

The Daily Star

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Why different bail decisions in same case?

Fakhrul, Abbas being denied bail for fourth time raises concerns

It is a fundamental principle of justice that any person accused of a crime is considered innocent until *proven* guilty. This is to ensure the legal rights of the accused throughout a trial. The case of jailed BNP leaders Mirza Fakhrul Islam Alamgir and Mirza Abbas appears to be a contravention of that principle. Their bail petitions in a case filed over the December 7 clash between BNP activists and police have been rejected for the fourth time now.

As we know, since that clash, hundreds of leaders and activists of the BNP and its front organisations have been arrested. Mirza Fakhrul, the party's secretary general, and Mirza Abbas, a member of its standing committee, were arrested in the early hours of December 9, on charges of inciting violence. While these arrests follow the well-established political strategy of rounding up opposition activists after any clash, one expects the judicial process to follow its own course and take decisions impartially. However, the repeated denial of bail to Fakhrul and Abbas raises concerns about that process.

To be clear, we're not commenting on the merit of charges brought against them. Their guilt or innocence is for the court to establish. But until that has happened – and so long as they're not flight risks, which they are not – they deserve to get bail like everyone else. Importantly, their names were not even in the First Information Report (FIR) of the case in which they were implicated, while two other BNP leaders – Amanullah Aman and Abdul Kader Bhuiyan – whose names were there in the FIR of the same case were already granted bail by another court. Why this discrepancy? Are we to accept a breach of legal principles here, and presume them guilty until proven innocent? Who will account for the time they are kept behind bars if they are eventually proven innocent, or if this case drags on indefinitely, which most political cases tend to do?

We're talking about two top leaders of our main opposition party. Both are veteran politicians, hold high ranks in their party, and have had ministerial portfolios during BNP's last term in office. They are also reportedly sick, leading to the court directing jail authorities to provide them with proper treatment. Their social status and physical conditions alone would have merited a bail consideration. Unfortunately, in recent years, there have been many instances of bail denials in cases involving rival politicians and government critics. Should we see them as a mere coincidence, or is there any external influence behind such decisions?

We hope the judiciary will reconsider the bail petitions of jailed BNP leaders. It will only help its image and credibility among the public at a time when the judiciary is facing a challenge to establish rule of law amid a complex interplay of legal loopholes, institutional barriers, lack of resources, and intense political pressures that are making justice difficult to deliver. We hope it can rise to that challenge.

Women's workplace safety still neglected

Authorities must create an environment where women feel safe, can report abuse

While sexual harassment is a regular phenomenon for the increasing number of working women in Bangladesh, it appears workplace harassment and abuse are still not taken seriously by those in charge. The 2009 High Court directive in this regard – to form sexual harassment complaint committees in all workplaces and educational institutions – also remains largely unimplemented. Against this backdrop, it is only natural that working women do not feel confident or emboldened enough to report abuse that they face in their workplaces. Even if a woman wants to file a complaint, she cannot do so in the absence of a proper mechanism in her organisation.

A new study by the non-profit Karmojibi Nari has found that 83 percent of female workers do not lodge any complaint on sexual harassment they face at their factories in the Dhaka Export Processing Zone (DEPZ). Female workers also often do not report on payment delays or issues relating to maternity leave, fearing that they may lose their jobs if they seek remedy. According to the study, around 90 percent of the women workers are unaware of the existence of any safety committees, anti-harassment committees or workers welfare associations in DEPZ. Many also believe that such bodies might be working on behalf of the factory owners.

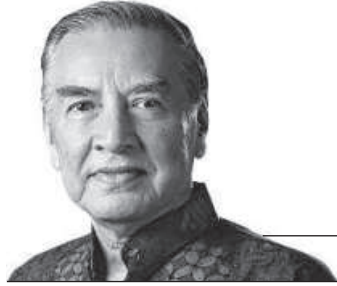
Besides this study, there have been other surveys and studies in the recent past that also revealed a similar picture. For instance, a 2018 study on female garment workers found that 67 percent of the victims of abuse in factories did not seek any assistance from the complaint committees because they didn't have faith in them. The latest findings by Karmojibi Nari expose the DEPZ authorities' failure to address the grievances of female workers, as well as their own inability to create awareness among workers in general on these issues. From the situation in DEPZ, we can easily guess the condition of female workers in other EPZs of the country.

The question is: how can we ensure safe workplaces for our female workers inside factories? First, the authorities of the export processing zones must acknowledge incidences of harassment inside factories – such crimes should never be put under the carpet in any circumstances. Then comes the question of responsibility for providing remedy to the victims, which can only be done if there are effective complaint committees. The onus is definitely on the EPZ authorities to form these committees, make female workers aware of their existence, and assure them that their grievances would be addressed without them having to worry about their jobs.

Equally importantly, the same labour laws should be applied to all workers of the country. Having a separate law for the EPZs – which does not allow forming trade unions – is only denying workers, particularly women, their right to raise voices about the harassment and abuse they face on a regular basis.

Bangabandhu to Sheikh Hasina

Awami League's journey from a party leading a struggle to a party long in power



THE THIRD VIEW

Mahfuz Anam is the editor and publisher of The Daily Star.

MAHFUZ ANAM

Awam, an Urdu word, from which the Awami League's (AL) name came, means "the people." Throughout our days as a part of Pakistan, AL truly and most successfully represented the interests of the people. In every struggle of the Bangalees of East Pakistan – be it political, economic, social, or cultural – AL was at its forefront. Launched by Maulana Bhashani and stewarded by Huseyn Shaheed Suhrawardy, it was brought to its magnificent fruition and epitome of glory by Bangabandhu Sheikh Mujibur Rahman. AL always stood tall, and no other party came remotely close, when it came to representing the will of the Bangalees in the 50s and 60s of the last century.

Starting with the Language Movement in '52, to Jukta (United) Front election in '54, anti-Ayub movement from the late 50s onwards, the Education Movement in '62, Six-Point Movement in '66, and the students' 11-Point Movement in '69 – through it all, the AL emerged as the most authentic voice of the people, and finally manifested itself as the sole "spokesman" of the people of East Pakistan through its stunning and sweeping victory in the 1970 election. The party was unrivalled in popularity, stature, and moral authority never seen in the Indian subcontinent since the days of the Indian National Congress at the height of its anti-British struggle. From March 2 to 25 in 1971, when the genocide began, a single man – Sheikh Mujib – stood against a state – Pakistan – and emerged taller by the day as his authority grew and that of the state dwindled, epitomised by that poetry of a speech on March 7.

Awami League's crowning glory was its leading role during our independence struggle in 1971.

The party's post-liberation story is a mixed legacy. A shining example of its liberal orientation is the 1972



Whatever happens tomorrow, it has to come from Sheikh Hasina. Nobody and nothing else is of any consequence. FILE PHOTO: STAR

the fact that *The Daily Star* was the first major newspaper to start the reversal of this process within months of its birth, by featuring prominently the events of August 15, 1975. The simple act of publishing a double column portrait of Bangabandhu with thick black bordering, symbolising grief, constituted a defiance that is unimaginable today.)

Among the most condemnable acts of the Zia government, though introduced by Mostaq as an ordinance, was the granting of indemnity to the murderers of Bangabandhu, his family, and of the four national leaders, making our constitution perhaps the only one in the world that gave legal protection to self-proclaimed killers.

Whatever its legacy may have been, the present-day Awami League, whose council sessions begin tomorrow (December 24), is the handiwork of Sheikh Hasina, and it is to her singular credit that she was able to revive, reorganise, re-stimulate and bring her party to where it is today – 14 continuous years in power (besides a previous five-year term), for the first time ever in our history. She has been at AL's helm for the last 41 years, since 1981 when she returned from forced exile in India, and it is definite, as the sun will rise in the morning, that she will continue to adorn that seat. Whatever tomorrow's council does and however many rituals we may see the party undergoing, it will not move a fraction of an inch from what the leader wishes.

Bangabandhu's Awami League led us in the creation of Bangladesh. Sheikh Hasina's Awami League led us in building it in the last 14 years. The achievements are monumental and unparalleled compared to those of any other government of the past.

However, a party leading a struggle and a party in power are two completely different entities.

The former represents a "dream," and the latter its practical implementation; the former's power emanates from its moral and ethical stance in pursuit of a just cause, while the latter basks in state authority

propped up by its coercive machinery trapped in protocol and pomp. This transformation inevitably leads to a decay in values and principles, leading to compromise, corruption, and cronyism. Abuse of power, political partisanship and silencing of critical voices becomes the norm.

As there is no alternative narrative and none is permitted, in time the

inefficiency – save a few – further adds to the PM's burden. During the pandemic, the government did a creditable job led by the PM with the help of bureaucrats; the less said about the concerned minister, the better. Even with disaster relief, which was always the prerogative of the local minister, MP or leader, the distribution has been done through the district administration.

Recently, while experts cried themselves hoarse about the state of the economy, especially that of the banking sector, the calming words came from the PM and not the finance minister, who said he was not aware of any problems and asked the public to give him in writing if they knew of anything. The foreign minister is also constantly being rescued by the PM for his incessant gaffes.

Whenever an AL leader is caught on the wrong side of the law – not because of the work of any monitoring body, but because carelessness or overconfidence gets the better of him or her – the party secretary general, Obaidul Quader, loses no time in saying "some infiltrators from BNP-Jamaat are maligning AL's image," leading to questions about the process of party membership and vetting. Funnily, usually no action is taken against such "infiltrators." On the contrary, a general amnesty was recently given to all such delinquents, bringing into question the party discipline and integrity.

An equally concerning issue is the increasing hold of the business community on the ruling party, and the consequent diminution of that of the politicians. Added to that is the rising influence of bureaucrats, further eroding the impact of those who constitute the traditional political class.

In 1973, 15 percent of the MPs were from the business community. It rose to 48 percent in 1996, 51 percent in 2001, 63 percent in 2008, and 59 percent in 2014. In the current parliament, 61 percent MPs are businesspersons, 13 percent are lawyers, 21 percent from other professions, and only five percent have any political background, according to Transparency International Bangladesh (TIB). This shift in influence is clearly discernible in the policy formulation, whose class nature has led to the highest ever rich-poor gap in our country's history. We want a parliament that represents all sections of society, not the domination of any one.

It is only in name that we have a parliamentary form of government. In practice, it is far closer to the presidential form, with the PM's secretariat being the centre of most decision-making. The principal secretary, cabinet secretary, finance secretary and some other secretaries, varying with time, play far more important roles than the cabinet itself, which mostly remains silent as ministers most often lack both the courage and the expertise to express their views. A highly select group of advisers wield far greater power than most ministers.

It is against this backdrop that the ruling Awami League will hold its 22nd triennial national council. Though we headlined a report on Wednesday with "Number two is the number one question," the reality appears that number two is also not a question anymore. Barring some last-minute change by the party chief, the outcome will mostly be to maintain the status quo, filled with old faces in déjà vu positions.

As the council has been shortened to a one-day affair, in which the PM's speech will certainly feature most prominently, the time for a meaningful hearing of grassroots voices can easily be ruled out. All in all, the meeting of the highest policy-making body of the biggest party in the country that has ruled us for the longest unbroken period in our history is unlikely to generate any excitement.

Whatever happens tomorrow, it has to come from Sheikh Hasina. Nobody and nothing else is of any consequence.

Post-script
In this piece, I have tried to bring to the fore some things that those in her vicinity will never do and which her genuine party stalwarts are too far at a distance to be able to.