

The Daily Star

FOUNDER EDITOR: LATE S. M. ALI

Directives alone won't do

Engage with various stakeholders to repeal DSA

WE commend the law minister for reiterating his commitment to stop the misuse and abuse of the Digital Security Act (DSA), and for instructing deputy commissioners across Bangladesh to follow suit. At a meeting with reporters on the final day of the annual DC conference, Anisul Huq also confirmed that he had asked the home ministry to not accept DSA cases immediately after they are filed, and to not arrest journalists right away.

The minister has further assured that the act was formulated to combat cybercrime, not curb press freedom. While we appreciate the directives to various stakeholders to stop the abuse of the law, we want to point out—as we have repeatedly done since the law's enactment in 2018—that such misuse is actually built into the law. As such, the law itself must be amended if our constitutional rights of freedom of expression and freedom of the press are to be protected—unless we are to believe that the law is subject to the will of the administrators or the executive branch, and that they can exempt anyone from abuse if they so want.

In this regard, it is encouraging that the minister is ready to hold discussions with the UN High Commissioner for Human Rights and “bring amendment to the act if necessary.” We urge the government to also engage with the media and civil society groups in the country who have documented and long criticised the vague and overly broad definitions in the act, which have not only allowed, but also made inevitable, the misapplication of the law. A cosmetic change to the law will simply not do. The detailed criticisms of the DSA, as highlighted by the Editors' Council, need to be addressed urgently. We need a law that ensures people's privacy and security in cyberspace, not one that infringes upon them.

Furthermore, while we welcome the assurance from the minister that police stations have been asked not to arrest any journalist immediately after a case is filed against him or her, we urge the government to extend the same to all citizens of the country, as, in the eyes of the law, we are all equal.

Fix Dhaka's gas crisis

Govt must ensure uninterrupted gas supply to the consumers and industries

SHORTAGE of gas supply has become a daily reality for many households and industries in Dhaka and adjacent areas, according to a report by this daily on January 20, 2022. Residents of Mohammadpur, Jatrabari, Rajabazar, Jigatola, Mirpur and many other areas have reported facing this crisis for two months now. And it has become acute in recent weeks. Industries adjacent to Dhaka are suffering production losses as a result. Earlier this month, the Titas Gas authorities informed consumers that there could be low gas pressure in Titas-affiliated areas from January 12 to January 21 due to technical reasons. However, we still don't know if there has been any progress in addressing the crisis.

Reportedly, a number of factors have led to the gas shortage in the capital. First, one of the liquefied natural gas (LNG) terminals in the country is having some technical problems, for which gas supply has been reduced by 400 million cubic feet per day (mmcf), according to the Titas Gas authorities. Then, a well in the Bibiyana gas field is going through renovation work—another reason for the shortage. Gas pressure also usually remains low during winter, leading to disruption in the supply chain. Therefore, while the current demand for gas in the country is more than 3,800 mmcf, the distributors are supplying only 2,600-2,700 mmcf.

In such circumstances, we urge the authorities to complete the renovation work of Bibiyana gas field as soon as possible, and fix the technical problems at the LNG terminal on a priority basis. The government's decision to keep CNG filling stations closed for four hours every day is also a step in the right direction. If needed, these filling stations can be kept closed for a few more hours.

We have learnt that the government has a plan to import expensive LNG to address the gas crisis. We are not against it, but will the government supply the imported gas at an affordable price to the consumers? And to avoid any future crisis, the government should explore new gas fields, but more importantly, it should start looking into better, cleaner alternatives to cooking gas—like low-cost induction stoves.

LETTERS TO THE EDITOR

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Keep the air clean

For the last few weeks, I have been seeing news reports after news reports on how unhealthy Dhaka's air is. In the past week alone, Dhaka was among the top five cities in the world with the worst air pollution. We got a little respite the last two years due to the Covid-19 lockdowns. But now that things are getting back to normal, the air pollution is, too. What exactly is stopping the authorities from addressing this issue? We have been making headlines for air pollution for months! I don't want to die of lung disease because of toxic air. Do something!

Parveen Akhter, Mirpur

What can we expect from the Search Committee law?



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KAMAL AHMED

THE sudden approval of a draft Election Commission law by the cabinet certainly gives the government and the ruling party a powerful public relation tool, as they can claim they have done what no other party even attempted in the last 50 years. Why wouldn't they? It was, after all, portrayed by some eminent civil society voices as the most important necessity to restore trust in our election management system.

Quite a good number of political parties also demanded a legal instrument for the formation of the next Election Commission. However, it has to be noted here that most of these parties either have been or still are in partnership with the Awami League. And, regrettably, these parties have never raised any urgency for such a law before in their 13-year-long partnership in running the country. It seems that they have regained their conscience only after the outside world—the Biden administration, in particular—started exerting visible pressure for restoration of democracy in Bangladesh.

There is no doubt that a legal framework for constituting an Election Commission and making them independent and sufficiently empowered is quite crucial. But in absence of a broader political consensus, especially in the present composition of parliament, no legislation can bring an end to the ongoing political crisis stemming from mutual distrust and hatred among two major contenders of power. In reality, there are only seven representatives from the ruling party's real rival, the BNP, whose critical voices are almost lost in the crowd. No one needs a reminder that the official opposition in Jatiya Sangsad, the Jatiya Party, had a seat-sharing arrangement with the Awami League in the last election and wanted to be in the government, but was forced to roleplay in the opposition bench. Besides, there's the Damocles' Sword: Article 70 of the constitution makes it impossible for any member of parliament to act according to his/her conscience or the will of their constituents.

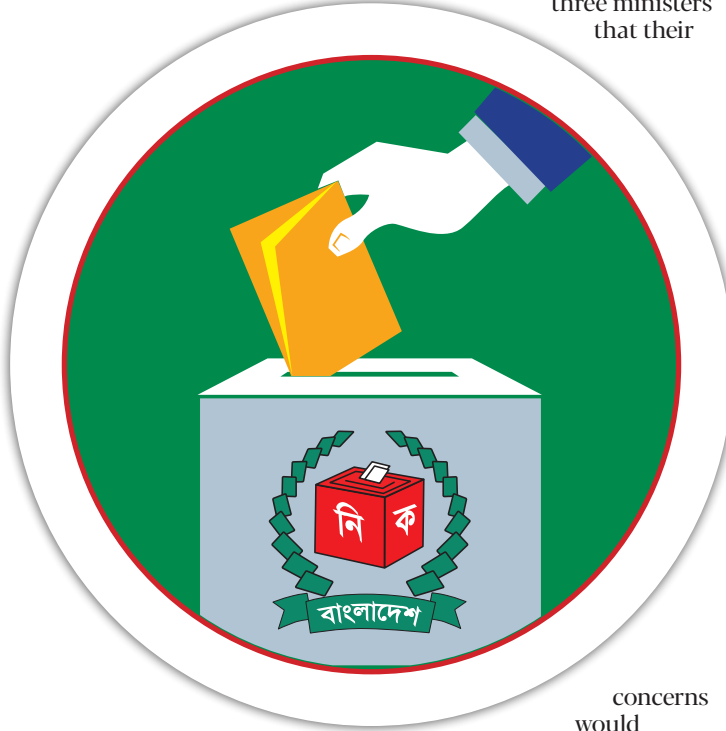
There is no alternative to extended and exhaustive consultations and intense debate for a good piece of legislation. However, records of our parliament show exactly the opposite. Who can forget the passing of the Digital Security Act (DSA), ignoring all suggestions, demands and opposition, despite the promises made to the Editors' Council by three ministers that their

Ahmed and KM Nurul Huda. It clearly reflects a political motive behind the government's unanticipated U-turn on the issue. We were told by the law minister recently that his government had no wish to make any law unilaterally. He said, “The law should be acceptable to all the parties to make it universal, and not to just one party.” Is a universal law possible without any dialogue and agreement with the main challenger of the ruling party, the BNP? And can it be done in a forum which is ridiculously overwhelmed by the ruling party and its allies?

In our 50-year history, the best elections that we have had, and that were recognised both at home and abroad, were the ones based on political consensus. That consensus about the composition of the caretaker government provided the basis of independence and neutrality of the election commissions. Problems with the Election Commission were by and large a sideshow of the conflict over the caretaker government. Unless the issue of the governance during the electioneering is resolved, no law can guarantee the required independence of the commission as an institution, and restore peoples' trust in the electoral process.

According to news reports, the proposed draft is limited in its scope within the process of recruiting a chief and commissioners of the Election Commission, but nothing about its size, powers and independence. It is, therefore, appropriately described by a former election commissioner, Sakhawat Hossain, as not being about an Election Commission, but for a search committee.

The draft proposes formation of a six-member Search Committee headed by a judge of the Appellate Division, nominated by the chief justice. The other members will include a judge of the High Court, the comptroller and auditor general, chairman of the Public Service Commission, and two eminent persons nominated by the president. Given the state of partisan politicisation of every state institution, it is hard to comprehend how such a Search Committee would be able to nominate independent-minded and non-partisan members capable of earning the trust and respect of all stakeholders. Under the existing constitution, can our president nominate anyone for the Search Committee without the advice of the prime minister?



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concerns would be addressed?

Now, the government admits that there have been abuses and misuses of the DSA, and a revision of it is being considered. Had those concerns about repressive provisions been redressed beforehand, writer Mushtaq Ahmed might be alive today. The DSA is not an exception; ignoring critical opinions in formulating legislations and policies has become a trademark of the current government.

Hence, there's apprehension that the new law on Election Commission would be a mere formalisation of the practice that was followed in formation of the previous two commissions. Some critics predict even worse. Though the government is yet to make the draft law public, it has been reported in the media that one provision in the draft grants blanket immunity from future legal challenges against the formations of commissions led by Kazi Rakibuddin

What Kohli's Test Captaincy Meant for India



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ANVESH JAIN

THE Rigveda describes the emergence of Virata, the cosmic colossus from which everything has been manifested. This constellation of gigantic qualities was well reflected in the captaincy of Virat Kohli, despite the series loss in South Africa that has book-ended his reign. In victory and in defeat, *Kaptaan* Kohli was a blockbuster. His single-minded intensity took India from a dismal seventh in the rankings to the first place in the world. In contrast to his predecessor, he was straightforward regarding his desire to excel in the game's longest and oldest format. Kohli's premium on Test cricket, coupled with his theory of aggression and fearless intent, permeated the philosophy of his team and his country. His give-it-back attitude reflected India's changing priorities, and gave its youth a figurehead after which they could model their own vast ambitions.

A material accounting of the Kohli era undergirds the point. While others had their home fortresses, Kohli's India became an impregnable arena for visiting teams. In the T20 series between 2015 and 2021, visitors were ground to dust across the length of the country. Kohli will end his Test captaincy having never lost a home series. Opposition drubbings have become so regular that fans take India's enviable home record for granted.

Kohli's decoration as India's best Test captain is owed to his revolutionary approach to overseas series. Three features of his tenure stand out: consistently selecting five bowlers, enforcing a culture of team fitness, and the flourishing of express pace. With Kohli leading from the front, India became fitter, fiercer, and mentally tougher than nearly every other national side in the past seven years. This cricketing architecture led to victories in Sri Lanka and the West Indies, and culminated in epochal series wins in Australia in 2019 and 2021.

Virat realised early on that 20 wickets were needed for a Test match triumph.

As a bowler's captain, he elevated the performance of his veteran pacers Sharma, Yadav, and Shami, while nurturing a crop of future stars in Bumrah, Siraj, and Thakur. Under Kohli, Indian bowlers have averaged 25.02 at a strike rate of 51.8, replete with 56 five-wicket hauls—far and away the best numbers from any Indian captain since 1990. Fans now look forward to watching

win in the way of another.

Through zealous fist pumps and the flash of his bat's blade, Kohli entreated India to fall in love again with Test cricket. Despite high praise, neither Kohli the man nor Kohli the captain were perfect creatures. For all his tactical acumen on the field, blind selection blunders over the years cost India winnable matches overseas. His persona garnered him



Virat Kohli is the most successful captain in India's Test cricket history.

FILE PHOTO: AFP

the team field rather than bat, both in anticipation of Virat's electric antics and to watch the bowling attack operate in lethal tandem. Like Melville's Ahab, Captain Kohli was a fanatical huntsman in pursuit of the big kill. Few will be able to replicate his talents for bowler rotation or his natural strangle over a match in tense equipoise.

Kohli's ascendancy to the captaincy coincided with the coming-of-age of a generation of Indian fans, unburdened by the weight of past failures. In his first match as captain, twin centuries in Adelaide infused his calls for reinvention with the spectacle of brimstone and glory. He took Australia to the sword, giving birth to an India willing to risk losses for wins—one that would never again accept a draw in satisfaction. Kohli taught us to reject meekness and to celebrate dramatic passion for our work. Authenticity became the utmost virtue—it was better to play and lose in your genuine fashion, than to

incessant critics too, especially when the runs stopped flowing. Older Indians found him arrogant and non-deferential, with his trimmed beard and tribal tattoos. He was outspoken and was eventually outmanoeuvred by BCCI boardroom politics, leading to his captaincy ouster in all three formats within the span of mere months.

Still, let's celebrate the maestro, and the man. He performed with unbridled enthusiasm, well cognisant of the thrills he elicited in his captive audience. Virat Kohli has been a true Delhiite: he swore freely, danced easily, and made fired-up, defiant belief his ultimate mantra. He was also loyal to his teammates, respectful of the opposition, and courageous in his duties as captain and a citizen. As he enters the pantheon alongside Graeme Smith, Ricky Ponting, Steve Waugh, and Clive Lloyd, long years will pass before Test cricket is blessed with another captain of the entertaining stature like Virat Kohli.