

Who will rein in BPC?

It must be made accountable for its irregularities

BAKING PETROLEUM CORPORATION (BPC) is no stranger to controversies. But the manner in which it has been making headlines for irregularities of late is so striking that even judging by the usual state of our plodding, overspending, underdelivering and by and large unaccountable bureaucracy, it seems to be a cut above the other state agencies. So, it comes as no surprise that the chief of the Parliamentary Standing Committee on Public Undertakings has, according to a report by *The Daily Star*, expressed "shock" at the extent of financial irregularities at BPC.

The report details the findings of the committee saying that there has been no external audit of the accounts of BPC over the last 10 years. It only conducted internal audits since FY 2012-13. Moreover, even the audit objections raised that year by the Comptroller and Auditor General of Bangladesh, which should be doing the auditing, have not been resolved till now. Alarming, in FY 2012-13, the CAG found irregularities of Tk 9,295.4 crore taking place over the two previous years.

For example, a discrepancy of Tk 2,597 crore was reportedly seen in the amount of loans given to various institutions and projects as per their respective balance sheets. The BPC also lost Tk 708 crore in interest for failing to collect dues of Tk 5,957 crore from three distributor companies between 2010 and 2012. For eight years till 2012-13, it also never initiated any reconciliation of accounts, which is a process to ensure that the money leaving an account matches the actual money spent. Among other reported irregularities, the BPC sold furnace oil to non-operational power plants, took loans from the government despite having huge deposits with banks, and kept the money it collected as VAT from businesses instead of giving it to the state exchequer, according to the CAG audit report.

These irregularities from the past, and the manner in which BPC authorities have since refused to address them, perfectly match with their recent "adventures" including instituting a record hike in fuel prices, which took living expenses to never-seen-before heights in the country. One of the justifications given for it was to make up for the losses of BPC. The amount of concession being given to this organisation, instead of checking its corruption and mismanagement, is stupendous. Another agency under the same ministry, Petrobangla, is now in the process of getting an indemnity clause included in the Bangladesh Oil, Gas and Mineral Corporation Bill 2022 which, if approved, would shield its officials from any legal consequence for "acting in good faith".

All this shows how unaccountable these institutions have become in the absence of effective interventions from the higher authorities. A continuation of this situation would further erode public trust in these vital institutions. We urge the government to undertake necessary reforms in how they are run so that they can serve public interests, not the interests of corrupt bureaucrats and their political masters.

An alarming display of youth violence

We must address the threat of teen gang culture

WE'RE alarmed by the news of a fierce street brawl between two Narayanganj-based teen gangs that created panic among residents on Monday. Reportedly, over 50 violent delinquents attacked each other with sharp weapons at the district's Masdair area, while destroying many shops and houses, apparently as part of a turf war to establish their dominance over the locality. In recent times, we have come across similar reports from Narayanganj several times. On July 28, a young man was stabbed to death by members of a rival gang in the Siddhirganj area. The Masdair incident only shows how local leaders and law enforcers have failed to bring these gangs under control.

This is increasingly becoming a problem in many parts of the country as well. Youth crime rates are clearly rising. The situation is particularly dire in Dhaka, where around 50 teen gangs are said to be active, their members typically aged between 14 and 19 years. Teen gangs are often patronised by local political leaders. Often, they are seen roaming the streets with blunt instruments, or taking drugs or tormenting young girls on the streets. Even crimes of rape by teenagers have been reported by the media in recent months. These gang members chase down anyone from rival groups walking on "their" streets, even in broad daylight, and any kind of resistance can lead to scuffles. All this is very alarming, to say the least, both for the future of young people and society at large.

Experts believe that the role of family in keeping a check on juvenile boys is vital. Families should keep track of the whereabouts of their sons, and counsel them if they notice any worrying deviation. As laws and regulations on the trial of juvenile offenders below 18 years lack clarity in Bangladesh, these need to be updated so we can better respond to the growing threat of youth crime and violence. Reportedly, the government is contemplating amending the Children Act, especially considering that in almost all cases of violence, the age of delinquents becomes an obstacle to any criminal trial at court. It is also easy to manipulate papers to show a young criminal to be below 18 years.

Given the reality, the authorities must respond properly to the situation. We need effective laws that can address juvenile crimes, but we also need laws to be mindful of the welfare and future of teenagers. But law alone cannot address the threat. All responsible, including families and social and political leaders, must do their part as well.



Jannat is accompanied by family members, relatives and others as she demanded justice for her husband Sumon Sheikh's death in custody at Hatirjheel Police Station in Dhaka on August 20, 2022.

PHOTO: PALASH KHAN

SUMON SHEIKH'S CUSTODIAL DEATH

Too many questions unanswered



ON THE SHORES OF (IN)JUSTICE

Dr CR Abrar is an academic and human rights expert.

CR ABRAR

THE poignant image on the front page of this daily on August 21 of a young widow, wailing in grief, melted readers' hearts. The photo was of Jannat, wife of Sumon Sheikh, a 25-year-old deliveryman who died inside the lock-up of Hatirjheel Police Station on August 20, within several hours of his arrest. Police say Sumon died by suicide. His family members reject the claim and allege that police demanded bribes, and tortured and framed him. "They killed my husband. We went to the police station to file a murder case, but police didn't record it. We want justice," stated his wife to the media. Not surprisingly, police refuted the family's assertion.

Sumon's death triggered a protest in Rampura Bazar area, where protesters blocked DIT Road to form a human chain and demand justice. Earlier, protests also erupted in front of Hatirjheel Police Station, and police had to resort to truncheon charge to disperse the agitating crowd. Sumon's brother asserted that, in one instance, activists of the ruling party's student wing pounced upon the agitators. The police later stated that the deceased stood accused in a case over the theft of Tk 52 lakh on August 15.

Sumon's family's resolve not to accept his mortal remains until they succeed in filing a case was thwarted when the police and local Awami League leaders forced Sumon's father to receive it from the hospital morgue. Jannat and her family members reported that the body was sent to the morgue for autopsy without their knowledge; they were angry that they were not informed of the handover and the burial beforehand. Jannat's brother said he felt deceived that the police took the body for burial in Azampur, even when he and Jannat were made to wait for the police at the court. Earlier, Jannat stated that police refused to hand over Sumon's body when she went to collect it, and a sub-inspector of Hatirjheel Police Station told her it would happen only if he was buried in their village home of Nababganj, "and under no circumstances would the body be given (to the family) if they planned to take it to (the) deceased's home in Rampura," according to media reports. Subsequently, the deputy commissioner of police in Tejgaon division denied imposing any such conditions. On August 21, a national television channel telecast footage ostensibly of Sumon dying by suicide, captured on the CCTV camera inside the police lock-up.

The Sumon episode triggered a number of questions about the police's role. Firstly, one of the basic features of any detention facility should be ensuring that the detainees get no opportunity to inflict self-harm.

Even if the suicide story is taken at face value, the question remains: How was Sumon able to die by suicide in an environment that is under the full grip of the police? Second, filing a complaint with a law enforcement agency is a basic right of every individual. Why did the functionaries of Hatirjheel Police Station refuse to record Jannat's complaint about her husband's death under suspicious circumstances? Third, was the police not obliged to inform the next of kin, i.e. Jannat, about the impending autopsy on the deceased's body, as well as the timing and site of the burial? Fourth, under what authority did the police impose conditions on handing over the deceased to the family? Fifth, why were the police authorities in such a rush to hand the body over only a day after they refused to do so, and were not sensitive to the wishes of the traumatised family members

Sumon's death has demonstrated the extent of ill treatment that detainees may suffer in custody. It has also revealed the challenges their loved ones may face in seeking justice. The case has rattled ordinary citizens about their vulnerability to abuse of state power by the errant members of law enforcement agencies.

regarding accepting it only after filing the case in court?

Sixth, don't citizens have the right to stage peaceful protests against the wrongful treatment (including inflicting mental harm) of an individual - that, too, in police custody? Was resorting to force the only option available to the police in dealing with peaceful protesters? Did the police force take any measure to apprehend the perpetrators and protect the protesters when the latter were attacked and chased away by supporters of the ruling party? Seventh, it is a relatively easy task to monitor a walled premise, such as a lock-up of a police station. In all likelihood, such a monitoring mechanism would have alerted the police station authorities about Sumon's impending attempt to inflict self-harm. Would the police authorities offer any explanation as

to whether the CCTV cameras at this sensitive site were being monitored in real time? If not, then would the authorities explain the purpose of setting up such a surveillance system? Doesn't such omission amount to gross negligence and appalling planning? And finally, while the CCTV footage does not indisputably establish the

and ensure medical check-up of the detainee by a doctor before and after interrogation. The state's appeal against the High Court judgment was rejected by the Appellate Division, giving the directives "a binding effect." Unfortunately, the landmark directive of the apex court still remains unimplemented.

It is unfortunate that custodial torture continues to be pervasive in a country that has enacted the Torture and Custodial Death (Prohibition) Act, 2013 - in short, TCD (Prevention) Act - and ratified the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. It is time that the recommendations of the UN Committee against Torture to the Bangladesh government were implemented in proper stride. Those include unambiguous decisions to be taken at the highest level of the government that torture and ill treatment will not be tolerated under any circumstances or against any person; that the government has no intention of limiting the applicability of the TCD (Prevention) Act and it applies to all forces; that all officials who commit acts of torture and ill treatment will be prosecuted and punished with penalties commensurate to the crime of torture, including those with superior or command responsibility; that measures will be taken to ensure that confessions obtained from criminal suspects through torture or ill treatment will not be accepted in practice as evidence of guilt; and that systematic statistical data will be collected on the implementation of the TCD (Prevention) Act on the number of complaints, investigations, prosecutions and trials and convictions.



Sumon Sheikh

case of suicide, isn't the circulation of the footage, which shows an individual purportedly committing self-harm, morally and ethically wrong?

Sumon Sheikh was an ordinary person, bereft of influential political and social contacts, and thus vulnerable to extortion and abuse. He was in good health. His family members have staunchly claimed that he was subjected to torture. Only an impartial investigation can establish the veracity of such a claim. There is little doubt, however, that the victim was subjected to severe mental torture that might have prompted him to die by suicide, if the police claim of suicide is to be believed. Such a stack of questionable acts effectively undermines the police's claim that the deceased committed theft, and raises the issue of whether such a claim is aimed at demonising the deceased.

The custodial deaths of Sumon and others like him are not deemed important enough to generate parliamentary debate, nor do they instigate *suo motu* action on the part of higher judiciary. These incidents, on the one hand, are perhaps too sensitive for the National Human Rights Commission (NHRC) to look into, and on the other hand, may not be felt worthy enough for the engagement of the guardians of the nation's conscience and the mainstream intelligentsia.

In a judgment on a writ petition filed by BLAST in 2003, the High Court issued a series of directives that included allowing a detainee to meet lawyers, and obliging the law enforcers to secure permission from a magistrate before interrogation, hold the interrogation with glass walls or grills on one side within the sight of the detainee's lawyers or relatives,

The UN committee also recommended that the state also commit to carrying out prompt, impartial, effective criminal investigations into all complaints of torture and ill treatment by setting up an independent investigation mechanism, an effective victim and witness protection system, an oversight monitoring body to ensure adherence to the provisions of the TCD (Prevention) Act, and ensure training of medical professionals to assess torture allegations in accordance with the Istanbul Protocol.

Sumon's death has demonstrated the extent of ill treatment that detainees may suffer in custody. It has also revealed the challenges their loved ones may face in seeking justice. The case has rattled ordinary citizens about their vulnerability to abuse of state power by the errant members of law enforcement agencies. It is time the political leadership, particularly those at the helm of law enforcement, took dispassionate stock of the situation and corrective measures (based on the Supreme Court directives and Committee on CAT recommendations) so that state agencies treat citizens with respect and dignity. Needless to say, being treated in accordance with the law and only in accordance with the law is the foundation of such treatment.