

The Daily Star

FOUNDER EDITOR: LATE S. M. ALI

Cumilla crossfire death demands fair investigation

We hope this is not the beginning of renormalising such encounters

WE felt a sense of relief in the last four months as deaths in the so-called crossfires stopped, coincidentally after the US imposed sanctions on Rab for its alleged human rights violations. There has been no news of such extrajudicial killings, although according to Ain o Salish Kendra (ASK), three people did die between January and March due to physical torture by law enforcement agencies, while an accused died of a heart attack in Rab custody. The brief lull has apparently come to an end, as a man was reportedly shot dead in what Rab said was a gunfight between officers and armed gang members in the Golabari area of Cumilla on April 17.

Though the description of the incident as presented by Rab is slightly different, we have heard such narratives in the past. As such, we have to ask: Is there nothing for Rab to learn from such occurrences? From Rab's own account of the altercation in Cumilla, it almost sounds like they walked into a trap. When one criminal is shot dead and the others manage to flee, what is the net result? No matter which angle this is looked at from, it does not seem to be a professionally executed job. And besides giving rise to natural doubt as to what really happened, even if one was to believe Rab's version of the events, it should call into question why the mission was executed so poorly. Whatever happened to gathering intelligence before walking into a situation?

The person killed by Rab conveniently happened to be a wanted criminal—who, nonetheless, deserved to face trial. Even if this is accepted, given the questions that have been raised over Rab's past record and how it has affected the image of the country internationally, there should be an independent inquiry into the matter to see if there was any foul play.

In Major Sinha murder case, we saw how certain law enforcement members tried to use the excuse of crossfire to get away with killing a man in cold blood. After the uproar that followed Sinha's murder, there was a period when we didn't get any report of crossfire deaths. Unfortunately, that did not last for very long. We hope we are not entering into the same state of affairs. Normalising crossfire deaths again would not help restore public trust in our law enforcement agencies and the rule of law, nor would it help with our image in front of the world.

Efficient use of funds must be priority

Bigger budget, price increases may not be the answer

LEADING up to the national budget for the 2021-22 fiscal year (which amounted to Tk 603,681 crore—17.5 percent of the GDP), all eyes were on strengthening the health and education sectors, keeping pandemic recovery in mind. Now, given the lasting impact of the Covid pandemic on the economy and the fallout of the ongoing Russia-Ukraine war, the focus seems to be on coping with the incoming macroeconomic pressures. At a recent meeting of the Fiscal Coordination Council, presided over by the finance minister, the Finance Division proposed that the size of the national budget for 2022-23 fiscal year would be Tk 677,874 crore, or 15.4 percent of the GDP, which is 12 percent bigger than the outgoing budget.

We encourage the recommendation for the government to avoid hard loans and discourage the import of luxury goods as this may reduce pressure on our declining foreign exchange reserves. The revenue collection target of Tk 433,000 crore seems ambitious, and we doubt how realistic it would be, particularly given our poor track record regarding revenue collection in the past.

While it is important to plan the upcoming budget with a mind to cushion the blow of the current global inflation, this must not be done by exerting pressure on the general public. One of the major upsets from the outgoing budget was that the allocation for the education sector had remained the same, despite how the pandemic had nearly demolished this sector. The government must not make similar mistakes this time, namely by "slowly adjusting" the prices of essentials such as power, oil, gas and fertilisers. At a time when a majority of the public is having to deal with the brunt of the increasing prices of essentials, lowering subsidies for power, gas and oil will only increase people's suffering. Instead, the government should look to reduce wastage to lower its budget deficit.

What is needed is for the budget allocation to be used effectively and efficiently across the board, something the relevant authorities have failed to do consistently over the past years. Wastage of funds for large-scale projects—due to corruption, time extensions, etc—is something we witness regularly. Therefore, the focus should be on completing projects on time and by not wasting public money. Price hikes for essentials may be necessary to balance the budget, but this cannot be done by adding to the sufferings of the general public.

Are the new online laws designed for the 2023 polls?



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THE recent publication of the drafts of two long-awaited legislations on regulating the usage of internet in Bangladesh have stoked some debate on their likely impact on both the citizens and businesses. However, not much has been said about the government's motivation and objectives behind the sudden rush in legislating these laws, which should have been enacted years ago. Both of these draft laws—the Bangladesh Telecommunication Regulatory Commission (BTRC) Regulation for Digital, Social Media and OTT Platforms, 2021, and the Personal Data Protection Act, 2022—have a common principle, which is to allow the government ever more control on everything we do over the internet. Hence, the draft OTT regulations have more provisions to allow state surveillance over contents on the grounds of state security, instead of giving freedom to the citizens to enjoy cyberspace without fear. Similarly, instead of affording greater protection to an individual's privacy rights, many of the proposals under the draft data protection law would actually increase the government's access to personal data, thereby increasing their surveillance capabilities.

The question of data protection for the state and its citizens is not necessarily the same, especially in countries that are autocratic or hybrid democracies. The right to privacy, however, is enshrined in the constitution as a fundamental right in most countries in line with the Universal Declaration of Human Rights, but in autocracies and weaker democracies, the state itself poses the greater threat to individuals' privacy. Rights groups allege that in Bangladesh, too, the government poses the greatest threat to citizens' privacy.

According to Freedom on The Net 2021 report published by Freedom House, internet freedom in Bangladesh has reached an all-time low. The reasons cited include the applications of the Digital Security Act (DSA) and "new evidence of the extent of government surveillance capabilities" that came to light. The report alleges that the online sphere continues to be impacted by government-hired civilian contractors who hack accounts and use false copyright infringement complaints to get content removed. Besides, it noted that partial restrictions of internet and communication services during protests, elections, and tense political moments have become common. Strategic advisory firm BGA Asia, speculating the new data protection law coming into force before the next elections, says, "Optimists may point to other countries around the world that have passed laws to protect their citizens' personal information and ensure data privacy. However, many of the thought

leaders in Bangladesh think otherwise."

The reasons or objectives for the proposed data protection law noted in the draft clearly shows that the government's priority and emphasis are anything but protecting personal privacy, as it has been demoted to the third and fourth positions on the list. Though it has been suggested that the European data protection law, the EU GDPR, has been

and the current BTRC do not have any independence whatsoever, and rather will be something similar to a government department. These draft rules have also given almost blanket indemnity to all government agencies that would certainly make these regulatory bodies powerless, which is quite opposite to the roles played by regulators in Europe and many other advanced countries.

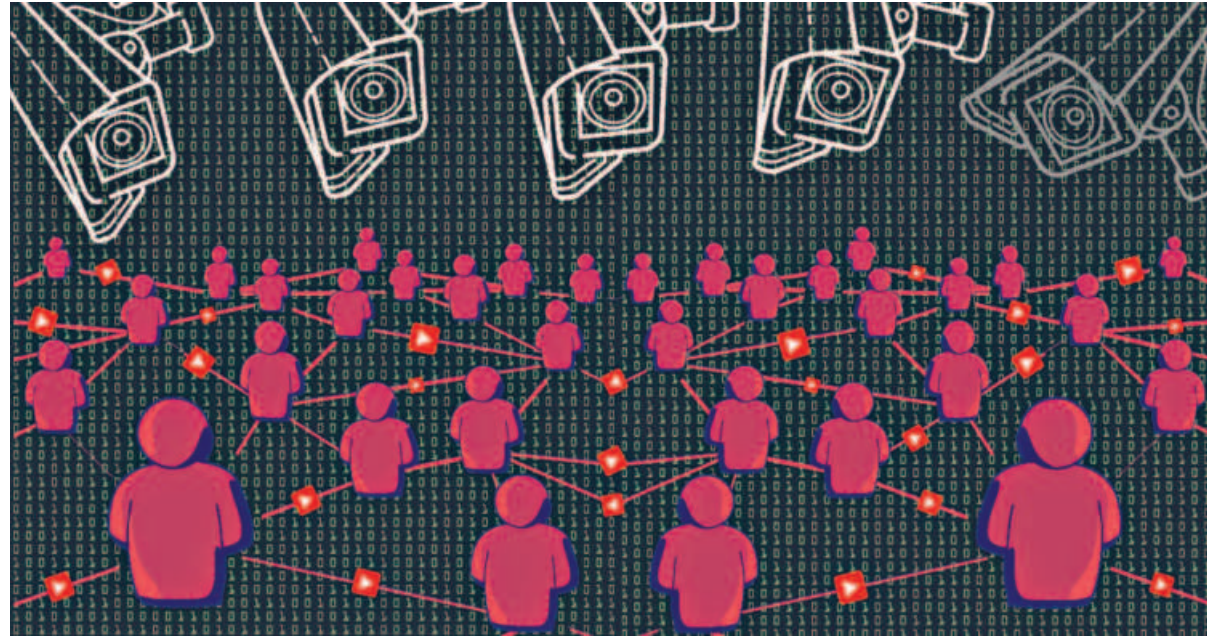


ILLUSTRATION: TEENI AND TUNI

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used as a model to draw up our own legislation, the objectives could not have been more stark. Number one objective of the GDPR says, "This regulation lays down rules relating to the protection of natural persons with regard to the processing of personal data and rules relating to the free movement of personal data." And the second objective reads, "This regulation protects fundamental rights and freedoms of natural persons and in particular their right to the protection of personal data."

The other proposed legislation, the BTRC Regulation for Digital, Social Media and OTT Platforms, 2021, also attaches higher importance in the name of sovereign control on curbing the freedom of users. US-based advocacy organisation the Internet Society, using their Internet Impact Assessment Toolkit, concludes that the proposed law will be "making the internet less open to those that want to utilise it." Apart from introducing significant compliance costs to service producers, it says the law's "vaguely defined scope for objectionable content risks depriving internet users in Bangladesh of useful and educational information." The Internet Society says the regulation enables a lot of unaccountable actors and actions, both from government enforcers and complying intermediaries. It argues that along with the resulting lack of privacy in online communications, it will create an uncertain, unpredictable, and non-transparent environment for businesses to operate in, thereby making the internet and online services in Bangladesh less trustworthy, and less appealing for the citizens to use.

In both the legislations, regulators, the planned Digital Security Agency

Two cases can be cited here that exemplify the degree of protection citizens should receive and the independence the regulator should have. In January this year, the European Union's data protection watchdog, the European Data Protection Supervisor (EDPS), forced the EU's police agency, Europol, to delete much of a vast store of personal data that it has been found to have amassed unlawfully. Those sensitive data had been drawn from crime reports, hacked from encrypted phone services, and sampled from asylum seekers never involved in any crime. In the UK, the Information Commissioner's Office (ICO) fined the Cabinet Office 250,000 pounds in 2020 for the leak of personal data from the New Year's Honours list.

In contrast, we have seen all sorts of data breaches, including biometric ones, in Bangladesh, which presumably would not have been possible without direct or indirect roles of government agencies. No one has been held accountable for such breaches. But people have been persecuted based on suspicion and spurious claims. In this context, it could be argued that the sudden rush for these regulatory legislations had been warranted due to the upcoming political developments, including the country's next general election due to be held by December 2023. Concerns about the likely use of both the data protection law and the OTT regulation by the government to exercise greater control over citizens' online activities during electioneering may not be entirely misplaced. Here's a reminder that the DSA enactment happened just two months before the parliamentary election in 2018.

Ramadan, consumers and just pricing



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PRICE hikes of essential goods during Ramadan has become a regular occurrence in Bangladesh. It is justified, from an economic point of view, that the prices will rise to some degree as demand for some particular goods increase during the holy month. Most often, however, the dominant reason seems to be that syndicates of opportunistic traders and importers raise the prices in several phases, before the government steps in to ensure fair prices. The opportunistic profit-seeking motive provides an ideal backdrop from which to discuss the justice of the pricing mechanism. Price hikes hurt consumers and change the relative distribution of resources and, as such, there is an inherent issue of justice that needs to be deliberated on.

Economist Bruno Frey and Werner Pommerehne found in a random survey that a rise in prices to cope with a situation of excess demand (such as that during Ramadan) is considered unfair by almost 80 percent of the respondents. These results demonstrate that people make normative assessments of price changes that are sensitive to factors beyond economic rationalisations.

The notion of just price has drawn the interest of economists since the medieval times. One of the more fascinating aspects of recent debates about just pricing has been the view that market price is the

just price, except in extreme situations.

According to this view, just price will simply be a function of the average of relevant previous exchanges and will vary according to shifts in the markets. However, there is a problem in accepting market price as the just price under the conditions of sustained shortage. In Ramadan, for instance, the market prices for necessary goods such as grain and meat shoot up to a level that poorer members find hard to afford. These prices are much higher than what many would see as a just price—namely the price which enables the majority of the population to afford these items.

The market price approach implies that when consumers purchase these goods at the increased prices, they do so if and only if they think it worthwhile to pay the requested amount. Thus, even if the consumers later discover that the vendor's wholesale costs were minimal and his profit large, they can hardly complain that what went on was an opportunistic decision that was unfairly made. This perspective is important as Nobel Laureate Amartya Sen argued in the context of famine, that famine is rarely a natural evil; his concern is with situations of sustained shortages wherein vendors charge prices that hinder universal access to these necessary goods. The significance of cases like Sen's is that the notion of market price as just is inadequate to the task of providing a plausible account of our normative intuitions regarding pricing.

Economic and political philosophers Adrian Walsh and Tony Lynch developed a motivational approach to just pricing solution, which focuses on the role of the profit motive in a market agent's motivational set, rather than the profit motive alone. According to this approach,

the Ramadan price hikes are irksome to the consumers because of the inappropriately dominant role that the profit motive plays in the sellers' judgements, overriding other important moral considerations from a social welfare point of view. Such a motivational approach also explains what consumers find salient about pricing conventions in this area; a movement from the conventions uncovers motives that might otherwise be obscured from our view.

Asymmetry of information also plays a crucial role in this regard, because from a consumer's point of view, ease of obtaining information regarding factors that lead to changes in prices vary with different types of goods. For example, it is easier to justify price differences in products like mobile phones, computers, etc, which have different specifications, and information regarding global supply is easier to obtain from the internet and other sources. However, price changes of necessary commodities during Ramadan are harder to justify. Consumers cannot be reasonably sure whether the price changes are being driven by ill-intentioned syndicates or global supply-demand movements.

In conclusion, relying on unfettered market prices during times like Ramadan is an ill-advised policy move, as consumers are not appeased by economic justifications. Intervention programmes such as the Family Cards provided by the Trading Corporation of Bangladesh (TCB) will also have limited impact because of limited reach as well as the possibility that not all classes of people find it desirable to avail these cards due to social status implications. The dissatisfactions with rising prices can only be dealt with by taking steps to minimise opportunistic profit-seeking motives of the traders.

One of the more fascinating aspects of recent debates about just pricing has been the view that market price is the just price, except in extreme situations.