

# A trial 24-years-old and still running

## A blatant miscarriage of justice

SHOULD the trial of a case last for 24 years? What does it say about a judicial system if a case for alleged possession of drugs runs for a quarter of a century, without any hope in sight of its completion? In a country where the rule of law is respected in letter and spirit, this is incomprehensible.

Ahad Ali has been caught in the tangle of our intricate legal process since 1998 on charges of drug possession. This case encapsulates everything that is wrong with our legal system. Firstly, the circumstance of his arrest is dubious. A packet containing heroin was found nearby where he was sitting while waiting in Gabtoli for a bus home in 1998. He was not found in possession of it. Does proximity to a banned substance merit arrest? If so, was he the only one in that area? From his statement, it appears that he may have been framed, the intention of the police being to extort money from him. He failed to pay up the Tk 5000 they had demanded, and that has cost him 25 years of his precious life.

Secondly, should it take a quarter of a century to dispose of the case? We must ask: Why hasn't a single witness been produced after all these years? The case is so old that the current OC of Mirpur Thana knows nothing about it, and for all that he knows, and we can guess, the policemen involved in the arrest may well have retired or be dead by now. And what can be more pitiful than to find that the main witness, the sole one produced after 24 years, knows nothing about the case? So is the case with witness number two.

Admittedly, the case is serious, since possessing heroin over 25 grams is a penal offence which carries the maximum sentence of death. But we wonder why the court has not considered the repeated dismissal petition of the defendant. Is it the fault of the accused if the state fails to prepare the case and conduct it properly in court? We agree that trial judges go by the evidence produced. But if no witness is produced to corroborate the charges even after 24 years, should the ruling of the court not go in favour of the accused, since everyone is innocent unless proven guilty?

We believe this is a case the High Court should take cognizance of. The logic and even the legal position of giving fresh dates every time after a hearing, when no witness has been forthcoming for so long, has to be explained. Such miscarriage of justice should be righted, and be never repeated.

# Why must female migrant workers return empty-handed?

## Their exploitation has to end

A new batch of 340 female migrant workers has returned home in the month of April to impart the usual depressing tales of exploitation, harassment and broken dreams. These unfortunate workers had spent large sums of money and foregone the love and affection of family in hope of saving some money from their wages abroad to secure happiness and a future. But, as is often the case, the reality turned out to be something tragically different.

The accounts of sexual harassment of female workers by foreign employers are unheeded by local police there, if and when complaints are lodged. It is discernible from first-hand accounts that female migrant workers feel at a loss, finding no sympathisers in the foreign surroundings, which eventually take a severe toll on their physical and mental health. The returnee female workers usually display tell-tale signs of distress upon landing in Dhaka.

The exploitation and coercion of migration aspirants by dubious agents and sub-agents for more money begins right from the time they hand over their passports to them, and such depraved activities continue until the date of their departure. Since the stories of Bangladeshi returnee female migrant workers sound so similar, one wonders why the government has not attempted to seek the root of the issue and establish the safety and dignity of these workers. In this regard, tangible steps should be taken by the respective ministries and Bangladeshi missions abroad against oppressive employers and the Bangladeshi recruitment agent(s) who work on their behalf.

We believe the “zero cost” migration agreement with Saudi Arabia for Bangladeshi female workers is a praiseworthy bilateral contract, which would help in achieving the much-needed economic emancipation of women migrants to a large extent. As per the agreement, if female workers could work unhindered for two years and return home with sufficient savings, they would be able to invest the money in a revenue generating project. Since women empowerment is the prime focus here, we feel both the Saudi Arabian and Bangladeshi governments should take up measures to make it easier and safer for women to work in Saudi Arabia. In this regard the Bangladesh mission there should be given the responsibility to look after the interest of Bangladeshi nationals to the best of their ability.

# A not-so-smart proposal for an offshore smart city



A CLOSER LOOK

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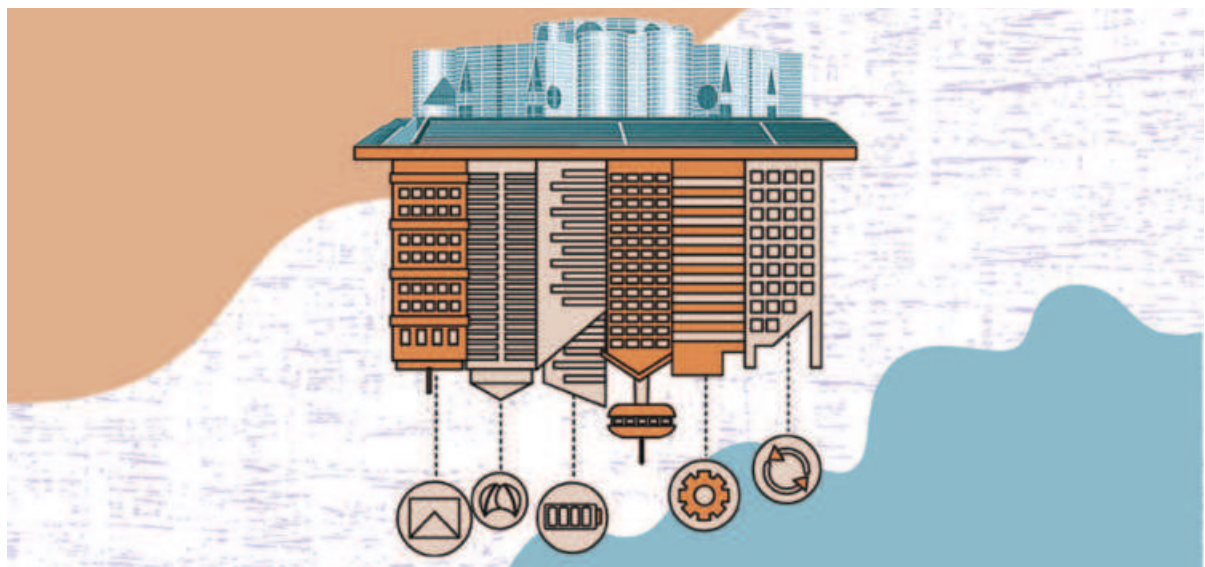
IN an unprecedented move, the parliamentary standing committee on housing and public works ministry has directly recommended a major development project—to build an offshore smart city claiming land from the Bay of Bengal—directly to the prime minister.

The offshore smart city project involves the development of a seaside bayview smart city on a stretch of 60 square kilometres of land connecting Sagarika Point of the Patenga Beach with the Bangabandhu Shilpa Nagar in Mirsarai. A consortium of two local companies—The Peninsula Chittagong and Mazumder Enterprise—and two Chinese companies—China Civil Engineering Construction Corporation (CCECC) and China Railway Design Corporation (CRDC)—are pushing for the approval of this project. In return for stake in the smart city, the consortium has also proposed to build a 20.5 kilometre metro rail line in the port city, which would cost about USD 2.2 billion.

The move is being termed unprecedented because article 76 of the constitution does not include scope of such recommendations within the jurisdiction of parliamentary standing committees. However, section 248 of rules of procedure of the parliament states, “the functions of a Committee shall be to examine any Bill or other matter referred to it by Parliament, to review the works relating to a Ministry which falls within its jurisdiction, to inquire into any activity or irregularity and serious complaint in respect of the Ministry and to examine, if it deems fit, any such other matter as may fall within its jurisdiction and to make recommendations.” It is this particular section that the said parliamentary committee has utilised to make the recommendation directly to the PM.

There is a debate on whether a parliamentary standing committee can directly and unilaterally make a recommendation to the prime minister for such a massive project. This is especially the case as it would potentially involve significant engagement and inputs from multiple ministries, including the Ministry of Foreign Affairs (since it deals with territorial implications), Ministry of Law (since legal advice on the way forward would be required, at both national and international levels), Ministry of Environment (since environmental impact assessments would be required), and the Ministry of Road Transport and Bridges (since the proposal includes construction of a metro rail line). But there are also many other inconsistencies in the narratives that have surfaced in a report published by this daily.

For one, while a memorandum of understanding signed between the Chattogram Development Authority (CDA) and the consortium was mentioned in the documents presented in the parliamentary standing committee meeting, when



COLLAGE: TEENI AND TUNI

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asked about it, CDA chief engineer, Kazi Hasan Bin Shams denied it, saying such an agreement would be signed “once the government gives the go-ahead.” If that is the case, then why was it even mentioned? Was it a clerical error? Or has an MoU actually been signed which the authorities now are trying to keep under wraps?

Secondly, while chief of parliamentary

proposed metro rail line by the consortium needs to be assessed, since this ideally should fall under the jurisdiction of the road transport and bridges ministry.

The environment seems to have been the least considered aspect in the recommendation. When land will be claimed from the Bay of Bengal, how it would affect the overall ecology—especially

standing committee on housing and public works ministry, Mosharrar Hossain—who also has a significant stake in The Peninsula Chittagong—is strongly pushing for the proposal and justifying his recommendation saying it’s “a very good proposal,” his son Mahboob-Ur-Rahman, also chairman of the same company, more tactfully suggested to this daily that they have partnered with two Chinese companies to assess feasibility of the project, which is “almost done.”

However, the CDA chief engineer stated the contrary when asked about the feasibility study: “For that, they will need the government’s permission.”

If the feasibility study of the project is “almost done,” then why is CDA not aware of it? And if the government’s permission is indeed needed, then how could the consortium go ahead with the study? And who’s paying for it?

Also, since the project is going to be based on land claimed from the sea, how is the CDA involved? Perhaps, because the parliamentary standing committee was too eager to materialise this proposal, they did not consider whether CDA was even eligible to place such a proposal to them. The CDA’s jurisdiction is only limited to the existing land mass of the country, as per Section 6 of the Chattogram Development Authority Act 2018. As it is a new kind of project, involving land claimed from the Bay of Bengal, it needs to be understood, through legal advice, under whose purview this would fall.

A thorough discussion and evaluation of the proposal by the parliamentary standing committee could have also helped in understanding how the proposed metro rail line would affect the advanced-level ongoing discussion between road transport and bridges ministry and Korea International Cooperation Agency about the feasibility study to establish a mass rapid transit network in Chattogram. Also the role of the CDA in the building of the

marine life—needs to be taken seriously. And if such assessments have not been conducted before recommending the proposal to the PM directly, based on what information is the PM expected to make a call on it?

The issue of the consortium’s share in the project demands detailed scrutiny. The public needs to know and, more importantly, the government and the PM need to know, what kind of share they are expecting from the sales of the structures in the smart city—and whether it would be feasible and profitable for the nation to allow such stakes. Surely, the consortium would not construct the metro rail line incurring a loss.

The conflict of interest involving the chief of the said parliamentary standing committee, along with that of Mazumder Enterprise—whose CEO, Mohammed Jashim Uddin Chowdhury, happens to be a ruling party sub-committee member on relief and social welfare since 2014—needs to be thoroughly investigated.

A project of this stature and scale needs thorough onboarding of all parties involved or of those whose involvement could be needed, along with buy-in from every single one of the stakeholders. One man calling it a “very good” proposal does not make it “very good” for everyone. It might be very good for certain individuals. But this is not the parameter by which to assess the greater benefits to the nation.

The authorities concerned should take this issue seriously and form a cross-ministerial and multisectoral stakeholder body to neutrally assess the proposal shared by CDA to the parliamentary standing committee, and take a holistic approach to decide whether to proceed with the proposal or not.

While we all want growth and prosperity of the nation, it should not come in a hasty package as a result of certain quarters’ interests. We must set our priorities straight.

## FIFTY YEARS OF NEPAL-BANGLADESH RELATIONS

# A friendship with much potential



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SUNIL KC

NEPAL and Bangladesh celebrated 50 years of diplomatic relations on April 8, 2022. Nepal was the seventh country to recognise Bangladesh as an independent country in 1972. During Bangladesh’s Liberation War, Nepalese political leaders provided ideological and material support for a free Bangladesh. With Nepal recognising Bangladesh’s independence, the then Pakistani leadership broke off its relationship with the former. The Bangladesh government has always regarded Nepalese politicians highly for their contribution to the independence of Bangladesh.

Since establishing diplomatic ties, the two countries have enjoyed excellent relations and supported each other on various international and regional political and economic forums. Nepal and Bangladesh began their official trade with the opening of the Kakarvitta-Phulbari-Banglabandha transit route in 1997. Bangladesh welcomed Nepal to use the Mongla Port facilities for its third country trade as well as rail corridor transit via

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Rohanpur for easy and cost-effective bilateral trade. In 1978, the two countries established a Joint-Economic Commission (JEC) at the finance ministry level to enhance bilateral trade and investments. Foreign office consultations mechanism was also established in July 2012 in Dhaka at the foreign secretary level to discuss and review bilateral ties.

Power is the key to strengthening ties in the days to come, due to the huge energy requirements of Bangladesh for its rapidly growing industries. Bangladesh could invest in Nepal’s hydropower and import surplus energy from Nepal, as the latter has the potential to generate 43,000 MW, whereas Bangladesh’s requirements in 2035 will be 35,000 MW. Dhaka has already formulated a strategic energy policy to import 10,000 MW from Nepal. Last year, the Bangladesh Power Development Board requested the Indian ministry of energy to permit Bangladesh to import 450 MW of hydro power from Nepal. India has given a positive response towards the proposal and soon the cross-border power trade may begin.

The first Nepal-Bangladesh Business Forum was jointly hosted by the Bangladesh embassy led by the then Ambassador Mashfêe Binte Shams and the Asian Institute of Diplomacy and International Affairs (AIDIA) in Kathmandu some years back. AIDIA facilitated field visits of various hydropower sites for business leaders. AIDIA played a key role in bringing FNCCI-FBCCI onto

one table for signing an MoU on January 24, 2016. The government of Nepal needs to pay attention to signing the Bilateral Investment Promotion and Protection Agreement (BIPPA) with Bangladesh to secure the USD 1 billion FDI from the Bangladesh government, and another USD 2 billion from the private sector which will help generate and export power to Bangladesh from Nepal. It will enable Nepal to be a net energy exporting country in South Asia and help reduce its trade deficit with Bangladesh and improve its foreign currency reserves.

To take the bilateral relationship forward and create a strong bond, the two countries need to review the last five decades of their journeys and formulate active policies in the field of hydropower, trade, infrastructure development, and more. Nepal must learn from the rapid rise of Bangladesh and should harness the potentials in bilateral engagements. For instance, Bangladeshi conglomerate Summit Power invested in West Bengal for power generation and another company Summit Alliance Port Limited is operating the inland waterways terminals in Kolkata and Kalughat. Likewise, Pran RFL has been establishing food processing plants in some states of Nepal, but we are still not being able to tap the opportunities Bangladesh offers due to our weak economic strategies. Therefore, the government needs to encourage and support the private sector in Nepal to engage with Bangladeshi companies.