

Only people's graft

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Cabinet Secretary Abdul Aziz refused to give it.

"It might confuse people if we make it public now, as the parliament might bring more changes to the proposed amendments," Abdul Aziz said.

"People will know it after it is passed in the parliament by their representatives," the cabinet secretary added.

However, section 7 of the Right to Information Act, 2009 allows keeping any cabinet decision secret only when prior permission is taken from the Information Commission.

Information Commissioner Prof Sadeka Halim confirmed that the cabinet did not take any such permission from them.

Former caretaker government adviser, Dr Akbar Ali Khan, assumed that keeping the decision secret, implies there might be two reasons behind it. Either the government is still examining whether they should bring the amendments, or the government would make the amendments hastily before anybody knows about it.

"But there is no scope for the government to keep the amendments secret, as ultimately it will be placed before the parliament. I cannot say for sure why the government is behaving this way, I can only assume," Akbar Ali Khan added.

Abdul Aziz, however, confirmed that as per the proposed amendments, prior permission would be required before filing a case against public servants defined by section 21 of the Penal Code.

"The section of the Penal Code refers to public servant meaning persons employed in service of the people and paid by the government," said ACC's counsel Anisul Huq. "The head of state, prime minister, ministers and advisers will be on the list of public servants," he added.

This amendment would make the ACC vulnerable to misuse on political purposes, for harassing people, like the time of now-defunct Bureau of Anti-Corruption, Anisul Huq observed.

The main objective of transforming the Bureau of Anti-Corruption into an independent commission in 2004 was to equip it with power of prosecuting corrupt public servants, who, according to Transparency International Bangladesh (TIB) surveys, are largely involved in corruption.

Barrister Rokanuddin Mahmud mentioned that public servants include lawmakers, people working in statutory bodies, and also local government representatives of all tiers.

According to the Penal Code, the long list of public servants also includes commissioned officers in the armed forces, judges, officers of a court of justice, jurymen, assessors, or members of a panchayat assisting a court of justice, income tax officers, Election Commission officers, municipal commissioners

and government officials entrusted with the duty to prevent offence in the society.

Article 152 of the constitution defines public officers as persons holding or acting in any office of emolument in the service of the republic. "Experience shows the government rarely permits filing of cases against its officers. Whenever the permission comes, it is never against any high-profile officer," said Rokanuddin.

In case an ACC official eventually gets the permission, the problem does not end there as an anti-graft official would be jailed for between two and five years if he or she failed to prove the case before a court.

PROPOSED AMENDMENT
The amendment proposes jail term for two to five years with fine if any individual including ACC officials filed a false allegation or influenced the court by giving false information.

Regarding the ACC officials, the provision also proposes taking departmental action in addition to the jail term.

The provision would largely discourage ACC officials and individuals from filing cases or allegations as those can be proved false at any stage of legal proceedings.

"The provision is unnecessary as the anti-graft body does not take any allegation into cognisance without enquiry. Rather the government should protect those who will act as whistle blowers in combating corruption," said TIB Trustee Prof Muzaffer Ahmad.

About 80 to 90 percent of corruption enquiries and investigations currently underway in the ACC are results of individuals' complaints. The commission has a committee to scrutinise the complaints before initiating an enquiry.

If an enquiry finds merit, commission examines it, and gives permission to file a case. Another investigation is conducted following that step.

"Punishment for filing a false case means punishment of the commission as it approves the case. A case may be proved false during a trial for a lot of reasons," said TIB Chairman M Hafizuddin Khan.

The third amendment adds a further twist proposing cancellation of the ACC's authority to summon witnesses for their statements during investigations. Instead, the amendment proposes issuance of notices to witnesses.

If ACC investigators cannot summon witnesses, they might not appear before the commission, hampering investigations greatly.

"It will undermine the credibility of the investigation, besides creating procedural flaws and affecting its effectiveness," said TIB Executive Director Iftekharuzzaman.

The cabinet also finalised appointment of the ACC secretary by the government, prompting experts to

comment that the amendment goes directly against the spirit of the ACC's independence.

"This is a direct government intervention in ACC's independence. The secretary might not follow all decisions of the commission, and nurture bureaucracy," said Advocate Khurshid Alam Khan.

There is also the most diplomatic amendment proposing to make ACC cases non-bailable, non-compoundable, and cognisable.

Though people welcomed the provision thinking it is positive, legal experts term it an eyewash through a game of words, as "non-bailable" does not necessarily mean graft suspects would never obtain bail.

"It is nothing new as it already exists regarding different offences like murder and rape. Non-bailable offenses are usually non-compoundable. And people can get bail in those cases through the court," explained Rokanuddin Mahmud.

Allowed time for an investigation is also proposed to be increased to 180 days from the existing 60 days. Experts say this change is insignificant, and in some cases it might even make an investigation unnecessarily lengthy.

The only amendment that is welcomed by all is that no ACC official would be able to be the investigator of corruption allegation against their colleagues. Instead, another government official would do the job.

Another amendment proposed to cancel the ACC's authority to take witnesses' statement under oath. It caused mixed reaction giving rise to a debate over the intention behind this proposal, which indicates creation of impediments to ACC's effectiveness.

Keeping secret the identities of people revealing corruption information is proposed in another amendment.

None of the ACC's own amendment proposals including for increase of its human resources, making its laws supreme over other laws, and making the commission able to seek expertise from other government agencies was accepted by the cabinet.

"The power of the commission would be greatly curtailed and its independence would be greatly compromised. I would request the government to consult various sections of the population before coming to a conclusion," said Anisul Huq.

ACC Chairman Ghulam Rahman only expressed the hope that there would be refinement of the proposals in the parliament. He said he expects opinions of people would be considered in the parliament and international anti-corruption laws would be discussed there.

Chinese co

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Meanwhile, several other companies are going to send 6,000 Bangladeshis home by plane and ship within a day or two, said Expatriates' Welfare Secretary Zafar Ahmed Khan at the ministry.

A Malaysian company in Libya has already chartered a plane at their own expense to send home 820 Bangladeshis it employed while South Korean companies Daewoo and Dong Ha will repatriate 1,500 and 1,200 more, he said.

The Bangladeshis who entered Tunisia yesterday are being provided with food and shelter by International Organisation for Migration (IOM) and the Red Cross, said Quayes.

He said South Korean company Sinhan is supposed to relocate 5,000 Bangladeshis to Tunisia.

"The prime concern for Bangladesh is now the safety of its nationals in Libya though a wholesale evacuation is not the answer at this stage," said Quayes, adding that the government is trying to move the Bangladeshis either to safer places or to neighbouring Egypt or Tunisia.

Considering that there are estimated 60,000 Bangladeshis in Libya, their repatriation requires huge logistics and procedures, Mijarul Quayes said.

The government, however, will not hesitate to go for full evacuation if it is really necessary, he said. He would meet diplomats of other Asian countries that are evacuating their nationals and ask them if they could include Bangladesh nationals as well.

It has been around two weeks since violence erupted in Libya and Bangladeshis have been facing attacks and been victims of looting by Libyans. Many employers deserted workers at camps. The workers are running short on food and water. Many fear more attacks by Libyans.

China, South Korea, India and Thailand are bringing back their citizens by chartered planes and ships but Bangladesh is relying on the employers to move its citizens to safer places. It is also seeking support of international agencies for their

shelter and food.

International agencies like the IOM and Red Cross are not able to go inside Libya.

Asked what would happen to those stranded way away from the Egyptian or Tunisian borders, Quayes said, "I have no easy answer for the danger zones."

Meanwhile, relatives of migrant Bangladeshis in Libya formed a human chain in front of the Jatiya Press Club in the city and put up barricade on the Dhaka-Sylhet highway at Bhairab of Kishoreganj for two hours demanding the government bring back their loved ones.

Around 100 relatives of expatriates, who are from Bhairab, blockaded the highway around 9:30am, reports our Kishoreganj correspondent.

Local people also joined them.

According to the expatriates' welfare ministry, 15,000 Bangladeshis are in Tripoli and roughly similar numbers in Benghazi and Saba provinces. The rest are scattered in different parts of the North African country.

There is a trend of Bangladeshi nationals moving towards the borders of Tunisia and Egypt. Around 450 workers, who are near the Egyptian border, are safe, Quayes said.

Officials from the ministries of foreign and expatriates' welfare and from Bangladesh missions in Italy and Iran are rushing to Egypt, Tunisia and Greece to help Bangladeshi guest workers by issuing them travel documents free of cost.

Zafar Ahmed Khan said, "We asked officials in these countries to arrange shelter, rent houses if necessary, and food for the workers. We have given a sort of blank cheque to ensure our citizens' safety."

The official said they have no reports of Bangladeshi casualties. It is quite expected that in such volatile circumstances, there would be shortage of food, he said.

"There is a sense of insecurity rather than actual insecurity," Quayes said urging the media to rethink before making public unsubstantiated reports of casualties.



Bulbul Chowdhury, right, is receiving Bangla Academy Award 2010 in literature from National Professor Kabir Chowdhury, left, at a programme of Amar Ekushey Boi Mela yesterday.

Six receive Bangla Academy award

RAKIB AHAMMED

The Bangla Academy Sahitya Award-2010 was conferred to two poets and four writers yesterday for their contribution to the Bangla literature.

The awards were handed over to the winners at a ceremony on the academy premises.

Poet Ruby Rahman and Nasir Ahmed won the award in the category of poetry while Bulbul Chowdhury in folk literature (Katha Sahitya), Prof Khan Sarwar Murshid in research and essay, while Prof Ajoy Roy in science and technology and Shahjahan Kibria in children's literature.

Bangla Academy President and National Professor Kabir Chowdhury honoured the winners with flowers and

crests while Director General of the academy Shamsuzzaman Khan distributed memorabilia and cheques.

All awardees received the awards personally except Khan Sarwar Murshid whose daughter Dr Tajin Murshid received it on behalf of her father.

Prof Kabir Chowdhury said a nation can go very far with the development of its literature and culture.

Meanwhile, the Amar Ekushey Boi Mela witnessed a huge crowd yesterday, the last weekend of the month. The stalls also witnessed an impressive sale as the fair will end tomorrow.

Huge crowd was noticeable in front of the stalls which have brought collections of popular novelists and poets. Dictionaries by Bangla Academy also seemed to be in huge demand.

IOJ wants

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"Fatwa: present context" organised by Islami Ain Bastobayon Committee (IABC) at the capital's Dhaka Reporters' Unity.

He, however, said village arbitrators have no jurisdiction to deliver any fatwa and only the Islamic courts have the authority to issue fatwa.

Experts like muftis (interpreters of Islamic law) can only suggest solutions to any social issues in line with the Sharia law but cannot force others to follow those.

Amini, also ameer of IABC, reiterated his support for the provision of lashing and amputation in fatwa for theft.

He called the chief justice "non-Muslim" for his recent speech in which he praised a Hindu goddess.

Criticising existing education policy, judicial system and government move for banning fatwa, Amini described the education minister, law minister and lawmaker Rashed Khan Menon as atheists.

Abdul Latif Nejam, secretary general of IABC, also spoke in favour of fatwa.

"Fatwa should be used to stop stalking and other unethical activities in the society," he said demanding recognition of fatwa as law in the country.

Russian team

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Bangladesh Atomic Energy Commission has prepared an action plan to execute the nuclear power project.

Director General of Russian Atomic Energy Corporation Nickolay Spasskiy led the team while Secretary to the Ministry of Science Abdur Rob Hawlader and nuclear power plant Project Director Shawkat Akbar accompanied them.

During the visit, the team had a look at the availability of water around the site. A source on condition of anonymity said the team also had a look at the Padma river close to the site and expressed satisfaction.

By signing the deal on February 24, the government launched the country's first nuclear power project which is expected to be complete by 2017-18 at a cost of \$1.5 to 2 billion, source said.

An official on condition of not being named said there would be two nuclear reactors, each producing 1,000MW.

Cruel twist of fate

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Hearing the noise, locals rushed to the spot, but the four fled.

The people took her to Burn and Plastic Surgery Unit of Dhaka Medical College Hospital. Doctors said Delwara sustained 10 percent burns.

In July last year, during a quarrel Julhas severely beat Delwara, who was then four months' pregnant, damaging her foetus.

Following the incident, she filed the case with a Dhaka court that later issued arrest warrant against the husband. Julhas spent five months in jail and was freed on bail in the case last month.

Delwara's first husband Sekander Hawlader worked as a push cart driver in Dhaka and died of tuberculosis about eight years back. She had a son and a daughter by him.

Both married and living in Patuakhali, they have no contact with their mother as they never accepted her marriage with Julhas.

Sekander had been bedridden for five years, Delwara said, during the period she had to struggle a lot to support her husband and two children.

To make a living, she took up jobs of construction worker, day labourer and hawk. It was a neighbour who suggested that a woman of strong physique can earn more by pulling rickshaw.

By 2008, Delwara had owned 11 rickshaws and paid off the loan she took to meet the expenses of her husband's treatment and to support the family.

In early 2008, Julhas, a worker of Delwara's garage, asked for her hand saying "his first wife [Ranu] had left him".

After the marriage, she sold

Maurya dynasty

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lamp, she added.

Barbara noted that the French team extracted another ancient brick wall and three punch mark copper coins digging seven metres in the ground in the same area last year.

The five-metre wide and seven-metre high wall was erected using different sizes of bricks. The coins were used in between late Maurya and Sunga dynasties.

According to archaeologist Ernelle Berlient, the team explored a huge number of NBWP and Barind soil in another eight-metre multi-layer chasm near the Maurya wall.

all her rickshaws on his advice.

Promising to buy land and settle in his village Muktagachha in Mymensingh along with Delwara, he grabbed all of her savings, around Tk 1.70 lakh in total.

Delwara had stopped pulling rickshaw. But Julhas pressed her to start the job again. He told her that he married the 42-year-old only for money.

Julhas, however, married another woman named Sharmin of Noakhali and started beating Delwara frequently. He was demanding another Tk 2 lakh as dowry.

Interestingly enough, the man was maintaining relation also with Ranu.

However, Delwara has been living in a room sublet by one Khorsheda Begum at Dhalpur over the past eight months.

She counted Tk 30,000 in lawyers' fees and other expenses over the period Khorsheda said. She borrowed the money at a high interest and every week she has to pay an instalment of Tk 1,000.

Delwara is now admitted in the burn unit but yet to get a bed. She is reportedly not getting proper medical care.

Md Asaduzzaman, officer-in-charge of Sabujbagh Police Station, said a case against four people has been filed in this connection. All the four accused are absconding.

7 hurt

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Uddin, assistant sub-inspector of Shyampur Police Station.

As police tried to halt the car, its driver sped away ramming at least four rickshaws standing nearby, said the ASI adding, he followed the car on a motorbike.

According to him, three people were forcefully holding a man at the back seat of the sedan which drove through Dholaipar and Dania.

Jatrabari police intercepted the car at Mridhabari intersection of Demra-Jatrabari road after shooting its driver.

Sub-inspector Saifur Rahman of Jatrabari Police Station said the other criminals got off the car and managed to escape with the victim.

Police seized the car and recovered a machete from it. They, however, could not ascertain immediately whether it was an incident of kidnapping or snatching.

Ombudsman stays

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such functions as Parliament may, by law, determine, including the power to investigate any action taken by a Ministry, a public officer or a statutory public authority, it says.

Contacted, the law minister said a high-level discussion over the appointment of an ombudsman is on. It is, hence, not possible to specify any time frame for the completion of the appointment, he responded to a query.

In its electoral manifesto, the ruling Awami League pledged office of an ombudsman to ensure good governance in line with the constitutional provision.

The act bestows sweeping authority on the ombudsman to investigate complaints made to him against any action taken by any public authorities.

Following enquiry, if it appears to the ombudsman that justice was not served to the complainant or to any other persons in consequence of misadministration, he will

recommend the ministries or statutory public authorities concerned to come up with remedy to the injustices.

On receiving the recommendations, the authority will inform the ombudsman within a month about the actions taken, says the law.

The ombudsman is also empowered to ask any ministry and statutory public authority to take legal, departmental or disciplinary actions against an individual found guilty.

If the ombudsman is not satisfied with the action taken against his recommendation, he may prepare and send a special report on the case to the president.

The ombudsman will also prepare an annual report on his own functions and submit it to the president who will place it in the parliament for discussion.

The law also empowers the ombudsman to punish any person for obstructing his functioning with simple imprisonment of up to three months, or with fine of up to Tk 2,000 or both.

Two Dal leaders

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over the phone.

The assassins shot dead AL leader Mohammad Ullah and his driver Harun-ur-Rashid in broad daylight on February 23 in the capital's Jurain area.

"A day after the killing, Sumon called me over the phone around 6:00pm to say that one Raju would give us Tk 8,000 within two hours as the first instalment," Prince told the media.

Meanwhile, Arif confessed before journalists that he along with Prince and one Rahim carried out several criminal activities including shooting at shops and exploding bombs in Jurain area for extortion.

Asked about Sumon, Rab official failed to give any information instantly. "First, we have to find out whether there is any such character as Sumon and if there is, his identity," said Mohammad Sohail, legal and media wing director of Rab.

Rab will further interrogate Prince and Arif at their headquarters, he added.