

Time to declare an emergency over poor air quality

Govt must match displays of action with actual preventive actions

BDHAKA'S consistent bottom-of-the-table ranking in the world in terms of air quality has long been a thorn in the side of the government. Yet, for some mysterious reason, it has failed to generate the sense of urgency that such a grave public health issue warrants. This, we hope, will change after the publication of the latest World Air Quality Report, which declared Bangladesh's air quality as the worst in the world. Our country has earned this dubious honour for the fourth consecutive year now, while Dhaka, the jewel in its crown, has been adjudged the world's second-most polluted capital city.

The report, if taken in the right spirit, should set all alarm bells ringing in our policy circle. The risks of air pollution as the world's largest environmental health threat are now demonstrably clear, as it accounts for seven million deaths every year. In 2021 alone, the deaths of 40,000 children under the age of five were directly linked to PM2.5 air pollution. In the absence of disaggregated data, we can only guess that Bangladesh is witness to a large number of these deaths or other air-pollution-induced health risks. If this still doesn't evoke a sense of urgency among the policymakers, perhaps the following revelation will: the average life expectancy of a Bangladeshi, as per a recent estimate, is being reduced by almost three years due to polluted air, nearly the same as the use of tobacco.

Among the main causes of pollution are vehicular emissions, fumes from factories, brick kilns and automobiles, and dust accumulations from other sources, especially in the cities. There is no dearth of research on their effects, nor, apparently, of official response to them, at least on paper. We have laws, dedicated state agencies, a national action plan, and other regulations to combat air pollution. Often, we see ritualistic displays of action geared to that end. But nothing seems to be working. Clearly, what we lack is a comprehensive and coordinated effort to ensure that all policies and actions are focused on generating a visible improvement of air quality.

We urge the government to match its rhetoric and displays of action with actual preventive measures. Given the current situation, it should declare a national emergency over our air quality. A big dent can be put into the current levels of pollution simply through the implementation of fines and punishment for firms and individuals violating pollution-related regulations. Phasing out old vehicles as well as use of diesel in automobiles, and moving to cleaner fuel sources are also a must-do, as is shuttering all traditional brick kilns. These are but some of the steps the government must take to combat this dangerous threat.

Home for all will be a dream come true

PM's optimism should be followed by timely execution and handover

WE welcome the prime minister's announcement to build homes for all homeless people in Bangladesh soon. It is, no doubt, the right step in lessening the lifelong miseries of the poor and ultra-poor. At a time when our economic progress and other achievements are getting positive mentions in the world press, we have millions of our own kind breaking their backs for a morsel of food, many without a decent shelter or home of their own. Therefore, although a lofty goal, if the home for all concept indeed comes true, it would be a big relief for the homeless and go down in history as a great example of good governance. It would also be a tribute to Bangabandhu Sheikh Mujibur Rahman, who shared this dream and included the article "right to shelter for every citizen" in the Constitution of Bangladesh.

It has been observed that the thatched houses of ultra-poor families in rural areas are built with dry leaves, straws and discarded plastic sheets, which get washed away by rain and wind. On the other hand, a solidly structured house made with durable materials will not require frequent maintenance, and will last much longer. A concrete house, therefore, would come as a boon to them, especially with electricity now reaching every household in the country.

While talking about low-cost housing for the homeless, we have to keep in mind the climate pattern of the country. It is widely known that Bangladesh is prone to frequent natural calamities like floods, tropical cyclones, tornadoes, etc. These vagaries of nature leave a trail of disasters in their wake for the poor. Therefore, we would like to emphasise that the "house for the homeless" project must be implemented by competent people with utmost honesty and sincerity, using durable construction materials so that they may last long. We believe identification and registration of genuine homeless people are also essential for the success of the project. In this regard, the offices of the local administration and their political counterparts must play their due roles.

The sooner the homes for the homeless are completed, the better for the beneficiaries. This, however, should be part of a bigger vision to eradicate poverty so people can live with dignity, and don't have to be reliant on charity and concessions.

How the EC can conduct credible elections



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THE 13th Election Commission (EC) of Bangladesh, led by Chief Election Commissioner (CEC) Kazi Habibur Awal, assumed office at a time when election credibility in Bangladesh is under question. The 2014 parliamentary election was termed "failed" by the Perceptions of Electoral Integrity (PEI)—evaluated by the Electoral Integrity Project—while the 2018 election was held in a situation where "the degree of trust over the 'rules of the game' remains low." Compared to its last two predecessors, the Habibur Awal commission faces enormous challenges.

The first challenge before the new EC is restoring the trust of all electoral stakeholders in the electoral process. In countries such as Norway, Denmark and Germany, there is basically no electoral authority—a department under a ministry conducts the elections under the supervision of the minister concerned. But elections in those countries are ranked at the top of PEI, and one of the main reasons for that is trust. However, it is tough to build or restore trust in the electoral process in a country like Bangladesh, where there are high levels of political polarisation.

The second challenge would be bringing people back to the elections. Since the 2018 polls, a voter apathy has been noticed: voter turnout was 40.31 percent in the upazila elections in 2019, 65 percent in the municipal elections in 2020-21, and 71.92 percent in the union parishad elections in 2021-22, which were lower than those at the elections held in 2014-2016. A democracy cannot function properly without its citizens' involvement. Elections, which are at the centre of any democratic system, engage the electorate, enforce accountability, and promote representation. How people feel about elections is also consequential. When people have confidence in elections, it grants legitimacy to the election outcome and the political system.

The third challenge would be to involve all the political parties, including the BNP, in the electoral process. They have not only boycotted the EC appointment process, but they have also continuously criticised the president's dialogue with political parties and enactment of the law on the formation of a search committee to appoint the EC. They reiterated that they would not participate in the 2023 parliamentary election under the Awami League government, adding that their "main worry is over the election-time government." The BNP may continue its stance until there is a political consensus.

The fourth challenge is transforming the unopposed elections into contested ones. Unopposed elections are not illegal in Bangladesh. But such elections are only accepted when someone is elected uncontested per the will of the people.

The fifth challenge is to ensure a level playing field for all parties and

process. This could include regular issue-based reporting, rigorous public scrutiny, and keeping the electoral stakeholders and the public periodically updated on their strategies and policies, intended outcomes, performance and the financial resources. Accountability to the citizens and its stakeholders would promote transparency and good governance, and positively influence the public's perception of the commission's professionalism and impartiality.

ii) The EC could prepare a two-year strategic plan as well as an action plan targeting successful outcomes from credible elections, to be achieved by organising local body elections scheduled for 2022-24, and of course the 12th parliamentary election next year. With intensive interaction with electoral stakeholders, the commission should fix its two-year vision and mission, analysing what its current position is and where it wants to be in two years, identifying its focus, strategies, and roadblocks to conducting credible elections that may arise along the way.

iii) The commission could start organising "model elections," which could be held in selected unions or upazilas or municipalities. To do that, the commission could revise the electoral code of conduct, considering the current context and the challenges faced in recent years, deploy security forces from other districts, provide comprehensive trainings to all temporary poll officials, allow stationary election observers who can remain at any polling station from poll opening till the announcement of results.

iv) It should set up a high-level effective monitoring cell led by a commissioner, which must register all complaints coming from anyone, even the media, and address those quickly through investigation, leaving no complaint untouched. Pertinent to gazette notification of election results, if there is any minor complaint, the commission should withhold such notification until it completes relevant inquiry.

Nowhere in the world can electoral authorities conduct credible elections alone. In general, the role of an election commission is mainly to make policy decisions along with strong monitoring for effective enforcement of the decisions. All electoral stakeholders—the government, political parties, candidates, voters, the media, CSOs and international communities—are required to support the electoral authorities. However, the Election Commission of Bangladesh possesses some extraordinary powers, including cancelling candidature, suspending polls at any time, supervising, directing and controlling the activities of returning officers, and withdrawing any officer from poll duty. I want to believe that, by addressing the aforementioned challenges and exercising its powers, the new commission will be able to conduct credible elections in the country.



ILLUSTRATION: AFIA JAHIN

candidates. In a report on the 2018 polls, the UK House of Commons stated that "the 'playing field' remains far from level. Official harassment of political opponents remains intense. The Awami League enjoys the advantages of incumbency." This is mostly true in most elections held under political and authoritarian governments in Bangladesh since 1973. Therefore, addressing this will be quite challenging for the EC.

The sixth challenge is to make the commission a cohesive body. Although the constitution authorises the CEC to chair the commission meeting, and exclusively empowers him to defer the date of elections due to reasons that are acts of God, all the decisions should be made unanimously. The Supreme Court of Bangladesh said unequivocally that "for exercising and performing any powers and functions under this Order, he (the CEC) must get authorisation from the commission itself, otherwise his action would be *coram non iudice* and without jurisdiction." Due to a lack of consensus, a rift in the immediate past commission not only hampered its cohesion, but it also eroded citizen trust in the electoral process.

Now, how can the EC overcome these challenges? Here are a few suggestions:

i) Officially, the EC is not answerable to the president, prime minister, speaker of parliament, or the judiciary, which means they are accountable to the citizens. They could develop an accountability mechanism that may include various citizen engagement strategies in every step of the electoral

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Getting out of the extrajudicial mode



STRAIGHT LINE

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MUHAMMAD NURUL HUDA

OF late, media reports that indicate that the infamous phenomenon of extrajudicial killings has been resorted to more by the mainstream police outfit than the elite unit of the law-enforcing apparatus should bring no comfort, and indeed should be viewed with concern. The explanation is quite simple: extrajudicial killing is admittedly an aberration in the law enforcement process because it is random in application and counterproductive. The fact that its ill effects undermine the norms and nuances of a rules-based society and seriously weaken the foundation of a democracy is a proven reality and cannot be lost on any discerning mind.

If we venture into the Bangladesh perspective, the disturbing scale of extrajudicial killings with the alleged blessings and encouragement of the establishment became an uncomfortable reality to live by in 2002-2003, when the controversial "Operation Clean Heart" led to at least 46 extrajudicial killings by law enforcement officials.

To further confound matters and to the dismay of human rights activists and civil liberty defenders, the culprits behind such blatant illegalities were blessed with immunity from criminal prosecution,

made possible due to official patronage. This was quite clearly a significant signal to law enforcers, particularly the errant ones, that legality in law enforcement actions could be thrown to the wind, and punishment for the wrongdoers and the delinquents could be waived, as long as the political executives could be kept satisfied.

The first casualty of such a tactic was the lamentable lack of interest in the criminal investigation, as is stipulated in the time-honoured and tested procedural legislation and the police regulation. To somehow do away with the criminals without them being subjected to the due legal process became the preferred modus operandi. Desperate law enforcers and myopic politicians colluded in eroding the trust reposed in the propriety of the investigative organ of the state. As far as the figures of extrajudicial killings of the immediate past and yesteryears are concerned, they clearly stand out as an elegy of pensive statistics.

Experience would suggest that the antidote to extrajudicial killings has to largely come from the judiciary—particularly the apex body. As far as the legislature is concerned, serious thoughts should be given to the amendment to the Evidence Act. This amendment ensures that in prosecution of a law enforcement member for an alleged offence of causing bodily injury or death of a person while in police custody or control, if there is evidence that the injury or death was caused during the period when the person was in police custody, the court may presume that the injury or death was caused by the said law enforcement member, having custody of that person during

that period, unless the accused proves to the contrary.

The Supreme Court, through selective activism, has to come down heavily on police matters. This is obvious because the manner of functioning of the police and the role of the Supreme Court, vis-à-vis individuals' rights as incorporated in the constitution, sharply interact with one another. However, much of the improvement has to come from within the police department.

Police officers themselves have to understand that the practice of breaking law in the name of law enforcement is unacceptable and has no place in a democratic society governed by the rule of law. It has to be realised that order maintained by repression and criminality is the ultimate disorder.

Appropriate training in human rights principles can have an elevating impact. However, the principles and standards of correct practice taught during training have to be sustained by an appropriate organisational culture that lays stress on promotion and protection of human rights. Constant supervision and unswerving adherence to human rights norms by senior officers is necessary to build up such an organisational ethos and make policing ethical, lawful and humane.

The need is to insulate the police from extraneous pressures, and yet make it accountable to the public. A neutral and non-political police can perform their duties in an efficient manner and function as powerful protectors of human rights. This warrants political will and commitment, and also strong public pressure on the government to bring about systemic reforms in police.

The principles and standards of correct practice taught during police trainings have to be sustained by an appropriate organisational culture that lays stress on promotion and protection of human rights.