the golden jubilee of Bangladesh-India relations, which began with India's recognition of Bangladesh as a sovereign nation-state on December 6, 1971—just 10 days before the Liberation War ended. From the heyday of Bangabandhu Sheikh Mujibur Rahman to the current regime, the cosy relationship has traversed a long way with many ups and downs. Although India's President Ram Nath Kovind has said that Bangladesh has a "special place" in India's "neighbourhood first" policy, critics doubt, citing disputable and unresolved issues, whether India is still a dependable friend for Bangladesh. On the 50th anniversary of Dhaka-New Delhi ties, it is the need of the hour to introspect the strengths, retrospect the mistakes, acknowledge the challenges and draw a roadmap to take this relationship to new heights.



The pre-emptive policy for avoiding potential pitfalls will determine where the Bangladesh-India relations will stand in the coming years.

FILE PHOTO: AFP

Bangladesh and India are connected by centuries of shared history, ethnolinguistic roots, common heritage, cultural affinity, and social norms. India's unprecedented support during the 1971 Liberation War of Bangladesh—providing military assistance, extending shelter to 10 million refugees, etc.—was the root of the bonhomie between these two countries. Over the years, the mutual respect for independence, sovereignty, territorial integrity and strong political will from both sides contributed substantially to blossoming this bond. The aforementioned commonalities led the countries to have membership in different regional platforms such as Saarc, Bimstec, IORA, etc, reflecting common interest.

Bangladesh and India share a 4,096km border—the fifth-longest land border

in the contemporary world, and the longest that India shares with any of its neighbours. Although many long-pending land and maritime border disputes have been resolved—e.g. the Land Boundary Agreement (LBA) and exchange of 162 enclaves—the death toll of Bangladeshis on the border, because of the "shoot on sight" policy of India's Border Security Forces (BSF), has become a major stain on this bilateral engagement. According to Human Rights Watch, BSF killed nearly 1,000 Bangladeshis, mostly illegal border crossers, between 2001 to 2011, which should be the core concern for these countries to find a peaceful solution.

The thorny water-sharing issue of transboundary rivers—54 of them—remains another irritant to the Bangladesh-India ties. As a downstream country, Bangladesh wants more water from the Teesta River, which India has failed to ensure so far because of the domestic entanglement between the union government and the state

controversial Citizenship Amendment Act (CAA), passed in 2019, has been criticised globally for setting religion as a basis for citizenship. Because of this act, 1.9 million migrants, half of whom were Muslims, were excluded from the National Register of Citizens (NRC) in Assam. They may flee illegally to Bangladesh, worrying that they would otherwise be sent to detention camps, which is a matter of concern for Bangladesh.

In 2017, Bangladesh and India signed two defence deals, the first of its kind between India and any of its neighbours. Also, India extended USD 500 million worth of defence-related Line of Credit (LoC) to Bangladesh, a maiden deal for India, to procure defence equipment.

At the outset of 2021, a new controversy erupted over the delivery of AstraZeneca Covid-19 vaccine. Bangladesh inked an agreement for 30 million doses of vaccine with the Serum Institute of India (SII). Although India gifted 3.2 million doses as a token of friendship, failure

huge untapped possibilities, with trade potential of USD 16.4 billion. Bangladesh is the biggest trading partner of India in South Asia; on the other hand, India is the second biggest trading partner of Bangladesh. In FY2019-20, the two-way trade volume crossed the USD 10 billion landmark, where India's exports to Bangladesh were USD 8.2 billion and imports were USD 1.26 billion. This significant trade imbalance results in a huge trade deficit for Bangladesh. A Comprehensive Economic Partnership Agreement (CEPA) between these countries may create a level playing field for Bangladesh and unleash the full potential of economic engagement.

Political will for addressing non-political issues such as trade protectionism, tariff and non-tariff barriers, visa complexities, etc is needed to give the partnership a comprehensive and strategic shape. They should share intelligence on challenges affecting common interests and fight together against terrorism, insurgency, and smuggling of drugs, arms and fake currency, as shared priorities. Any bilateral dispute should be resolved peacefully on the basis of mutual respect and understanding.

Bangladesh, India's most trusted ally in South Asia, is not just another neighbour—it is one of the most important strategic partners which India cannot afford to ignore. On the other hand, Bangladesh, sharing most of its border with India, always gives indisputable importance to India in its foreign policy. As India has to go a long way to fulfil its dream of becoming a "regional power" and Bangladesh has the potential of becoming South Asia's "centre of economic gravity," both countries need each other in their journey. The past 50 years have consolidated the foundation; now, they have to use diplomatic cards and three Cs—cooperation, consolidation, and collaboration—with more maturity to achieve respective national objectives.

To navigate through the constantly changing geopolitical landscape of South Asia, Bangladesh and India should address all the scepticism to keep the decades-old friendship as stable and strong as before. In the coming days, they may face blows and bottlenecks, but the countries should not allow any feelings of antagonism to linger and any misunderstanding and mistrust to plague their ties. Reliability does not come with a lengthy relationship; rather, it comes with keeping the promises, giving support during difficult times, expressing solidarity with a common interest, and working shoulder-to-shoulder for confronting imminent challenges. The pre-emptive policy for avoiding potential pitfalls will ultimately determine where the Bangladesh-India relations will stand in the next 50 years.

Hussain Shazzad is a strategic affairs and foreign policy analyst.