

Independent judiciary crucial for democracy

It is the right of every Bangladeshi to have access to an impartial justice system

In his farewell speech on Thursday, outgoing Chief Justice Hasan Foez Siddique spoke of his belief that a strong and independent judiciary is indispensable to a strong democratic system. He argued that the courts should be kept at a safe distance from political ideologies, and warned against outside influences over the judicial process, saying, “It cannot be said that the state and the judiciary are operating in the right way if the laws crush the poor and the rich crush the laws.”

We wholeheartedly agree with these comments, and appreciate his acknowledgment that all is not well in our legal system. However, his words would have been better received had they been followed up with the necessary actions during his term. We cannot in good conscience argue that enough has been done to ensure the independence and impartiality of our legal process.

Article 22 of the constitution says that the state shall ensure the separation of the judiciary from the executive organs of the state. All citizens are equal in front of an independent judiciary, with the right to receive justice for wrongdoings committed against them, even and especially if they are committed by those in or connected to the state. Yet, more and more, we see our legal system being used to advance questionable agendas instead of the rule of law. The continuing denial of bail to harass journalists, rights defenders and even ordinary teenagers accused under the draconian Digital Security Act (DSA) is an example of this.

Incredibly long delays at court, lack of protection for witnesses, outdated legal processes, massive case backlogs, the corruption that has infiltrated our institutions including the law enforcement agencies, and the oversized influence of rich and powerful actors – all of these and more continue to strike at the integrity of our legal system. The terrifying end result of this can only be a loss of faith in justice and the rule of law.

With elections just around the corner, it is now even more imperative for the state to demonstrate its commitment to an efficient legal system, without which we cannot have a functional democracy. At the same time, we urge all the legal actors to uphold their loyalty to the constitution and the rule of law and free themselves from outside influences. Only a fully independent judiciary can fulfil its responsibility as the heart of a people's republic and the protector of every citizen's human rights.

Ensure inspection at all RMG factories

CPD findings a cause for concern for workers' safety

We are gravely concerned to learn that a significant number of ready-made garment (RMG) factories in the country are operating without any kind of safety inspection mechanism. According to the latest findings of the Centre for Policy Dialogue (CPD), 856 RMG factories out of a total of 3,752 – nearly 23 percent – are operating outside the purview of the safety inspection bodies that are currently active in Bangladesh. After suffering so many casualties caused by workplace negligence in our RMG sector over the years, this revelation not only comes as a shock, but it also raises the question as to whether workers' safety is losing its due priority in this sector.

According to our report, the uninspected factories are exporting apparel products mainly to non-traditional markets – i.e. not to the United States or the European Union, two biggest markets of Bangladeshi RMG products – through subcontracting. We want to know why and how these factories managed to avoid regular inspections, and who will take responsibility if and when a disaster takes place.

We are also alarmed by the finding that the factories that are being inspected are not being monitored properly either. RMG workers' safety – or the shocking lack thereof – in Bangladesh grabbed global attention after the tragic Rana Plaza collapse in 2013. Since then, through a number of initiatives, our RMG sector made remarkable progress in improving workplace safety, but it is evident that it still lacks sufficient monitoring capacity to look after all the factories. Moreover, there are issues with the way the existing monitoring bodies conduct factory inspections. The number of inspections by the Department of Inspection for Factories and Establishments (DIFE) in the RMG sector, for example, decreased by almost 43 percent in FY2022, compared to FY2021, with no clear indication as to why the number declined so steeply. Then there are allegations of lack of coordination between the inspection bodies and other government agencies, lack of reliable data, underreporting of incidents, etc.

This is simply unacceptable. Our RMG sector has grown on the back of its workers, whose blood, sweat and tears have earned us billions of dollars. The least we can do is ensure that their safety is guaranteed through timely and thorough inspections of their factories. Given the recent rise in workplace accidents and deaths in our factories, it is more crucial now than ever that all the shortcomings and inefficiencies are sorted out promptly and efficiently, and the inspection bodies are fully equipped to ensure workplace safety in all our RMG factories.

LETTERS TO THE EDITOR

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Remove garbage from Rampura canal

The Rampura canal has been a garbage dump for as long as I can remember. Despite there being a garbage station at the entrance of Banasree, all kinds of waste stay piled up beside the canal. When will the authorities address this matter?

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What history tells us about election-time government



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The joint declaration made by the three political alliances on November 19, 1990, more than 32 years ago, noted, “Every past election held under this government has been marred by vote theft, vote-rigging, encroachment of polling stations, looting of ballot boxes, even blatant vote robbery, media coup, and finally publishing pre-determined results through voterless elections. In this situation, no free and fair election is possible under this government.” The statement seems to be taken right from the leaflet of the current opposition parties demanding free and fair election.

That year, at the final stage of the anti-dictatorship movement, the Awami League-led eight-party alliance, BNP-led seven-party alliance, and leftist five-party alliance unitedly expressed the demands and goals of the movement in that declaration, which included free and fair elections, making all state media including radio and television independent and autonomous organisations, ensuring free campaigning opportunities for all competing political parties, protection of fundamental rights of the people, ensuring the independence and impartiality of the judiciary, and repealing all laws contrary to fundamental rights.

Have any of these demands and goals been achieved after more than three decades? If not, is it because of the failure, betrayal or ideological crisis of the political forces that came to power later? Or is it because the kind of change needed in the democratic transformation of Bangladesh was not fully captured in the declaration? Or both?

Fundamentally, these democratic aspirations are in direct conflict with the interests of powerful groups represented by the political forces that have ruled Bangladesh for decades. The ruling political groups and economic elites are mutually dependent on each other. Democratic process, accountability, independent media, judiciary and election system are dangerous for these booty capitalists. That is why, under the movement's pressure, the alliances made various promises but did not build institutional systems to establish the values after coming to power, because these would act as barriers to their own irregularity, corruption and looting.

In the mass movements of the 80s, in addition to the demands for free and fair elections, economic and



Protest for democracy in Dhaka on November 10, 1987.

SOURCE: DINU ALAM/WIKIMEDIA COMMONS

political rights of students, workers, farmers, the poor and the middle class were also in discussion. But when the movements came to a stage where everything turned into a “one-point demand,” other crucial goals went out of focus. And although the joint declaration recognised the desire for democratic and constitutional rule, the reforms necessary for enactment were not addressed. For example, reform of Article 70 of the constitution, which prohibits a member of parliament from voting against the party, did not gain importance. In this way, the safeguards through which the economic and political foundation of booty capitalism could be weakened were not installed.

The result – the military dictatorship collapsed, but the “permanent democratic system and way of life” that the joint declaration had aspired towards was not realised. Rather, it gave rise to electoral authoritarianism over time. Even though every element of a democratic system – like parliament, election commission, electoral law, voters' list, and regular elections – is present formally, in practice, there is no guarantee of free and fair elections and democratic accountability.

The political programmes of opposition parties are not banned formally, but all kinds of informal obstacles are created through their localities to prevent them from carrying out regular political activities, and fictitious cases are used to harass them. Leaders, activists and supporters face various obstacles while going to the announced meeting place of opposition parties. Law enforcers set up checkpoints at entry points leading to the rally ground. Social media apps, call lists, SMS and photo galleries of people's phones are searched to identify supporters of opposition party workers. Sometimes, public transport is barred from entering the city where a political programme is set to be held; this is done through law enforcers or transport owners and labour unions affiliated with the ruling party. To implement this, transport organisations call a strike with various demands (undemocratic use of democratic tools). To prevent the activists and supporters from staying near the rally ground in advance, law enforcers carry out special raids and arrests in nearby hotels and messes.

It makes no sense to expect neutrality on election day from a government that conducts anti-democratic activities throughout the year using its institutions. The country's public administration, law enforcement agencies, judiciary and the Election Commission have all

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and fair elections are held under the ruling government, institutions have the structure and culture to work independently.

So first, we need to acknowledge this grim reality, arrange several more elections under a non-partisan government, and while doing so, take necessary steps to reform the constitution, dismantle the institutions' yoke to partisanship, ensure freedom of press and expression, and uproot the monopolistic political power structure based on a predatory economy. If we can successfully accomplish these tasks, the necessity to arrange elections under a separate system will automatically disappear. Failure to do so will perpetuate the unaccountable power structure. If a government can stay in power disregarding public opinion, then that government protects vested interests instead of public ones. As a result, the country's economy falls into a crisis and people's livelihoods are disrupted. So, the cart cannot be put before the horse: the institutions have to be fixed first, and then the provision of a non-partisan system can be removed. The consequences of abolishing the system before fixing democratic institutions have become clear in the last two controversial national elections. Any repetition of this will be disastrous for the country.

Climate change and women's deteriorating mental health



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During the Covid-19 pandemic, many of us came face to face with the psychological crisis it brought on. The countless deaths, the burial of acquaintances and loved ones left a scar on many people's minds. Everyone was stranded at home; there was no going to the school or office, and life became nerve-racking. However, scores of people started dealing with such psychological distress long ago, due to natural disasters like cyclones and floods.

It has now been widely agreed upon that climate change is one of the most prominent health hazards in the world. The Intergovernmental Panel on Climate Change (IPCC) confirms that there is no doubt that climate change affects mental health, besides the effects it has on the frequency of heatwaves and proliferation of diseases like Covid-19 and dengue. The frequency and magnitude of weather-related extremes continue to rise every year. More people are seeing their homes and

livelihoods getting damaged, and many are witnessing the loss of their loved ones. These all have persistent impacts on mental health.

Evidently, climate change has severe repercussions regardless of race, ethnicity, sex or income level, but its consequences are not gender-neutral. Due to their economic position in family and society, women are always more vulnerable during disasters than men.

Women have scant access to property, money, education, healthcare, and decision-making opportunities. And so they are more susceptible to suffering from disasters brought on by the climate. Eco-anxiety is defined as an unrelenting dread of environmental catastrophe. This dread emerges when a person knows the seemingly irrevocable effects of climate change and becomes anxious about one's future as well as that of the later generations. Women in the coastal region are the worst sufferers of this condition.

In 2007, weeks after Cyclone Sidr, ActionAid conducted a research which revealed that 25 percent of the 750 survivors had post-traumatic stress disorder (PTSD), with 16 percent also having somatoform disorder (persistent abdominal pain, headaches, joint pain, poor concentration, etc). Fifteen percent had anxiety disorders and 18 percent had significant depression. The World Health Organization (WHO) has stated that post-disaster health issues might vary from minor distress to severe mental health conditions. In Bangladesh, between 20-40 percent of those impacted experience mild psychological anguish, and between 50-60 percent face moderate to severe psychological distress.

Take the case of Moriyam Begum for example. The 45-year-old single mother of two and resident of Burigoalini union, has been collecting shrimp fries from *gher* (enclosures) and rivers for more than eight years. Before that, she was a labourer in a crop field nearby. Due to frequent cyclones and changing climate patterns, the field got contaminated with saline water, which made her unemployed. “Following Cyclone Aila, I had no place for shelter after losing my house, possessions, and money. I again started from zero for the sake of my sons. My husband moved to Dhaka in search of work since all the fields were barren, and never returned.” She is now plagued with a reproductive illness as a result of spending at least

five to six hours a day immersed in brackish water. Despite knowing about the health threats, she looked unwilling to leave this work.

According to the findings of a UNDP survey, women are more adversely impacted by natural disasters than men due to gender-based roles and responsibilities. Women who are responsible for taking care of their families confront additional issues, including higher workloads, water scarcity, food insecurity, and social insecurity, as many of their husbands move to the cities to earn a living. These additional social and cultural hurdles, induced by climate change, negatively affect mental health.

SAJJIDA Foundation carried out pilot research in Gabura and Mongla, two southwestern areas that are frequently prone to natural catastrophes like cyclones, storms, floods and waterlogging. When asked whether natural disasters and climate change affect people's mental health, 88 percent of respondents said yes.

Therefore, it is imperative that gender-responsive and women-friendly approaches are adopted for the national disaster risk reduction plan. Facilitating skill development programmes may also significantly contribute to reducing social insecurity among women. Finally, it is crucial to include women's mental health initiatives and awareness-raising campaigns in development projects focusing on coastal areas.