

The Daily Star

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Public trust vital for acceptability of any EC law

Govt should invite scrutiny from all stakeholders before passing it

IT was surprising to learn that the cabinet, on January 17, 2022, approved a draft law to form the Election Commission (EC), following a 50-year-old constitutional obligation. While we have yet to get access to the draft of the "Chief Election Commissioner and Election Commissioner Appointment Act, 2022," what is evident from media reports is that it provides a framework for forming the commission through a search committee, in essence extending legal coverage to the practice of constituting ECs through such committees. But apart from some general criteria for the selection of appointees to the said committee or the EC, our knowledge in this regard is limited to the briefing of the cabinet secretary. What added to the confusion is the way the approval has been rushed—without prior engagements with the political parties, civil society and the citizens.

According to media reports, the draft provides for a six-member search committee, headed by a judge of the Supreme Court's Appellate Division, which will propose names for the EC to the president, who will finalise the appointments. Among the members, there will be a High Court Division judge, the comptroller and auditor general, the chairman of Bangladesh Public Service Commission, and two other persons nominated by the president. From what we have learnt so far, this seems more of a law to form a search committee or the EC, while wider concerns about their function, credibility and accountability are not addressed, which a law of this nature should. Even if we keep our discussion limited to the search committee, experts have expressed concerns about whether there will be a female representative in the committee, its working procedure, the eligibility criteria for citizen representatives, etc. What about the representation of civil society and political parties, the most important stakeholders in any election? Will the committee disclose the names to be proposed? Will those names be sent to parliament for discussion?

These questions are important, because if we are going to see more of the same kind of search committees through which the past two highly controversial ECs were constituted, it will serve no purpose beyond being a cosmetic exercise. Article 118 (j) of the constitution categorically says, "The appointment of the chief election commissioner and other election commissioners shall, subject to the provisions of any law made in that behalf, be made by the President." We need a law that fulfils both the letter and the spirit of our constitution. If the purpose of this constitutional exercise is to hold elections through a fair process and with the consensus of all involved, this draft law and the manner in which it came about raises more questions than answers.

We, therefore, urge the government to immediately make the draft public and finalise it based on the reviews of all stakeholders. For example, as some experts have suggested, the law should incorporate an assurance provision to ensure the qualifications, skills, experience, neutrality and acceptability of the chief election commissioner and other commissioners, as well as their determination to uphold an objective stance. We are told that if the proposed law is not passed in the ongoing session of parliament, the president may promulgate an ordinance to turn it into an act for its quick enforcement. We, however, advise circumspection in how we go about it. We also need to remember that no law will be sufficient if the powers that be are not sincere about holding a fair and credible election.

Protect wildlife in Lawachhara

Authorities must replace exposed wires in the forest

IT is quite alarming that open electrical lines going right through the Lawachhara forest are turning into a death trap for different species of wildlife there. As a protected forest, it is supposed to be a safe place for animals, and having such uncovered lines is clearly a danger to them. This makes us wonder why this hasn't crossed the minds of the forest authorities, or if it has, why they haven't done anything about it.

According to a report by this daily on January 19, 2022, the power line that runs through the forest in Moulvibazar's Kamalganj upazila packs 33 kilovolts, posing a constant threat to the overall biodiversity of wildlife there. When animals roam at night in search of food, they risk getting electrocuted as the power line is not insulated with non-conductive materials. According to forest officials, almost every month, there is news of at least one or two endangered wild animals getting entangled in live wires, resulting in deaths or serious injuries. The actual number could be much higher.

Experts believe that if the animals keep dying at this rate, many of them might go extinct someday. They stressed the need to replace the existing power line with one covered with rubber or other non-conductive coating. But despite requests made to the forest department and the rural electricity office to install suitable covers, nothing of this sort has been done yet. According to the Forest Act, installation of electric poles, laying of lines and providing power connection in a forest without permission of the forest department are prohibited.

We must understand that the Lawachhara forest is a national treasure that needs to be protected. Seeing many inspiring examples of wildlife conservation in other countries, it is heart-breaking to see animals dying in our country because of neglect and mismanagement. We urge the relevant authorities to replace the uncovered wires in the forest for the sake of its wildlife.

Our youth are craving opportunities

Are we willing to make way and give it to them?



THE OVERTON WINDOW

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ERESH OMAR JAMAL

IN a first-of-its-kind study, the Economic Relations Division (ERD) under the finance ministry found that around 1.6 million young people lost their jobs and about 20 million youths faced income loss due to the pandemic. No doubt the pandemic has been extremely difficult for young people—as well as people of other age groups—around the world. But the study acknowledged that it has been particularly brutal for Bangladesh's youth labour force.

Part of that obviously has to do with the lockdowns that the government had imposed to contain Covid-19 transmission, and the resulting economic losses. Another part has to do with the unequal recovery that we have experienced. For example, cottage, micro, small and medium enterprises (MSMEs), which account for 98 percent of all firms and half of all jobs, have been able to access only around Tk 15,000 crore of the Tk 40,000-crore stimulus packages allocated by the government. Meanwhile, large firms have gained access to the majority of the funds that the government set aside for them.

This disparity in disbursement of funds under the stimulus programme is the main obstacle to a comprehensive economic recovery and sustainable job creation, according to former Bangladesh Bank governor Salehuddin Ahmed.

In order to overcome the prevailing crisis, government dole-outs or enhanced safety net programmes cannot continue forever; hence, it is the creation of more jobs that matters the most. However, the pandemic alone is not the only factor that is of concern in regards to the creation of more jobs, particularly for young people.

Even before the pandemic began, Bangladesh was struggling to create jobs and exciting new opportunities for its younger population. According to the Labour Force Survey, 2016-17, youth unemployment in the country (12.3 percent) far surpassed overall unemployment (4.2 percent)—even though the latter (as per the official data) was shockingly as low as in countries such as Switzerland and the US, which some economists deemed very unrealistic. Moreover, during that time, the rate of job creation had already slowed down at a worrying rate: between 2013 and 2016-17, while the average annual GDP growth was 6.6 percent, the

average annual growth of jobs was only 0.9 percent.

Lack of long-term and innovative planning are partly to blame for this. But so are bad governance and widespread corruption. The fact that Bangladesh has continually done poorly in the World Bank's Ease of Doing Business ranking shows how the business environment has

along with the lack of space that we have traditionally reserved for them, is stifling their creativity from freely flowing and changing society for the better. Not only are our young people suffering as a consequence, but so is everyone else.

The most unfortunate part is that our young people actually want to get involved and help. According to a survey



▲ **Lack of long-term and innovative planning on the government's part is partly to blame for the crisis of unemployment that the youths of Bangladesh face today.**

SOURCE: LSE

been hampered by these and other factors.

Corruption and poor governance are always serious drawbacks for business. Corrupt groups and individuals who curry favours from the government not only get "special" benefits that allow them to dominate the business landscape without having to operate more efficiently, but they also create barriers to entry for more skilled competition, which leads to the creation of monopolies and less jobs. The social cost that arises as a result of such corruption far outweighs what is easily detectable on the surface.

Besides the increased unemployment and income loss, about two million college students and one million university students are also facing serious uncertainties about their future. And as more young people sit idle at home, they are also developing various health problems such as sleep disorders, obesity, cardiovascular diseases and diabetes, which will have long-term health and economic implications for them and for society as a whole.

Whereas one would expect the youth to be more productive and the biggest source of innovation, the pandemic,

done by the ERD, the topmost priority of our adolescents is to help other people, while a significant area of their dreams and aspirations are related to the prosperity of society and the country.

And the same survey acknowledges that there is no other alternative but to create an environment in Bangladesh where the next generation can raise their voice, make themselves heard and exercise their agency.

In regards to the pandemic, the International Labour Organisation (ILO) has warned that unless action is taken to tackle the way it has affected young people's employment opportunities, many of them could continue to struggle for decades. But the problem we have is much bigger—it is one of giving young people the opportunity to truly and freely get involved, and feel a sense of ownership of this country, which they are being denied by the power-obsessed who simply cannot tolerate seeing others gain any kind of opportunities or freedom.

And that, most definitely, will hold back the progress of Bangladesh for decades, which is why we need to see a change fast.

The 'crossfire' controversy



STRAIGHT LINE

Muhammad Nurul Huda is a former IGP of Bangladesh Police.

MUHAMMAD NURUL HUDA

THE piece "No 'crossfire' deaths since US sanctions" published in this newspaper on January 11 will definitely engage all thinking minds, especially those entrusted with the maintenance of law and public order. It would appear from the report that human rights bodies are of the opinion that the so-called "crossfires" incidents happen due to establishment policy and strategy and that the same stop or decrease sharply after public outcry or condemnation of such mode of operation of the law enforcement agency. A serving official has said that a "crossfire" takes place when the situation so warrants and the increase or decrease of such engagement is dependent upon objective conditions, meaning that law enforcers resort to "crossfire" only in self-defence.

In view of the above diametrically opposite views on "crossfires", it is necessary in public interest to take a serious look into matters and understand the different ramifications.

Many consider "crossfires" to be extrajudicial murders that have been authoritatively encouraged. There is good reason to agree with such a view as so-called crossfires continued unabated during the democratic dispensation of 2001-2006. During the caretaker interval, there were comparatively fewer "crossfires". However, the return of democracy since early 2009 has not

been able to put an effective stop to the suspected extrajudicial killings.

Under the circumstances, should citizens believe that lawless enforcement officials are in great demand when lawlessness and disorder prevail? Alternatively, is belief in the rule of law unnecessary? Don't we need to put sustained efforts into achieving substantial results in the long run? Why are we obsessed with "spectacular results" that are in fact illusory?

Eulogising or praising "crossfire" actions has created a worrying environment wherein result-oriented investigating officers are increasingly getting inclined to resort to short-cut methods to please political heavyweights. The worst aspect of this is the possibility that an alleged criminal or ordinary suspect may easily get caught up in a "crossfire" while ulterior motives are served.

Since most "crossfire" deaths are not seriously investigated to find proof of one's suspected culpability, the culprits in the enforcement and investigative apparatus achieve a macabre win-win situation. Elements of accountability and fear recede into the background and investigation becomes a pathetically low priority.

Professionally speaking, this is an instance of heightened jeopardy because, in Bangladesh, the crime-fighting machinery already stands accused of not cultivating a scientific modus operandi and quite often relapsing into untenable third-degree methods.

The question is: Do we want sustained labourious action under the law to strengthen our democratic foundation or do we need rash, desperate action without the cover of law?

The ultimate punishment for alleged "crossfires", the credibility of which

many are not convinced of, appears as a summary response from desperate executives of law enforcement. The legality of actions leading to such an extreme apart, any responsible citizen might like to know if in our often overzealous anti-crime operations, we are just treating symptoms without venturing to study and assess the objective conditions promoting criminality.

We do not need sociologists and criminologists to tell us that present-day crime is a complex social phenomenon caused by a multiplicity of factors, and determining culpability is an extremely mind-exacting task.

Often, the fun-seeking delinquent of yesteryears turns into the uncontrollable don of the day due to the patronage of powerful quarters and the unexplained inaction of law enforcement. Therefore, when "crossfires" cause deaths, some myopic elements may be satisfied, but a civilised society—which wishes to live by the canons of law—cannot but be concerned.

What we need is adequate provision for witness protection and victim support in the criminal justice administration, alongside hefty government funds. Any further delay in achieving this will only swell the ranks of summary justice seekers and admirers of vigilante action. The decapitating adversity of the victims of crime demands mainstream support from the system.

The rule of law and criminal jurisprudence may appear to be unequivocally in favour of offenders, criminals, and the law-breakers—but that does not automatically allow for resorting to illegal measures. A civilised government must strive to demonstrate that law enforcement effectiveness and civil liberties can co-exist in a society governed by the rule of law.

We do not need sociologists and criminologists to tell us that present-day crime is a complex social phenomenon caused by a multiplicity of factors, and determining culpability is an extremely mind-exacting task.