The Daily Star
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Four custodial 'suicides' is four too many

Police must be held responsible for deaths in their custody

It is an all-too familiar script. According to the police, 55-year-old Lebu Miah "took his own life" in police custody, apparently by hanging himself from the ventilator of a cell. The alleged suicide took place at the Bashtoail Police Outpost on September 26, hours after the day labourer was detained for interrogation in connection with a murder in Mirzapur upazila of Tangail. His family insist that he was tortured to death in custody and have since staged demonstrations asking for justice for Lebu Miah's death. Less than two weeks ago, police claimed that 22-year-old Rajesh Roy died by suicide in their custody in Jhalakathi. A month before that, the police alleged that 25-year-old Sumon Sheikh had killed himself in Hatirjheel Police Station – an allegation vehemently contested by his family members who had to fight an uphill battle simply to file a murder case over his suspicious death in custody. In January, 36-year-old Himangshu Roy allegedly hung himself from the window grilles of a cell at a police station in Hatibandha, Lalmonirhat.

Given the myriad creative stories we are fed every time a death takes place in the custody of law enforcement, we can't help but be wary of the police's version of events. There is no CCTV footage available to prove the police's claim that Lebu or Rajesh took their own lives. In Sumon's case, a national television channel broadcast a footage, apparently of a CCTV camera inside the lock-up, to prove that Sumon died by suicide. However, a closer look at the footage (if indeed it was even authentic) shows Sumon moving out of the frame before he allegedly took his life. In fact, the police have so far failed to provide credible CCTV footage to back up their claims of detainees suspiciously falling sick in custody or taking their own lives, which begs the question: why are police lock-ups not under surveillance given the disturbing frequency at which such incidents take place?

Even if we are to accept the police's version, that these men died by suicide, the fact remains that they died in police custody, for which the police must accept responsibility. They must launch credible investigations as to whose negligence allowed such incidents to take place on their watch, and take urgent steps to ensure that they don't happen again. Instead, what we saw in Sumon's case was an all-out attempt by the police to obstruct demands for justice, from charging protestors to sending his body for an autopsy without the family's knowledge. In Lebu's case, we are told an inquiry committee would be formed to investigate whether there was any negligence on the part of the police in his death. But given the fact that the police have rarely ever found one of their own to be guilty of a commission or omission, how confident can we be of the neutrality of such investigations?

Despite repeated calls by families of victims, civil society and international organisations including the UN, the state has categorically failed to institute a credible system through which to investigate extrajudicial killings and custodial deaths and hold law enforcement accountable. We urge the authorities to remove the blinds from their eyes and ensure that no deaths take place in police custody. Law enforcement are there to protect citizens – why should our lives be endangered in their custody?

EVM neglect is EC's failure

Will the EC take any steps to address the crisis of confidence it's facing?

Last week, the Election Commission finalised a massive Tk 8,711 crore project for the procurement and management of 200,000 electronic voting machines (EVMs) to be used in 150 constituencies in the next general election, despite objections from major opposition parties and stakeholders. When this proposal was announced, we questioned why such a costly project was being undertaken at a time when our economy is struggling and the taka has been devalued to the extent that each USD costs 28 percent more compared to 2018, when EVMs were last bought by the country. Back in 2018, it was reported that Bangladesh bought EVMs at 11 times the price India paid, and that the EC has once again opted for these inflated prices, despite depleting currency reserves and the government's own recommendations of cutting down unnecessary costs of public projects.

Now, we are even more concerned to hear that at least 27,900 of these extremely expensive EVMs – part of the 150,000 EVMs bought by the EC in phases since 2018 for use in different elections – have become unusable due to a lack of proper storage and maintenance. According to the EC's own documents, this is Tk 642 crore of public funds that has potentially gone down the drain due to carelessness and neglect. Another 45,500 EVMs, stored in cardboard boxes at different places, could potentially be damaged and also run the risk of becoming unusable in the upcoming polls.

Despite objections, the EC has asked political parties and voters in Bangladesh to place their trust in EVMs. It seems like even the EC is aware that this decision is controversial, since in the roadmap that it published for the upcoming election, the commission identified and acknowledged that it was facing a crisis of confidence among the opposition parties. Despite this awareness, pleas for alternative solutions, such as implementing the Voter-Verified Paper Audit Trail (VVPAT) technology, have not only fallen on deaf ears, but the EC has even been accused of doctoring parties' stance on EVMs in the roadmap. Yet now, we are faced with more information that only exacerbates this crisis of confidence.

How can the EC expect voters to trust machines with broken monitors, torn cables, and damaged ballot unit buttons and finger-matching components? The EVM project director has argued that all the EVMs are repairable and come with service and parts warranties. While that may be the case, that does not explain why these machines were kept so carelessly, and why in the last few years, no proper storage facilities have been designated for them. Certain EC officials have blamed an absence of EVM storage guidelines for this. This can be added to the EC's many failures, since these guidelines already exist in India, and it would not have been difficult for our EC to create a similar one. While the EC may have acknowledged that they are facing a crisis of confidence, the neglect and disrepair of EVMs seem to demonstrate, once again, that they are not keen on taking steps to address it.

Is the Data Protection Act an extension of DSA?

ON THE SHORES OF (IN)JUSTICE

Dr CR Abrar
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CR ABRAR

Over the past several months, efforts have been afoot to frame a data protection law in Bangladesh. Senior functionaries of the state justify that the proposed law has become a necessity in a country that has more than 130 million internet users and at least 2,000 internet-based services. The law will protect the interests of these people, they posit. The ostensible purposes for framing the law are to: (a) meet the burgeoning need for data protection; (b) create an effective regulatory institution in this regard; (c) ensure overall development of the information and communication technology (ICT) sector; and (d) ensure protection of the personal data of individuals. While there is a general agreement about the need for such legislation, concerns have been expressed, nationally and internationally, about the adverse impacts of the law on citizens' fundamental freedoms. Despite the concerned agency's initiatives to make the draft law available on its website and organise stakeholder discussions, there is widespread scepticism about what the final text would contain.

Discerning citizens have every reason to raise questions about the draft Data Protection Act.

Commentators, rights activists, citizen and netizen groups, associations of editors and journalists across the ideological divide, and e-commerce and business leaders have all voiced their opposition to the proposed law, pointing out the authorities' reluctance to accommodate the views of stakeholders, vagueness of the provisions, unbridled authority and concomitant immunity accorded to the regulators, lack of judicial oversight, and the draconian penalties that the law imposes on potential "violators," among other issues.

Frustration was palpable as the two revised drafts largely ignored the stakeholders' input and recommendations. Assurances from senior ministers that their genuine concerns would be addressed in the final bill appear to have failed to assuage their anxiety. Some candidly noted the hollowness of similar assurances in case of the Digital Security Act, 2018 (DSA). One can surmise that the DSA's debilitating impact on freedoms of expression and the press and the state's failure to rescind or even amend the most contentious provisions of the law (despite overwhelming evidence of its abuse) have triggered this apprehension of misapplication of the Data Protection Act (DPA). They point out that the gaps that exist in the DSA are also present in the draft DPA, further arguing the point that Bangladesh's standing in the Press Freedom Index has continued to drop after the framing of the DSA.

In trying to unravel the reason behind framing the DPA, some analysts argue that growing national and international criticisms of DSA's misapplication has prompted the authorities to craft new tools. It is for this reason that the DPA bears some of the hallmarks of the DSA. Foremost among those are the reiteration of "sensitive" terms such as "public order," "Bangladesh's sovereignty and integrity," "state security," "friendly relations with foreign states," and the like. Quite like the DSA, the DPA refrains from providing any explanations of those terms, creating enormous scope for subjective interpretation by the authorities.

The proposed law has subjected the Data Protection Office answerable to the Digital Security Agency that has been established under the DSA. Thus, the director general (DG) of the agency would be legally in charge of implementing the DPA and enjoy unfettered power. There is little doubt that this dual role is patently contradictory. In a dispensation fraught with excessive use of authority by law enforcement agencies, weak judiciary, and very restricted parliamentary oversight, such institutional enmeshing of the DG's roles is likely to subvert the very purpose of framing the DPA. It was made amply clear when, at a stakeholders' meeting on the draft law, the state minister for ICT affairs candidly stated that the DG was bound to adhere to government directives, and this was sanctioned by the constitution. The symbiotic relationship between the DSA and DPA is further manifested in Section 60 of the DPA, which obliges all offences committed under the DPA be tried in the Cyber Tribunal established under the ICT Act, which also enjoys the competence to try cases under the DSA.

While there is a need for protection of personal information, scope has been created for administrative control, which would undermine constitutionally guaranteed freedom of expression, personal freedom and that of privacy. The absence of clear definitions of some key concepts has made the law susceptible to abuse. The Transparency International Bangladesh (TIB) recommends that in order to ensure the primacy of protection of personal information, the proposed law should be titled "personal information protection act," as has been the case in at least 60 other countries. The use of the term "data" is likely to defeat the principal purpose of the law, the organisation observes. Moreover, TIB notes that the absence of a clear definition of the term "personal data" and vagueness of the term "individual consent" – a critical issue in personal information protection law – "would make the law open to severe abuse." The absence of the right to privacy in the draft law is also deeply disconcerting.

Section 10 of the DPA has given the state the authority to collect data for ensuring national security and preventing, identifying and investigating criminal acts, while Section 30 provides immunity to law enforcement and intelligence agencies. In all likelihood, this will make all data centres and servers, including those of non-state actors, subject to state scrutiny, while freeing the state agencies from being held accountable and from judicial oversight.

All such omissions and acts by the state have created a situation of distrust regarding its intent in framing the data protection law. There is a growing view that, instead of providing protection of personal data, the DPA will essentially be a handy tool for surveillance over the citizenry, further reinforcing the executive arm of the state. Under such circumstances, after being subjected to the unmitigated abuse of the DSA, and likelihood of misapplication of the undefined terms and draconian clauses that the proposed DPA contain, don't the discerning citizens have every reason to raise questions about the DPA?

How can we expect farmers to survive on rice alone?

Mostafa Shabuj
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MOSTAFA SHABUJ

Farmers in our country are unable to make profit even if they cultivate paddy year after year. In the last five years, the cost of paddy farming has doubled in the northern districts, but the price and yield of rice have increased at an insignificant rate.

According to the Department of Agricultural Extension (DAE), Bogura, the cost of Aman production was Tk 11,495 per bigha (33 decimal) five years ago, and now it's Tk 18,607 per bigha. But farmers from Bogura, Gaibandha, Joypurhat and Dinajpur said the cost of production of one bigha of aman paddy is now more than Tk 20,000 to Tk 22,000.

Every time you ask a district's top agriculture official why marginalised farmers are not making any profit from paddy farming and why they should cultivate paddy, the answer is always the same. They say that farmers will grow paddy even if there is no profit because they have to survive by eating rice. Paddy farming ensures food security for farmers' families, and they can't give it up as they inherited the profession from their forefathers. Do you think that's a good enough answer?

One does not have to be a doctor or a researcher to understand that food security is not just about having rice three times a day. In very simple terms, food security means the availability of all types of nutritious food required by the body, which the farmer is deprived of every single day.

Along with rice, prices of other nutritious food like vegetables, meat, milk, and eggs have doubled after the pandemic and amidst the Russia-Ukraine war. Therefore, thousands of low-income farmers (landless, marginalised farmers) in village areas have been forced to cut down on food variety.

When commodity prices are high, farmers become more helpless. Due to the sharp increase in the means of production (input services) like seeds, tillage, irrigation, fertilisers, pesticides, fuel, and labour wages, their struggles increase.

On September 17, *The Daily Star's* Weekend Read published a report titled, "All, except farmers, profit from paddy farming". According to it, the Bogura regional office of the DAE recently estimated the cost of aman cultivation in Sirajganj, Pabna, Joypurhat and Bogura districts. The cost of producing Aman paddy per bigha (33 decimals) has been estimated at Tk 18,607, the yield of which has been estimated at 617 kg (about 15.5 maunds) per bigha. If the farmer sells all of it (15.5 maunds) and the straw at the current government price, he will get Tk 19,659 after four months of hard labour.

According to the DAE, the cost of producing one kg of paddy in the ongoing aman season is Tk 30 and Tk 1,200 per maund. The current government price for one kg of paddy is Tk 27. If farmers sell their paddy at the current government rate, they will suffer a loss of Tk 120 per maund.

The DAE has estimated that the cost of producing one kg of rice is Tk 50 during this aman season. When this one kg of rice reaches the consumers from millers and traders, its price will increase to around Tk 80 per kilogram. That means, from one kg of rice, brokers, traders and millers at different stages will earn much more than the farmer and in a very short time.

In our neighbouring India, this year, the Commission for Agricultural Costs and Prices (CACP) estimated that the production cost of one quintal (100 kg) of aman paddy is Rs 1,360, and fixed a minimum support price (MSP) of Rs 2,040 per quintal so that farmers can make a profit of around Rs 680 per quintal of paddy.

In response to why farmers in Bangladesh are not able to profit from paddy farming, many experts opined that businessmen control almost all the materials required for paddy farming, except for labour. Thus, no one cares whether farmers make a profit or a loss.

In an interview with *The Daily Star*, agriculturist Mohammed Masum, who is the chairman of Supreme Seed, a leading seed company in the country, said that the private sector controls 95 percent of the hybrid seed market in the country. The government should build a high-quality hybrid research institute that can compete with seed companies. That way, the cost of production will decrease and the production of paddy will increase. He went on to say that farmers will not be able to profit without increasing the production of paddy.

On the other hand, according to experts, only subsidies and small incentives in the agricultural sector will not change the fortunes of farmers. "Political will" is needed for them to benefit. Reforms in both the input market for paddy production and the market for rice as a commodity are urgently needed. Otherwise, farmers will lose interest in paddy farming and the country will face severe food scarcity.

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