

## Another democratic institution stunted

### Administrators appointed in 61 zila parishads

ONE can now put two and two together and link the passage of Zila Parishad (Amendment) Act, 2022 on April 5, making provision for the appointment of administrators to the local government body, with the government's latest decision to dissolve zila parishads. Needless to say, it was an unconstitutional act that violates the essential fabric of the local government, which cannot be run by unelected individuals. The said act has made provisions for the government to appoint administrators in zila parishads whose members, under the law, shall cease to hold office after the expiry of their five-year tenure. Articles 11 and 59 of the constitution have been grossly violated here.

The timing of the act and the dissolution of the 61 zila parishads soon thereafter have raised many questions that do little credit to the government's intentions. We believe that the argument that elections to district councils could not be held due to the pandemic is a fig leaf of an argument that betrays the government's purpose. When the height of the pandemic could not prevent the Election Commission from organising elections in so many union parishads, what could have possibly prevented them from holding the zila parishad elections, except ulterior motives?

In this context, reference to the scrapping of Amendment 13 of the constitution by the High Court, which did away with the caretaker government, is in order. The caretaker government system was declared null and void on the grounds that the country would be without elected representatives during its tenure. What will happen now? The backbone of our democracy, the local government, and that too the district councils, will now be run by unelected representatives, maybe for an unlimited period, till elections can be held to the district councils, whose tenure has expired. We believe that a government committed to the rule of the people would have amended the constitution in a manner that would have seen the continuation of elected representatives in office even after the expiry of their tenure due to *force majeure*, like a pandemic, instead of making unconstitutional provisions.

The concatenation of recent events cannot but create misgivings in the minds of the public that the government is undertaking these measures with an eye on the upcoming general election. We suggest that the government reconsider its decision and revert to status quo ante before the passage of the Zila Parishad (Amendment) Act, hold the zila parishad elections with the elected representatives. Democracy in Bangladesh has suffered many setbacks. Let it not suffer another. It is the people who should run their affairs as per their fundamental rights, not somebody imposed by the administration.

## Mockery of two emergency health projects

### Delayed execution may cancel out their benefits

IT'S disconcerting to know that the government has been able to utilise only around 15 percent of funds allocated for two Covid emergency response projects, and now faces a near-impossible race against time with the fund utilisation deadline ending in June 2023. The two projects—one titled "Covid-19 Emergency Response and Pandemic Preparedness Project" and another titled "Covid-19 Response Emergency Assistance"—were adopted in 2020 to contain the pandemic. Of the combined funds of Tk 8,150 crore allocated for them, approximately Tk 6,970 crore (USD 800 million) was committed by the World Bank, Asian Development Bank and the Asian Infrastructure Investment Bank to support Bangladesh in testing and treating Covid cases, purchasing vaccine and strengthening its public healthcare capacity to respond to emergencies.

Over the last two years, however, the authorities struggled to use the money even while the country suffered through wave after wave of the pandemic, with hospitals often unable to accommodate patients or give them proper treatment, resulting in significant losses of lives. What could be the justification for that? Fund utilisation, according to experts, slowed down amid allegations of corruption in purchasing healthcare equipment and the lack of capacity of health officials in implementing projects. In the case of vaccines, the government couldn't use the funds due to the scarcity of jabs and the conditions from financiers to procure only vaccines approved by the World Health Organization (WHO). Using the funds properly may still strengthen our healthcare system by supporting the ongoing efforts, but those funds were primarily meant to meet the needs of a particular crisis period, and our failure to do so has been very expensive, to say the least.

If this is the fate of projects with "emergency" in their titles, one dreads to think what happens to non-emergency projects in a climate of zero accountability. Public projects in Bangladesh, unfortunately, suffer from a culture of deliberate time and cost overruns, resulting in frequent revisions. Forget the additional cost that it causes. Delays at every stage of the implementation of a project mean that the promised benefits risk being compromised or cancelled by the time a project is finished, making a mockery of its stated objectives. And we have rarely—if ever—seen project officials and other stakeholders involved in delayed undertakings being held to account.

This is especially troubling when it happens in the health sector. The authorities—because they deal with public life—must answer for their failure to properly and timely utilise these emergency funds. And they must ensure the same doesn't happen going forward.

# Who will speak for the George Floyds of Bangladesh?



NO STRINGS ATTACHED

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AASHA MEHREEN AMIN

IN the US, being Black or just a person of colour is enough to get one killed or arrested by a cop, merely for being at the wrong place at the wrong time—or even the right place at the right time. In Bangladesh, you just have to be poor or unconnected to anyone of influence to have to face the wrath of police. Thus, the horrible death of 26-year-old Rabiul in Lalmonirhat because he was "suspected" to be a gambler is hardly a shock, no matter how tragic the incident. It is tragic because there was no proof that he had gambled at the Baishakhi *mela* (fair), where someone who knew him said he had gone to buy toys for his daughter. And so what if he had been a so-called gambler—how does this justify policemen kicking him and beating him unconscious, and then taking him away only for him to be declared dead at a city hospital a couple of hours later? Apparently, law enforcement officials can not only detain anyone they wish, but they also have the right to use brutal force just because someone argued with them—or for no reason at all.

To add to the agony of a family who has lost a loved one and an earning member, there is little likelihood of getting any justice as they are scared to file a case against the police, who can file counter cases and make life intolerable for the family if they want to. After all, Rabiul's family members come from the voiceless, powerless class who are not entitled to any kind of state protection even if their lives are threatened. This means Rabiul can be declared a criminal, and there will be no one to clear his name—not even his fellow residents of Kazir Chawra village in Lalmonirhat, who blocked the highway to protest his killing, and certainly not his 20-year-old wife who has suddenly become a widow at such a young age.

Only a few days later in Cumilla, another young man, named Raju, accused in a murder case, was shot during the euphemistically termed "crossfire" with an official line that never gets too old for those who tell it: Rab raids an area based on a tip-off, the miscreants start shooting, Rab retaliates, the miscreants flee the scene, and one of them is found shot dead. Of course, it happens to be the one they were looking for. End of story. Ironically, in this case, the dead man is the suspect for the murder of a journalist; so now we have two dead men and seemingly no one to

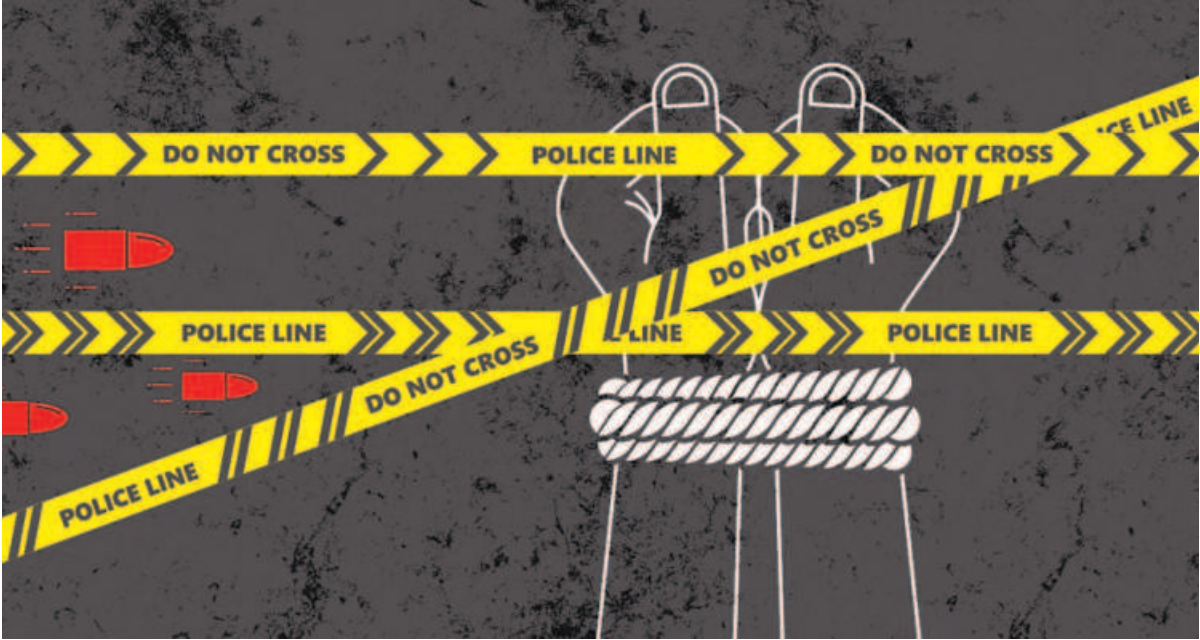


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SUSHMITA S PREETHA

**People are afraid of law enforcers and see them as predators, not protectors. This is the damning truth that completely overshadows all the hard work that the police and Rab have done and continue to do in curbing crime and militancy in Bangladesh.**

tell the courts what really happened.

These may be described as isolated incidents, but they are both part of a frightening culture of brutality and impunity that characterises our law enforcement's image today. The first incident, where policemen are directly involved, demonstrates the sheer helplessness of ordinary citizens at the hands of law enforcers. Human rights

despite provisions in the law and in our constitution against torture and the use of excessive force, many law enforcement members have total disregard for either. They have been given inordinate power and have no accountability for its abuse. In the second incident, it is the same sense of invincibility that has led to yet another extrajudicial killing—the first after the US sanctions. In 2021,

organisations have highlighted Section 54 of the Code of Criminal Procedure (CrPC) and the Special Powers Act, 1974 as laws that allow law enforcement officials to arrest anyone without a court order. Recognising the scope for abuse, the High Court has issued 15 directives that include specific instructions related to the arrest and treatment of a person in custody. This includes disclosing the law enforcement official's identity and if asked, showing his/her ID card to the person arrested, recording all the details of the arrest including the reasons why the arrest took place, allowing the arrested person to call his/her lawyer, ascertaining if the arrestee has any injury and taking him/her to the hospital or a government doctor for treatment, and getting a doctor's certificate regarding the nature of the injury. The law enforcement official is supposed to produce the arrestee at a court within 24 hours of arrest, and if this is not the case, he/she must explain to the magistrate the reasons for the delay. The magistrate has the power to decide if the reasons are valid enough for detention or whether the arrestee should be released.

In an article titled "Police power of arrest and remand" in *The Daily Star*, Barrister Md Abdul Alim explains that, in reality, without proper guidelines, magistrates often just follow a "parrot like" order on the forwarding letter of the police officer authorising detention in police custody or in jail." Thus,

Ain O Salish Kendra (ASK) recorded 48 "crossfire" deaths and 21 deaths during "shootouts" before arrest, and six deaths due to torture after arrest.

People are afraid of law enforcers and see them as predators, not protectors. This is the damning truth that completely overshadows all the hard work that the police and Rab have done and continue to do in curbing crime and militancy in Bangladesh.

The US sanctions against Rab shows that these blatant violations of human rights do not go unnoticed by the international community, whatever the underlying agenda may be. It is the state's responsibility to protect its citizens, criminals and innocents alike, as guaranteed by the constitution. Major reforms in the police and other forces are crucial if we are to be recognised as a functioning democracy that upholds the values of the Liberation War and honours our constitutional rights.

But how do we reform forces that have been, by tradition, intensely politicised to serve the agendas of the government of the day? There lies the crux of the problem. The government must realise that, unless our law enforcement agencies are free from political influence, it will be impossible to hold them accountable for abuse of power. It will also be an uphill task to regain public trust in these forces, which can lead to increasing discontent, anarchy and space for criminality to get a free reign.

## Climate action: We're running out of time



POLITICS OF CLIMATE CHANGE

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THE Intergovernmental Panel on Climate Change (IPCC) is a United Nations (UN) body set up to commission major assessments of the state of science on climate change and issue their assessment report every five or so years. It has three Working Groups (WGs): WG I is for climate science, WG II for vulnerability impacts and adaptation, and WG III for actions to avoid climate impacts.

Just recently, the IPCC issued the reports of all three Working Groups of its sixth assessment cycle. I was quite confident that I knew what would be in their report, but I am quite shocked by the findings. I will explain why.

All the previous IPCC reports gave evidence of what would happen if we continued to emit greenhouse gases (GHGs) that lead to global temperature rise, and emphasised the need to step up actions to mitigate and adapt in anticipation of future impacts of human-induced climate change.

However, the WG I report of the sixth assessment cycle, which came out in August last year, reported that the impacts of human-induced climate change were already evident, and could be unequivocally attributed to the temperature rise of over one degree Celsius. Then WG II came out with their report in February this year, which reported hundreds of cases of climate

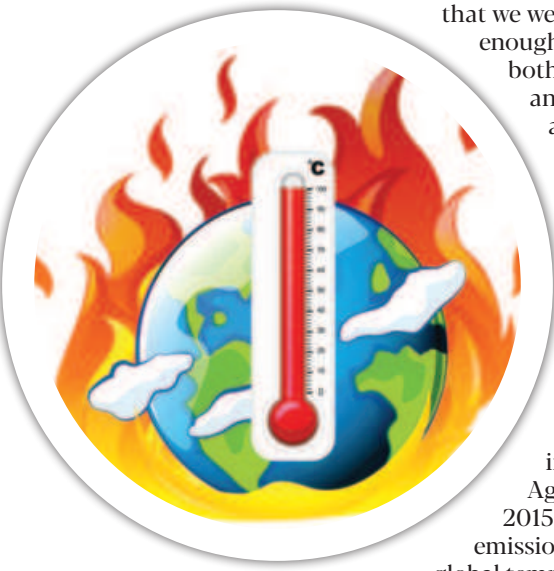


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impacts such as floods, cyclones, heat waves, wildfires and droughts, which were beyond any previous records, and again attributed their severity to the fact that the global temperature has gone up over one degree Celsius. It also emphasised the need to invest more in adaptation in the developing countries as well as the developed countries. Then WG III came out with its report last month, and again raised the alarm

that we were not taking enough actions for both mitigation and adaptation, and that the window for taking such actions is closing very rapidly.

This was despite the fact that all the governments had agreed in the Paris Agreement in 2015 to limit their emissions to keep the global temperature rise below 1.5 degrees Celsius, and the developed countries promised to provide USD 100 billion a year to help the developing countries with mitigation and adaptation measures.

However, as the UN Secretary-General Antonio Guterres said at the press conference to announce the WG III report, leaders of the major countries have failed to keep their promises to reduce GHG emissions as well as fund the developing countries. In fact, he went so far as to accuse them of lying, which illustrated the frustration that he,

quite rightly, felt about the lack of action regarding climate change.

This means that we only have a few years to take drastic actions to both mitigate and adapt effectively, as we are already beginning to see the losses and damages caused by the impacts of climate change.

As the IPCC starts to plan its seventh assessment cycle for the next five years, it is important that the vulnerable developing countries demand a special report on loss and damage. They previously demanded such a special report on temperature rise, which was effective in getting the goal of 1.5 degrees Celsius in the Paris Agreement. A special report on loss and damage could have a similar effect to galvanise the stalled negotiations on finances for the losses and damages that the developing countries are suffering. As the leader of the Climate Vulnerable Forum (CVF), Bangladesh could advocate for such a special report.

At the same time, in Bangladesh, we have to start thinking about the fact that global temperature rise may go beyond 1.5 or even two degrees Celsius, and be better prepared ourselves to be able to tackle the inevitable losses and damages that will happen. One measure could be to develop a national mechanism to address loss and damage as a public-private partnership between government and non-government actors.

In conclusion, I predict that by the time the seventh assessment report of the IPCC comes out, it will be a catalogue of impacts that have already happened and will continue to happen because we failed to act in time. The sixth assessment report of the IPCC is the last warning to policymakers around the world to take action immediately to avoid the worst impacts of climate change.