

Where is our independent prosecution service?



'JUSTICE'
IN PRACTICE

TAQBIR HUDA

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ALTHOUGH we frequently hear calls for justice whenever a grievous crime takes place, the role of public prosecutors, i.e. the very individuals who conduct criminal cases in court on behalf of the state, is seldom—if ever—discussed.

Three state actors play the most important roles in ensuring justice for a crime. The police record the complaint and investigate the crime. The public prosecutor presents the case in court and formulates arguments as to why the accused ought to be convicted. Finally, the judge weighs the evidence and arguments put forth by both sides, and decides whether there is sufficient evidence to punish the accused, or whether they must be acquitted. While we commonly acknowledge the important role of police and judges in ensuring justice and subject them to some critique, public prosecutors often escape public scrutiny, despite playing a role that is no less important than the other two actors.

Although members of the police force are recruited through the Bangladesh Civil Service, and judges are recruited through the Bangladesh Judicial Service Commission, no such recruitment system exists for public prosecutors. As a result, there is no officially prescribed selection criteria for public prosecutors that is based on merit and qualifications, nor is there any permanent service regulation to ensure their efficiency and accountability. Section 492 of the Code of Criminal Procedure, 1898 gives the government the power to appoint public prosecutors. Currently, public prosecutors, additional public prosecutors, special public

prosecutors and assistant public prosecutors are appointed by the Solicitor Wing of the Law and Justice Division under the law ministry.

According to the Justice Audit in 2018, public prosecutors in metro areas receive a daily fee of Tk 500, and a monthly allowance of Tk 2,000. In non-metro areas, their daily fee is Tk 250, while the monthly allowance is Tk 1,500. Assistant public prosecutors receive a daily fee of Tk 200 in both areas, but no monthly allowance. Given such meagre pay, prosecutors often engage in private practice, which hampers their state duties, or seek additional income through other means, according to a 2016 research report on criminal justice in Bangladesh by the International Crisis Group.

Experts have long called for an independent prosecutorial service in Bangladesh. In 2006, at a Regional Workshop on Strengthening the Criminal Justice System arranged by the Asian Development Bank (ADB), the then Law Minister Moudud Ahmed highlighted our disintegrated public prosecution system as one of the two key weaknesses of the criminal justice system in Bangladesh, the other being weak investigation. He said, "Bangladesh has no permanent public prosecutors. Every political government appoints its own political allies in the public prosecutorial service to serve at its pleasure and only while its term lasts... The ad hoc nature of their appointment prevents continuity in service and accountability." He mentioned that as an "initial step," the law ministry had prepared a law to introduce a permanent attorney service in Bangladesh, so that public prosecutors would be "recruited purely on merit basis after passing a national examination like that taken by other civil servants... As permanent appointees, they will be made accountable in the performance of their duties." This law was not, however, passed during his



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AFIA JAHIN

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tenure. More recently, in January 2017, the then Chief Justice Surendra Kumar Sinha had denounced the partisan bias in appointing public prosecutors at a meeting of the Supreme Court Legal Aid Committee. He said, "Earlier, in every district, the famous and renowned lawyers used to be appointed as APP in criminal cases. This post was dignified. But now they [those who are loyal to the ruling party] are being recruited instead of the experienced lawyers." Interestingly, the last caretaker government had promulgated the Government Attorney Services Ordinance, 2008, which had set up a separate and permanent Government Attorney Services Department. The purpose of this department was to appoint, train, retain and administer government law officers to ensure effective representation of the state in the judicial process in the Supreme Court, district courts and upazila courts. However, as ordinances are laws that are made in the absence of parliament, Article 93 of the constitution requires them to receive parliamentary approval at the first parliamentary session after any ordinance is promulgated. In

absence of such approval, it will cease to have effect, as was the fate of the Government Attorney Services Ordinance.

Notably, Section 1.4.3 of the Eighth Five Year Plan (2020-2025) published by the Bangladesh Planning Commission specifically states establishment of an independent prosecution service as one of the key targets in relation to improvement in governance and institutions. It mentions that "primarily 70 percent of this attorney service appointment will be from registered advocates which will be selected by government. Rest 30 percent will be recommended by Judicial Service Commission to appoint. Before, adhering to the appointing process, it will develop attorney service appointing rule, disciplinary rule, service rule, posting and promotion guidelines, in service training procedures, etc."

Although the Eighth Five Year Plan states that the "government will gradually execute this decision," whether an independent prosecutorial service will in fact be established in the coming years remains to be seen. A useful starting point for the government in introducing this long overdue service would be to consult the Guidelines on the Role of Prosecutors adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders in 1990. Under Article 2 of the guidelines, member states must ensure that the "selection criteria for prosecutors embody safeguards against appointments based on partiality or prejudice," and excludes any discrimination against a person on any grounds, such as political status. Article 4 of the guidelines requires the states to ensure that prosecutors are able to perform their professional functions without improper interference.

As we celebrate 51 years of independence, how much longer must we wait to see the introduction of an independent prosecution service that can truly combat crime?

PR is the missing link in RMG sector



RMG NOTES

MOSTAFIZ UDDIN

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"PUBLICITY is absolutely critical. A good PR story is infinitely more effective than a front page ad." This quote is from Sir Richard Branson, British business magnate and founder of the Virgin Group. He knows a thing or two about public relations. Whether one likes him or not, there is no question that he has used the media brilliantly to promote his businesses, and ultimately become one of the world's most successful entrepreneurs.

I've always been a great believer in the power of public relations. When one looks around our industry, PR is a tool which is being used more widely than ever. It used to be just newspapers that were used to spread messages. But now we have social media platforms, which, in many cases, are just as powerful, if not more so.

I see our customers, fashion brands and retailers using PR to a powerful effect. Online-only brands like Boohoo would not have been able to reach the heights they have without employing smart PR strategies. Such strategies have helped

these and other new, online brands to break the monopoly of traditional high street retailers. That's the power of PR.

But what about manufacturers? In some countries, I see ready-made garment (RMG) makers now using PR to great effect. They issue regular press releases which are used far and wide internationally. Some of the stories that are better are picked up by dozens of publications. How much would it cost to get this level of exposure via straightforward advertising? The answer is tens of thousands of dollars. Manufacturers simply do not have this kind of money to throw around, so PR is a better, less risky avenue that offers a far better return on investment.

Right now, there is a huge opportunity for Bangladesh garment makers to promote themselves internationally. And the beauty of using PR is that they don't even have to leave the country to do it. In the past two years since the pandemic engulfed our industry, promotion has been a real challenge for Bangladeshi manufacturers. The traditional shows, conferences and events they went to have not been in operation. Many manufacturers have consequently "fallen off the radar" from a publicity viewpoint.

The thing is, lots of people in the know say that, in future, we will see less live conferences and events, because businesses have realised that you don't necessarily need to leave the office to

promote your work. A work-from-home culture has developed, especially among our customers in the West. There are talks of offices being closed down for good as businesses seek to cut costs by allowing staff to work remotely. Retailers are also said to have realised how much money they can save by not having their staff fly around the world.

Against such a backdrop, the importance of PR becomes more pronounced than ever. It is time for our garment makers to embrace what PR has to offer.

How can they do this? There are several avenues which they can explore, and none of them need to break the bank. Are manufacturers on social media? If not, they should be. Just a simple presence there, even if they are not very active, provides another form of contact with the outside world. That in itself is PR in action.

Manufacturers can also issue their own press releases. They don't need an external agency to do this for them. If a manufacturer has done something new or different, if they have a new technology or product, why not tell the world about it? People would be amazed at how much global interest there is in the fashion industry and what is happening in supply chains.

Journalism—great stories—is always about people. That's why I would urge any manufacturer to tell stories that

focus on individuals within the business. The most important people, of course, are garment workers. So why not bring their stories to life?

Ultimately, PR is just another way to make your business more competitive. In fact, I would argue that it is the icing on the cake when it comes to improving competitive advantage. Put another way, you can have the best products in the world, the most sustainable operations around, but they won't mean anything if you don't tell people about them.

I actually know of many great manufacturers in Bangladesh who are doing amazing work. They have some remarkable stories to tell, but they keep quiet about them. Look at all the Gold-rated LEED factories in Bangladesh. We have more such factories than any other country in the world; yet, when do we hear their stories? And be in no doubt about it, there is a wonderful story to be told here.

Of course, if manufacturers engage in better PR, this has a double benefit as it helps with the broader promotion of our garment industry. The promotion of Bangladesh as a brand is in all our interests right now. Pushing this brand is a collective effort, which can be improved considerably via the individual PR efforts of RMG makers across the country. It's time to start banging the drum for Bangladesh.

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CROSSWORD BY THOMAS JOSEPH

ACROSS

- 1 Like good brownies
- 6 Conjecture
- 11 Tibia's end
- 12 Tightwad
- 13 Mortise's partner
- 14 Copier need
- 15 "Beetle Bailey" dog
- 17 Auction signals
- 18 Gift toppers
- 20 Fresh
- 22 Unconscious
- 23 Morgan of movies
- 26 Earthy color
- 28 "Go ahead, ask"
- 29 1986 World Series champs
- 31 Join the crew

DOWN

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- 2 Early hour
- 3 "The situation is quite clear"
- 4 Casino attraction
- 5 Circus sight
- 6 Be decisive
- 7 Lead the way

32 Spot

33 Rainbow maker

34 Church group

36 Pull along

38 Authored

40 Friend of d'Artagnan

43 Buenos

44 Aquarium fish

45 Saloon orders

46 English county

8 "You can't arrest me!"

9 Call for

10 Goes astray

16 Paddle's kin

18 Wader, e.g.

19 Pained cry

21 Brooklyn team

23 Stew

24 Writer Oz

25 Small amphibian

27 Transistor part

30 Slugger Williams

33 Partners

34 Do the decks

35 Lake near Buffalo

37 Velocity

39 Snaky shape

41 Vein makeup

42 Combo instrument

YESTERDAY'S ANSWERS

MASS CORPUS
ACHE UNEASE
IRON REGRET
NEWDELHI
TIM INSET
JOINT TANGO
ARM OAR
VEERS BAWDY
ASSET OFT
SENORITA
ACTIVE IRAN
BOOGIE CENT
CONNED ASKS

BEETLE BAILEY BY MORT WALKER

ANOTHER DRIVE-BY INSPECTION

HE MUST BE LATE FOR HIS TEE-OFF TIME

BABY BLUES BY KIRKMAN & SCOTT

IF I AM ELECTED I WILL WORK HARD FOR YOU!

THERE WILL BE TATER TOTS ON EVERY LUNCH TRAY, WATER FOUNTAINS WITH DECENT PRESSURE...

...AND GUM-FREE DESK BOTTOMS!

YAY! I LIKE HER VISION.