



Fire service and Roads and Highways Department workers clear mud and debris from the Lama-Chakaria Road in Mirinja area of Bandarban's Lama upazila yesterday, hours after a landslide hit the area. PHOTO: SANJOY KUMAR BARUA

Landslides kill 5 more

FROM PAGE 1
In Pekua upazila of Cox's Bazar, an elderly woman identified as Anwara Begum, 60, was killed when a wall of her house collapsed following rain on Monday evening.
Upazila Nirbahi Officer of Pekua, Mahbubul Karim, said the victim's family was given financial aid.
The district administration distributed Tk 20,000 to each of the four victims' families and Tk 10,000 to each of the injured, said Md Abdur Rauf, district relief and rehabilitation officer.
The municipality building and Municipality Preparatory School are now open to provide people living in risky areas with shelter, with sufficient food arrangement, added Rauf, also a senior assistant commissioner.
Three teams led by executive magistrates were engaged in evacuating dwellers from risky hill sites, said Md Saiful Islam Mazumdar, deputy commis-

sioner (in-charge) of Cox's Bazar.
Cox's Bazar local office of Bangladesh Meteorological Department said it had recorded 208 millimetre rain in the last 24 hours across the district.
In another development, the body of Munni Barua, who went missing after Sunday's landslide triggered by torrential rain in Bandarban, was recovered from the Shankha river, locally known as Sangu.
Relatives identified the body yesterday after seeing an image of the body on Facebook posted by police, said Officer-in-Charge Alamgir Hossain of Banskhali Police Station.
The body was floating near the bank of the river at Banigram village of Sadhanpur under the police station on Monday evening.
Informed by local people, police recovered the body. Later it was sent to Chittagong Medical College Hospital morgue for autopsy, the OC said.

Mentionable, on Sunday morning one named Sing Moya La died and four others went missing at Dalian Para on Bandarban-Ruma road after a landslide.
The other three missing people are Ruma upazila Postmaster Jainul Alam, Ruma Krishi Bank officer Goutom Nandi and Ching Mya Sing Marma of Mong Shwe Prue Para of Ruma.
Till yesterday, the search operation for the missing ones was disrupted due to incessant rain, said Swapon Kumar Gosh, fire station master (in-charge) of Bandarban.
In fresh landslides, two houses were damaged early yesterday in Lama of Bandarban. No casualties were reported.
Road communication between Lama and Chokoria was snapped due to a landslide at Mirinija under Lama upazila.
(Our correspondents in Cox's Bazar, Chittagong and Bandarban contributed to the story)

Stay alert as water may rise

FROM PAGE 1
Maya thanked the DCs for their steps taken during disasters -- floods, landslides and cyclone Mora -- and said the government has enough stock of relief.
The ministry would increase allocation for district administration to be given to the poor, destitute and disabled people, the Cabinet Division said in a statement.
The government would also take projects to bring the children involved in different types of hazardous jobs into the mainstream.
The decision came at a meeting with State Minister for Labour and Employment Mujibul Haque Chunnun.
After the meeting Mujibul told The Daily Star a survey on the children involved in different types of hazardous jobs would be completed within months.
They would launch projects in next fiscal year, he added.
The government would consider giving compensations to the owners of land, which would be used for install-

ing gridlines and electric poles.
The government would also modernise all power supply lines gradually to ensure uninterrupted power supply.
Prime Minister's Energy Adviser Tawfiq-e-Elahi Chowdhury and State Minister for Power, Energy and Mineral Resources Nasrul Hamid were present at the meeting.
WAIVE INTEREST FOR ONE YEAR
In another meeting attended by Finance Minister AMA Muhiith and State Minister for Finance and Planning MA Mannan, the DCs recommended that all interest payments on agricultural loans in flood affected areas should be waived for a year.
In response, MA Mannan said small NGOs would be badly affected in case of such a move. He added the government might consider suspending collection of interests for a certain period, said meeting sources.
The DCs also recommended preparing a database of the rich in the villages to collect income tax from

them.
Officials of the National Board of Revenue said they would arrange camps at upazila level to collect income tax.
The DCs also recommended that they should be incorporated during preparing development projects. They would be able to enrich the process with their practical knowledge which would help implement the projects properly, they argued.
Responding to another proposal, finance ministry officials said they would consider selling Saving Bonds through the Sonali Bank in village areas.
A second treasury building would be built in northern part of Dhaka city under Dhaka district administration for smooth distribution of question papers of different public exams, meeting sources said.
The finance minister also asked the DCs to provide all sorts of supports for increasing revenue collection, added the sources.

2 ship workers killed in jetty accident

STAFF CORRESPONDENT, Ctg
Two workers died while working in a log-laden vessel at a jetty in Chittagong port in the early hours yesterday.
They are Khorshed Alam, 52, of Laxmipur, and Atikur Rahman, 50, of Noakhali.
Both were working in the night shift alongside others unloading logs from the vessel, MV Latika Naree, which came from Africa, said Sub Inspector (SI) Rabiul Islam of Bandar Police Station.
After the two went missing during work, fellow workers began a search and found them senseless at the bottom of the iron-stairs of a service tunnel of one of the five hatches around 6.00am, the SI said.
The two men were rushed to the port

hospital where on duty doctors declared them dead.
Both bodies bore marks of injuries in head, the SI said. They suspect that the men might have fallen down in the dark while getting down the narrow staircase.
Requesting anonymity an official of Pancharag Udayan Sangstha quoted the berth operator handling the vessel, as saying that goods were being unloaded from hatch 1 and 3 but the two men were found at hatch No 2, which was closed as the cargo in that hatch was meant for an Indian port.
The two might have mistakenly tried to enter that tunnel and died after inhaling toxic gas, the official said. He explained that hatches containing logs are kept closed for weeks that could create toxic gases in them.

Saudia flight with pilgrims aborts take-off

STAFF CORRESPONDENT
A flight of Saudi Arabian Airlines, carrying 313 hajj pilgrims, had to abort take off at Hazrat Shahjalal International Airport yesterday after smoke was seen from the plane's tail section.
The pilgrims and the crew members onboard were safely evacuated, Shakil Meraj, general manager of Biman Bangladesh Airlines, told The Daily Star.
An airport official noticed smoke emitting from the Boeing 777-200 as it was taxiing towards the runway around 11:10am for the flights scheduled take off time of 11:13am, sources said.
The official alerted the air traffic control (ATC) which contacted the pilots.
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Trump aide likely to arrive on July 30

UNB, Dhaka
Lisa Curtis, deputy assistant to US President Donald Trump and senior director for South and Central Asia of the National Security Council in the White House, is likely to arrive in Dhaka on July 30 on a brief visit to discuss various issues of mutual interest with Bangladesh leadership.
This high-level official of the Trump Administration and a South Asian Affairs expert is likely to meet Prime Minister Sheikh Hasina, Foreign Minister AH Mahmood Ali and Foreign Secretary Shahidul Haque during her visit, a foreign ministry senior official told UNB yesterday.
US Ambassador to Bangladesh Marcia Bernicat has already met Shahidul and discussed the two-day visit of Curtis with him.
During his recent US visit, the foreign secretary met Curtis, and they both discussed the potentials of Bangladesh-US security cooperation with particular focus on countering terrorism and violent extremism.
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Act tough to root out graft

FROM PAGE 1
make their drive even more successful.
She also urged them to come up with more innovative ideas for the benefits and welfare of the people.
About the steps of her government to set up 100 economic zones across the country, the PM directed the top divisional and district officials not to allocate any land in an unplanned way for building factories.
Factories need to be set up only in economic zones where all kinds of services would be ensured, she told the meeting.
Special initiatives should be taken for people with disability and autism as well as for those lagging behind in society, the PM said. "You must also make village courts active to ensure justice for the people and reduce the backlog of cases."
Directing the DCs to lead the development and expansion of ICT, Hasina said they would have to take measures to raise the rate of female education and bring back the dropout students to the mainstream education.
The PM said the DCs were playing a very important role in taking the benefits of the government's development

projects to people's doorstep and contributing towards ensuring the overall progress through their tireless and sincere efforts.
Stressing the need for encouraging and promoting their junior colleagues, she said there should not be any difference of opinion when it comes to public service as it might hamper professional work.
She asked the DCs to help save the country from militancy and drug addiction. "You must create public awareness. If you can involve people in your efforts, it'll be easier for you to stamp out militancy and drug abuse."
Public Administration Minister Syed Ashrafur Islam, State Minister for Public Administration Ismat Ara Sadeque, Cabinet Secretary Shafiqul Alam and Principal Secretary at the Prime Minister's Office Kamal Abdul Naser Chowdhury also spoke on the occasion.
Divisional commissioner of Mymensingh and deputy commissioners of Chandpur, Jessore and Faridpur districts also addressed the programme.
Cabinet members, PM's advisers and secretaries of different ministries and divisions were present.

PM'S 23-POINT DIRECTIVE FOR THE DCs

- BSS, Dhaka
1. Remain alert so that people don't become victims of harassment and are not deprived of government services.
 2. Work with elected public representatives to establish good governance at the grassroots.
 3. Create new jobs by strengthening rural economy so that people don't relocate to towns. Take steps to make sure that the pressure of population on the towns does not increase.
 4. Set a motto for the development of rural infrastructure and flourishing potential small and medium industries as well as eradicating poverty through generating employment.
 5. Take development programmes to minimise the rich-poor gap so that the highest number of people can be benefited. Ensure a balanced distribution of resources in building a society without discrimination.
 6. Carry out responsibilities more carefully and strictly for maintaining peace, discipline and stability in all aspects of life by eliminating militancy, terrorism and communalism.
 7. Engage cross-section of people, including local elected public representatives, teachers of schools, colleges and madrasas, imams of mosques, senior citizens, business leaders, women organisers, members of Ansar-VDP and village police and NGO workers, in stamping out militancy and terrorism.
 8. Take special measures for the welfare of the

- physically challenged and autistic people and disadvantaged communities.
9. Make the village courts effective for providing justice to people easily and reduce the backlog of cases pending with courts.
10. Give leadership for developing and flourishing ICT to reach the services at the people's doorsteps.
11. Take steps for increasing the rate of female education and bringing the dropouts back to the mainstream of education.
12. Be more active for increasing transparency and efficiency in land administration and management as well as protecting government land.
13. Take all necessary measures for smooth supply of fertilisers, seeds, electricity and fuel for boosting agriculture production and take initiatives for popularising the environment-friendly agriculture management.
14. Contain marketing of adulterated food with iron hands and create mass awareness about the unethical acts.
15. Ensure proper application of merit, efficiency and experience for successful implementation of the seventh five-year plan and SDGs.
16. Take right measures at the right time for reducing damage from natural disasters. Raise awareness about protecting the environment and ensure proper enforcement of laws and rules regarding it.

17. Take strict steps for maintaining peace in the industrial zones to keep transportation of goods and export-import uninterrupted.
- Eliminate muscle power, extortion, tender manipulation and terrorism.
18. Give consumer rights to an institutional shape and curb any efforts to create an artificial crisis in market with iron hands.
19. Implement the women development policy smoothly and ensure proper legal steps for stopping violence, torture and hostile attitude towards women and checking woman and child trafficking.
20. Ensure scope for education, sports, entertainment and creative cultural activities for physical and mental growth of the children and juveniles. Grow interest of children and juveniles in history, knowledge and science.
21. Stop drug peddling and trafficking and its abuse strictly.
22. Remain vigilant about protecting government land by increasing transparency and efficiency in land administration and management.
23. Preserve geo-natural beauty and biodiversity of the hill districts and give proper attention to the development of haor and baor regions. Extend all-out cooperation to flourish the tourism industry, small and medium size industries and traditional cottage industry.

Defaming the defamation law

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accusation was found baseless. The portrait used was actually drawn by a class V student in a competition. In his case petition, the AL leader, who was later suspended for filing the case, had concealed the fact.
Yet, he claimed that "along with the entire nation he and the witnesses of the case were dishonoured. They were defamed by the accused which is worth of Tk. 5 crore." He even claimed that "the entire nation, he and the witnesses were shocked" for "distorting" Bangabandhu's portrait.
He prayed to the court to punish the UNO under section 501 of the Penal Code, 1860. This section says: "Whoever prints or engraves any matter, knowing or having good reason to believe that such matter is defamatory of any person, shall be punished with simple imprisonment for a term which may extend to two years, or with fine, or with both."
The chief judicial magistrate of Barisal Metropolitan accepted the case and summoned Salman to appear before his court on July 19. He appeared before the court and prayed for bail.
But initially his prayer was not granted and the magistrate sent him to the court's jail where he had to stay for two hours before he was granted bail.
Section 198 of the Code of Criminal Procedure, 1898 imposes a clear bar on filing a defamation case by third party.

It reads: "No Court shall take cognisance of an offence falling under Chapter XIX or Chapter XXI [defamation] of the Penal Code or under sections 493 to 496 (both inclusive) of the same Code, except upon a complaint made by some person aggrieved by such offence."
The scope of exception in this provision is very narrow. The exception is: "where the person so aggrieved is a woman who, according to the customs and manners of the country, ought not to be compelled to appear in public, or where such person is under the age of eighteen years or is an idiot or lunatic, or is from sickness or infirmity unable to make a complaint, some other person may, with the leave of the Court, make a complaint on his or her behalf."
According to the criteria set by the law, the suspended Barisal AL leader was in no way entitled to file the case. He might have felt defamed. But mere injury to his feeling was not defamation. He must prove loss of his reputation. His reputation in no way was lost.
Apart from imposing bar on complainant, the section 198 prohibits the court from taking cognisance of a defamation case unless it is filed by the person who has been allegedly defamed.
This provision has been upheld in many cases by the higher courts in the Indian sub-continent for decades.

But both the complainant and the judicial magistrate in Barisal deviated from the settled principle.
There is no reason to think that the suspended AL leader, also a lawyer by profession and the judicial magistrate were not aware of section 198.
They are also aware of another provision, section 197(1) of CrPC, that should have given further protection to the UNO from being prosecuted in a criminal case. This section says: "When any person who is a Judge within the meaning of section 19 of the Penal Code, or when any Magistrate, or when any public servant who is not removable from his office save by or with the sanction of the Government, is accused of any offence alleged to have been committed by him while acting or purporting to act in the discharge of his official duty, no Court shall take cognisance of such offence except with the previous sanction of the Government."
In the case of the UNO, there was no such permission.
The day the case was filed the judicial magistrate inquired about the permission. The AL leader told the court that he collected a permission letter in this regard from the divisional commissioner and deputy commissioner. But he could not produce any such letter.
What prompted the judicial magistrate to take cognisance of the case then?
Media reports and numerous social

media posts may reveal the reason behind it. The complainant along with more than 50 pro-AL lawyers and a local ruling party MP went to the magistrate court on June 7 to file the case.
There was also a similar showdown on July 23, the day the UNO appeared before the court.
The circumstances raised the question whether the showdown was arranged to create pressure on the magistrate to accept the case in June and deny bail to the UNO in the hearing.
Newspaper reports and social media feeds in last couple of days brought to light several events surrounding the main figures in the situation which gave a clear indication that the local political elites were annoyed with the UNO for many of his activities that went against them.
So, it may be presumed that the local political elites chose the sensitive issue--portrait of Bangabandhu to harass the UNO by framing him in the defamation case.
Yet, Tarique Salman seems to be a lucky man. People stood by him for his good works. They used the social media to condemn his harassment and the case.
People's outburst prompted the administrative service association to strongly condemn the case.
Even Prime Minister Sheikh Hasina herself stood by Salman. She appreciated his work for organising the draw-

ing competition among children and the use of the said portrait on the invitation cards.
The premier did not find any distortion in Bangabandhu's portrait. She lauded the student who drew the portrait, in fact. Her party also suspended the Barisal leader.
In face of a storm of criticism, the suspended AL leader on Sunday applied to the court for withdrawal of the case while the UNO prayed for discharging him from the case. The court allowed his prayer.
In the latest development, the deputy commissioners of Barisal and Barguna Gazi M Saifuzzaman and Bashirul Alam were withdrawn from their respective posts on Monday as the duo had moved to take departmental actions against Salman in connection with "distorting" of the portrait before the case was filed against him.
The case against the UNO is not an isolated incident. It is a manifestation of the current wave of filing defamation cases to muzzle criticism and dissenting voices against the powerful and influential people.
Many defamation cases were filed under the Penal Code by a third party in the last two years against editors, journalists and political opponents.
Most of the cases were filed by ruling party men, ignoring the section 198 of the CrPC. Except one or two cases, the magistrate courts accepted those without questioning the eligibility of the

complainants and summoned the accused to appear before the courts.
The law of defamation seeks to protect individual reputation. However, restrictions have been imposed by the CrPC in section 198 to check the arbitrary use of the law. No third party can file the defamation case.
Only the person who allegedly feels defamed must file complainant with magistrate, not with the police. This also speaks for judicious decision by the magistrate to protect people's freedom of speech and expression guaranteed by the constitution.
But nothing is working. The usage of the defamation law as a weapon to muzzle criticism and harass opponents seems to have destroyed the good spirit of the law.
The magistrates should play a pivotal role to stop any abuse of the law. Therefore, before allowing complainants claiming to have felt aggrieved or defamed to file defamation cases, magistrates should consider whether there was, in fact, any damage to the complainants' reputation. Only feeling of being defamed cannot be ground for taking cognisance of a defamation case.
Judicious decision of the magistrates can protect the innocent from being harassed in defamation cases. This will also uphold the rule of law.