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Don't normalise Ramadan price gouging

Why can't the govt control prices despite assurances?

Bangladesh's battle against Ramadan price gouging is a story that never gets old. With this year's fasting month days away, it is hardly surprising that concerns over prices are already materialising into reality despite assurances and warnings, including by the prime minister, who on Wednesday vowed "stern action" against anyone involved in inflating prices. According to one report, multiple price shocks have sent consumers reeling, and things may go from bad to worse when the new electricity prices—representing a 7-10 percent jump from a year earlier—come into effect. With the exception of a few, prices of many Ramadan staples including dates, chickpeas, moshur daal, rice, sugar, onion, eggs, and all varieties of meat have seen an increase.

What this means for the lower-income groups, already under tremendous pressure to cover rising expenses with their mostly stagnant income, need not be elaborated. A holy month revered for its messages of restraint, spiritual awakening, and sharing food and joy need not be the cause of renewed suffering for the financially vulnerable. The question is, why is the government failing to control prices despite supposedly enhancing market monitoring, shoring up essential supplies, and reducing import duties on some items? The government would push the ball in the court of traders and importers. And for the most part, it would be right. We have often seen businessmen inflate prices through hoarding and various other dishonest and manipulative practices.

But there are other forces as well. At a recent meeting organised by the FBCCI, the country's apex trade body, business leaders have identified several reasons for the surge in prices including dollar crisis and its increased rate, extortion, syndicates controlling the supply chain, still high import duties, etc. Importantly, they said that traders are forced to pay money to extortionists at multiple stages while bringing a product from grassroots to the wholesale markets. Even after buying from wholesale markets, retailers also have to pay to secure their release. Apart from extortion, traders also blamed the middlemen, saying a product changes hands at least four times before coming to the wholesale markets. Due to the presence of the middlemen, its prices may increase abnormally.

These issues are not unknown, nor can they be swiftly addressed, but for an all-powerful government with its finger on every market force available, it shouldn't be a herculean task either. It can indeed take stern action against those politically connected extortionists, middlemen and syndicate members destabilising the market for their own narrow interests—if it chooses to. That will go a long way towards bringing down prices for ordinary consumers.

Apparel sector must adapt to climate crisis

Climate-adaptive measures vital for the sector's future

We are alarmed to learn of a new study that suggests that Bangladesh could lose \$27 billion in annual apparel exports by 2030, and \$71 billion—or 68.5 percent of total RMG exports—by 2050 if it does not adopt a climate-adaptive approach. According to the study, climate-induced disruptions, primarily due to extreme heat and flooding, are already causing Dhaka's garment workers to miss an average of three days of work per month, incurring an income loss of Tk 1,200 to 1,500. Additionally, by 2030, up to 2.5 lakh employees are at risk of losing their jobs due to climate change. If left unaddressed, this situation could lead to billions of dollars in lost productivity and push apparel buyers to source from less climate-vulnerable countries, further jeopardising our export earnings.

We cannot underestimate the gravity of these findings and predictions. To address this situation, the study recommends embracing climate-adaptive approaches, such as treating heat and flood events as health hazards or engaging with investors, apparel companies, and other stakeholders to address the absence of adequate adaptation measures in their risk management strategies. Bangladesh, ranked as the seventh-most extreme disaster risk-prone country in the world, stands at the forefront of climate adversity. A staggering 56 percent of its population resides in high climate-exposure areas. The country already faces heightened vulnerability to child marriage, illiteracy, erosion, displacement, extreme weather, land loss, food insecurity, diseases, pollution, and other related threats. Over the past 20 years, climate change has cost Bangladesh \$3.72 billion. Additionally, extreme heat exposure results in an annual loss of 254 work hours per person, translating to \$280 to \$311 billion in lost productivity.

Against this backdrop, we must intensify our efforts to avoid further distress. Focused regional research and adaptive strategies are crucial, alongside developing more persuasive climate justice advocacy measures to expedite effective action, including in the apparel sector. Bangladesh has taken a leading role in advocating for climate justice and collective action in the world. But we must do more, considering the ever-increasing risks we face.

LETTERS TO THE EDITOR

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Essentials' prices spike

The looming price hikes just before Ramadan are hitting hard for those who are already stretching every penny. This isn't just numbers on a page; it's about families who will find it even harder to keep food on the table. The government's trying to keep inflation in check, but despite these efforts, prices for basic needs are creeping up, making it feel like a losing battle for many. For those living paycheck to paycheck, this means making even tougher choices about what they should buy and what to forgo. More needs to be done to help those who are most vulnerable to ensure they're not left bearing the brunt of Ramadan price hikes.

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SAFETY OF CONSTRUCTION WORKERS

Hanging by a rope



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We all know that the construction industry in Bangladesh has seen remarkable growth, significantly boosting the country's GDP and providing jobs to millions. However, the construction industry is also home to an incredible amount of fatalities and accidents. The Bangladesh Workplace Death Reports from the Safety and Rights Society highlight that, from 2017 to 2021, over 700 deaths of construction workers occurred, predominantly caused by preventable accidents like falls, electrocution, and suffocation.

Despite the high number of fatalities, the construction sector's safety issues often remain overshadowed by similar concerns in other sectors such as transportation and manufacturing. This neglect is partially due to a lack of public awareness about the scale of the problem, and a casual, perhaps callous, attitude towards safety measures in the industry. The available data highlights a clear demand for better enforcement of existing laws that are designed to safeguard the rights of construction workers. Despite there being strong legal foundations—including the Bangladesh Labour Act, 2006 (BLA) and the Bangladesh National Building Code, 2020 (BNBC)—there are significant obstacles hindering the effective implementation of the laws.

Let us start with the BLA, which was created to protect workers' rights and well-being. It replaced the Factories Act, 1965 and 24 other labour laws, covering various industries, including construction. However, a closer look reveals a significant oversight, as the chapters relevant to health, safety, and welfare (Chapters 5 to 8) largely replicate those of the repealed Factories Act. As a result, the majority of these provisions, while well-suited for factories, are ill-suited to address the specific challenges faced by workers on the construction site.

The Department of Inspection for Factories and Establishments (DIFE) is responsible for enforcing the BLA, excluding Chapters 13 and 14. As outlined in the BLA, the DIFE serves as the national labour inspectorate. However, the Department has generally not taken proactive measures in enforcing the BLA to ensure the safety of construction workers. In large part due to a shortage of personnel, regular inspections at construction sites have



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FILE PHOTO: SK ENAMUL HAQ

been neglected. Despite the increasing demand from various industries, the DIFE faces a resource shortage, hindering its ability to carry out its duties effectively.

Additionally, the statutory compensation scheme for injured workers is shockingly inadequate. The minimum compensation amounts provided here—Tk 2 lakh for a death and Tk 2.5 lakh for permanent disability—fail to address the actual impact on workers and their families. In light of the ongoing economic crisis, urgent reforms are imperative to ensure just and fair compensation for those risking their lives in the workplace. The Bangladesh Labour Rules, 2015 (BLR) outline procedures for implementing the BLA but, disappointingly, they offer limited guidance on the safety of construction workers. While Rule 75 mentions adherence to safety provisions during construction, the BLR lacks specific details on ensuring the well-being of construction workers.

In contradiction to the BLA's shortcomings, the Bangladesh National Building Code (BNBC) may serve as a crucial legal instrument for ensuring construction site safety. Originating in 1993, the BNBC gained legal footing in 2006 with the inclusion of Section

enforcement. Yet, the failure to establish the BBRA to date and assign resources has impeded effective implementation.

A pivotal challenge lies in the reluctance of the government to create the BBRA, leading to a lack of enforcement of BNBC safety measures. In 2008, legal actions were initiated by Bangladesh Legal Aid and Services Trust (BLAST), the Bangladesh Occupational Safety Health and Environment Foundation (OSHE), and the Safety and Rights Society (SRS) through public interest litigation in the High Court Division of the Supreme Court. The HC issued directives, including the establishment of a code enforcement agency within one year and compliance with safety provisions of the Code.

The government's lacklustre response to legal actions led to a contempt petition in 2013, culminating in the issuance of a contempt rule upon the Ministry of Labour, Ministry of Housing and Public Works, and the Ministry of Industries by the High Court. Following the contempt rule, the concerned ministries assigned interim code enforcement agencies (such as the Local Government Division, Rajdhani Unnayan Kartripakkha, Chittagong Development Authority, Rajshahi Development Authority, and Khulna Development Authority) to

the government has not taken sufficient steps, resulting in a lackadaisical enforcement of provisions outlined in the BNBC.

The safety of construction workers in Bangladesh is at a crossroads. While legal frameworks exist, the inadequacies in the BLA and the challenges in implementing the BNBC highlight a dire need for comprehensive reforms.

The government must prioritise the establishment of the BBRA, providing it with the necessary resources and personnel to enforce safety measures effectively. The judiciary's role in pushing for compliance is commendable, nevertheless, constant efforts are required to bridge the gap between legislation and implementation. Regular progress reports and a genuine commitment from the government are vital to ensure the safety and well-being of Bangladesh's construction workers. The construction industry is a keystone of development, and protecting the lives of its workers is not just a legal obligation but a moral imperative. It is time for a collective effort from all stakeholders, including the government, legal bodies, and civil society, to create a safer and more secure environment for those who build the structure of this nation.

PROJECT SYNDICATE

Judgment days for democracy



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NICHOLAS REED LANGEN

Day by day, week by week, courts are increasingly becoming the front line in the struggle to preserve democracy from populists and authoritarians. In the United States, the Supreme Court recently heard oral arguments on a decision by Colorado's highest court that Donald Trump is ineligible to appear on the state's presidential ballot, owing to his role in the January 6, 2021 insurrection at the US Capitol. And an appellate court has ruled against Trump's claim that presidents enjoy immunity for any action taken while in office.

Moreover, a state court in New York has just imposed a \$354 million penalty on Trump for financial fraud. That comes on top of \$83 million awarded by the jury in a case where Trump was accused of defaming a woman who had successfully sued him for sexual assault. In addition to barring him from holding any senior role in a New York-based company for the next three years, these two rulings will likely strip Trump of almost all his available cash holdings.

Meanwhile, across the Atlantic, the United Kingdom's Conservative government has been trying to pass a migrant-relocation bill that is intended to bypass a UK Supreme Court ruling late last year overturning similar legislation. In Israel, the country's

highest court recently struck down an amendment to the Basic Law that would have curtailed its own authority. And in Germany, the Constitutional Court recently ruled that public funding can be denied to the far-right, anti-democratic Die Heimat party, leading to speculation that it could consider a similar case involving the increasingly popular Alternative für Deutschland (AfD).

The ballot eligibility case before the US Supreme Court may turn out to be one of the most important in US history. After the Colorado Supreme Court ruled that Trump's role in the January 6 insurrection bars him from holding high office, it became inevitable that the top court would have to weigh in.

Having accepted the case, the justices must decide whether they will block Trump's return to the presidency, knowing that he has promised to unleash "bedlam" if they rule against him. But even if Trump's followers cause disorder, the US' system of democracy—which was designed to deter demagogues—will have held. By contrast, if the justices overturn the Colorado decision, as seems likely, the future of US democracy may well be left to just a sliver of voters in key swing states.

The courts and the law have been

interwoven with US political life almost since the founding. In 1835, Alexis de Tocqueville observed that, "Scarcely any political question arises in the US that is not resolved, sooner or later, into a judicial question." This was no exaggeration. In 1803, the Supreme Court had asserted, in *Marbury v Madison*, its authority to review and, if necessary, strike down legislation, establishing itself as the final arbiter on the meaning and requirements of the US Constitution.

Within the US, the sovereignty of the court is taken almost for granted, with only occasional murmurs of dissent. But many observers elsewhere are troubled by the idea that a few men and women in black robes could decide on, say, the creation of a national bank or the legality of slavery. While almost every democratic country has a constitutional court, few are as politically super-charged as the US'.

And yet, populist politics have increasingly strained many countries' constitutional orders, leading to more instances of courts asserting themselves in novel ways. A good example is the right-wing Israeli administration's attempt to bar the country's Supreme Court from considering "the reasonableness of a decision of the government, the prime minister, or any other minister."

Last month, Israel's Supreme Court struck down that law. Following in the footsteps of their US counterparts, the justices determined that the Court—not the Knesset, not the government, and not the president—is the highest authority on the meaning and requirements of Israel's Basic Laws.

In the UK, where the courts have long been described as "lions under the throne," last year's ruling striking

down the government's migrant-relocation law suggests that the justices will come out of the shadows when necessary. The government's attempt to send asylum seekers to Rwanda, the court ruled, amounted to a violation of both international and domestic law, because—contrary to what the Foreign Office claims—Rwanda does not qualify as a safe country for resettlement.

It is unclear what will happen if Prime Minister Rishi Sunak's government manages to pass a bill declaring Rwanda to be "safe," simply because no British government has ever adopted legislation whose sole purpose is to deny reality. (In fact, Rwandans seeking political asylum in the UK already outnumber those whom the UK is trying to send to Rwanda.)

If the UK's traditional conception of parliamentary sovereignty holds, the Supreme Court will be obliged to accept this Alice in Wonderland outcome. Still, even if the justices prove unwilling to topple the constitutional apple cart in this particular case, the broader shift in judicial power is clear, both in Britain and internationally.

To survive this period of populist assaults on the democratic order, courts will need to embrace their proper role as arbiters of justice. They know that their decisions cannot rest on the emotional whims of a Trump or a Boris Johnson. They must follow reason, precedent, and law.

At a time of mounting populist pressure, the judiciary's apparent democratic unaccountability will likely prove to be one of its fundamental strengths, not a weakness. They may now be the last guarantors of democratic constitutional order.