

Robbing the migrants blind

Employers, host countries must be held accountable for wage theft

It is unacceptable that millions of dollars of hard-earned wages are being stolen from our expatriate workers – who leave behind their homes, often under desperate circumstances, for a better life abroad – year in and year out. In a public hearing organised in Dhaka recently, migrant workers shared horrific tales of exploitation and mistreatment, which range from withholding of wages for months on end to non-payment of overtime, from arbitrary reduction of salaries in the guise of imposing penalty to denial of other dues. It is not only employers and companies in destination countries that exploit the helplessness and ignorance of the migrants, but also the mega-employment companies that supply the workers.

What makes these tales particularly heartbreaking is that migrant workers are forced to accept this gross injustice as they have little recourse available to challenge their employers in the destination countries.

How are they to file and fight cases against their employers if they fear getting fired and/or are forced to return home as soon as their jobs are terminated? Pursuing such cases in the long term is also not a financially feasible option. When they return home, the workers find that our state institutions are equally helpless in making the employers abroad pay, in the absence of any sustained or meaningful diplomatic efforts to exert pressure on the destination countries. While paying lip service to the plight of migrant workers, the United Nations and other international agencies have thus far failed to institute a framework through which workers can claim their lost wages and hold their employers accountable.

Wage theft, which has been a harsh reality of the migration landscape for decades, took a dramatic turn during Covid, when we saw thousands of Bangladeshi workers lose, on average, USD 2,119 in wages and other entitlements when they were forced to return home from the Gulf countries, according to a survey carried out by the Bangladesh Civil Society for Migrants (BCSM) in 45 districts in 2021. Very few of these workers have been able to claim these lost wages, and it is highly unlikely that they ever will. It is astonishing that Bangladesh has not made any serious attempts to recover them by engaging the destination countries, as the wages stolen from these workers are also essentially remittance stolen from the nation.

It is clear that we need to highlight this critical issue on different regional and international platforms, and/or place the claims of wage theft before host countries through UN organisations.

Our government – like that of any other labour-supplying nation – has been held hostage by the Gulf countries, who can threaten to discontinue their deals to take in workers if we make too many demands. It is time for us to foster alliances among labour-supplying countries so we can collectively place demands before destination countries and hold them accountable for their blatant disregard for migrant workers' rights.

A river held hostage

Stop illegal sand extraction, save the Atrai River

The Atrai riverbank in Nature's Singra upazila is at risk of erosion because of alleged illegal sand-lifting by the local upazila parishad (UP) chairman. According to reports, he has been hauling sand from the riverbank for a hi-tech park project that is under construction in the upazila. When locals protested against the sand-lifting, they were reportedly beaten up and four were injured. Meanwhile, some of the local authorities are also allegedly assisting the sand lifters as the perpetrators are politically influential. It should be mentioned that the assistant commissioner (land) of the upazila visited the spot and ordered to stop the extraction, and also warned the UP chairman's manager, but the sand lifting is still going on, meaning that the warnings of the local administration are falling on deaf ears.

This is an appalling situation. The UP chairman is surely aware that extracting sand from riverbanks leads to river erosion, which puts the lives and livelihoods of those living along the riverbanks at peril. How can a public representative be so reckless? Building a hi-tech park might boost the local economy, but there can be no justification for doing so by putting the Atrai River in a chokehold. The fact that people were assaulted for opposing the sand lifters and raising their voices against destructive development is equally troubling. It reveals the abysmal condition of justice in our country, both in terms of the environment and freedom of expression. That the authorities have thus far failed to put a stop to the sand-lifting, despite being fully aware of the activities, means they are either unable or unwilling to take a firm stance on the issue because of the power the UP chairman holds in the locality.

It is disheartening that the repeated call to put an end to illegal sand-lifting is consistently ignored by those in positions of power. Locals find such practices challenging to protest, and even journalists find them challenging to cover. For instance, Kamal Hossain, a reporter for the Bangla newspaper *Sangbad* in Sunamganj's Tahirpur upazila, was assaulted last year for trying to gather details about unauthorised sand and stone extraction in the region. This further demonstrates the degree of strength that these local sand lifters wield – they have no fear and pay no attention to anyone.

The only way to stop them is for the government to take immediate and exemplary action against the perpetrators, beginning with those affiliated with the ruling party and the current administration. We urge the local authorities of Singra upazila to put a stop to the sand-lifting immediately and take action against those who stand so opposed to the people's will and well-being.

What contributes to our development?



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After 51 years of independence, one could say the success story of Bangladesh's economic development has been spectacular. Over these years, the size of our economy has expanded manifold; from a GDP of around USD 8.7 billion in 1971, we have grown to become a USD 416.3-billion economy now, along with achievements in a wide range of socioeconomic indicators.

Upon independence, we inherited a war-torn agrarian economy with poor infrastructure and an array of challenges in human development. The country's journey has, however, been quite impressive as it has reached a per capita GDP of USD 2,734 and a steady growth rate of more than six percent per annum at least for a decade before Covid struck.

The country has also undergone a structural transformation in terms of its GDP components: the agriculture sector's contribution has reduced to only 13 percent, with a gradual increase in the shares of the industry (35 percent) and service (52 percent) sectors. Over time, Bangladesh has also been able to reduce its head-count poverty rate to 24.3 percent in 2016-17 from as high as 50.1 percent even in the mid-90s.

In addition to social development, there have been certain impressive infrastructural achievements, too, like the Jamuna Bridge, Padma Bridge, etc, which have contributed to the growth momentum of Bangladesh. These massive infrastructures have helped to redistribute the benefits of economic development to regions that are lagging behind, and contributed to bridging the east-west and north-south economic divides in the country.

Though it is difficult to single out the key drivers of our economic performance, there are certain factors that have especially helped to shape up the economy and contributed towards its development.

In this context, the contribution of agriculture to the economy should be acknowledged with due importance. During the 70s and particularly the 80s, innovations of different crop



Dhaka Metro Rail, waiting to be inaugurated next week, is the latest achievement in Bangladesh's infrastructure development mission.

FILE PHOTO: AMRAN HOSSAIN

varieties by our scientists and the successful implementation of such innovations made the country self-sufficient in food. Making sustainable progress in food production while coping with the challenges of regular flooding has certainly helped to combat hunger, poverty and malnutrition. Another key contributor to the stable and consistently high economic growth is related to the export sector, particularly the ready-made garment (RMG) sector.

Today, Bangladesh is the second largest exporter of RMG products in the world; RMG has acted as a prime factor in generating manufacturing sector employment, especially for women.

The development narrative of Bangladesh would be incomplete if we did not take into account the contribution of the overseas migrant workers. On the one hand, from a macro point of view, foreign remittances have served as a key source of foreign currency, while on the other hand, remittances sent by the migrants have contributed to the economic well-being of the rural households.

Our rural economy has also been shaped by the expansion of small and medium enterprises, which particularly in recent years has contributed significantly towards generating small-scale self-employment.

Bangladesh's economic journey has

also been accelerated by the expansion of small-scale lending programmes, which have helped the rural households to gain access to the formal credit market, and thereby to engage in income-generating activities.

There are significant achievements in other areas of human development, too, such as education and healthcare.

been several drivers that have helped our economy to achieve a consistently high growth with impressive progress in poverty reduction as well as in a number of key indicators of health and education.

Despite such achievements, there remains questions regarding the quality of growth, with as high as 24.3 percent of population being unable to meet the basic necessities and as high as 27.8 percent of income being owned by the richest five percent of the country (according to the HIES 2016). Besides, there is an argument that the pace of employment generation has fallen behind the pace of economic growth, with the falling employment-elasticity of growth over the years. The impressive growth performance over the years is therefore argued to be overshadowed to some extent by the challenges in poverty reduction, employment generation, and inequality reduction.

The recent challenges of high inflation along with the depletion of foreign exchange reserves contested the hypothesis of stable macroeconomic performance of the country. Challenges also remain in the context of a number of institutional aspects, e.g. high non-performing loans (NPLs) and irregularities in the financial sector, inefficient public expenditure, and, more importantly, the low capacity of revenue generation to cover development expenses.

Despite such challenges, Bangladesh's achievements over the years are definitely quite commendable, but in order to attain the future targets of high-income status and to attain the SDGs, much greater efforts are needed towards inclusive growth.

There is no denying that there have

Who is eligible to be a Supreme Court judge?

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MD REZAUL HASAN

There is a misperception, although not common and not quite voiced, that there is no law for the appointment of judges in the Supreme Court of Bangladesh. Those who think so may wonder how, then, the judges are appointed in the highest court established by the Constitution of the People's Republic of Bangladesh, and how they take the oath to protect and preserve the constitution and the law of the land without fear, favour, or hatred.

We have only one way to find the answer to this question: looking into the constitution.

Article 95 of our constitution lays down the provisions for the appointment of judges in the Supreme Court. It occurs in Chapter One under Part VI, The Judiciary. Article 95 reads:

(1) The Chief Justice shall be appointed by the President, and the other Judges shall be appointed by the President after consultation with

the Chief Justice;

(2) A person shall not be qualified for appointment as a Judge unless he is a citizen of Bangladesh, and –

(a) has, for not less than ten years, been an advocate of the Supreme Court; or

(b) has, for not less than ten years, held judicial office in the territory of Bangladesh; or

(c) has such qualifications as may be prescribed by law for appointment as a Judge of the Supreme Court. (Sub-Article 3 is not relevant.)

In order to appoint any citizen only from the third category, a piece of law prescribing their qualification has to be made (which may be as an "act" of parliament or an "ordinance" promulgated by the president, subject to the conditions laid down in Article 93 of the constitution).

For the other two categories, the law has been laid down in Clauses (a) and (b) of Article 95 (2). Here, it is the constitutional law, as opposed to the statutory law, that will apply. No further law by way of an act or an ordinance is required for these two categories.

To make this picture clearer, we may read Article 118 (1) alongside Article 95 (2) and then compare the provisions of these two articles.

According to Article 118 (1) says, "There shall be an Election

Commission for Bangladesh consisting of the Chief Election Commissioner and not more than four Election Commissioners, and the appointment of the Chief Election Commissioner and other Election Commissioners (if any) shall, subject to the provision of any law made in

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that behalf, be made by the President."

Thus, an act of parliament is required to be made for the appointment of judges only as per Clause (c) of Article 95 (2), as it is required to be made for appointment of the election commissioners, as per Article 118 (1). Accordingly, the Chief Election Commissioner (CEC) and Other Election Commissioners' Appointment Act, 2022 was made by the parliament on January 29,

2022, for the appointment of election commissioners, as required by Article 118 (1) of the constitution. But no such law has yet been made as required by Clause (c) of Article 95 (2).

However, for the appointment of any judge in the Supreme Court, other than the chief justice of Bangladesh, consultation with the chief justice is mandatory even if a citizen is otherwise found to be qualified under Article 95 (2).

It may also be mentioned that, as per Article 95 (1), the chief justice shall be appointed by the president. Then again, Article 48 (3) stipulates, "In exercise of all his functions, save only that of appointing the Prime Minister pursuant to clause (3) of article 56 and the Chief Justice pursuant to clause (1) of article 95, the President shall act in accordance with the advice of the Prime Minister."

It may not be out of place to mention here that the Supreme Court is the ultimate authority to interpret the constitution and the law of the country.

Therefore, to ensure proper and uniform understanding, constitutional issues should be raised before and be decided by the Supreme Court, which is the proper forum to address and decide such issues anyway.