

## Why did Mushtaq have to die?

*A law that silences voices will only harm the nation*

WE are horrified to know that writer Mushtaq Ahmed, who had been locked up under the Digital Security Act for over nine months and was in Kashimpur High Security Jail in Gazipur, was declared dead at a hospital after he was brought there on February 25. Can anything be more tragic and reprehensible than an unexplained death of a writer after being imprisoned for expressing his views about the government's response to the pandemic on social media? Mushtaq's death is a stark reminder of how this draconian Act has been recklessly and unthinkingly applied on the basis of the most tenuous allegations. Such trivialising of human life is abominable and shames our country that was born out of democratic values.

His crime was that he had criticised the government's handling of the pandemic on social media. On May 6, 2020, he was arrested from his home for "spreading rumours and carrying out anti-government activities". The litany of charges he was accused of, along with three others, included spreading propaganda against the Liberation War, the Father of the Nation, and the national flag, tarnishing the image of the nation, creating hatred, destroying communal harmony, and threatening to deteriorate law and order.

Mushtaq was denied bail six times. It is heartbreaking to think that had he been given bail, he might have lived. This is what will be haunting his family members for the rest of their lives. We do not know what were the antecedents to Mushtaq's death—only an autopsy and a fair investigation will be able to determine that. We can only hope that such deaths will be prevented at all costs.

Mushtaq and Kishore (another accused in this case) were brought into a courtroom on February 23, before a judge, their first trip out of prison since May 6 when they were arrested. We hope the probe will establish what happened between then and February 25 to cause Mushtaq's death.

According to a relative who saw Kishore, the cartoonist, who is a diabetic, he had lost weight and had impaired hearing and reduced eyesight. The relative said he feared for Kishore's life. Two others are also accused in this case.

The death of Mushtaq and the incarceration of Kishore, Didarul Islam and Minhaj Mannan Emon and countless others who have been arrested and sent to jail under the Digital Security Act have left us bewildered and disillusioned. What is the ultimate form of this justice? How does a Facebook post or a cartoon constitute a crime? Why is this a non-bailable offense? Where are our rights as citizens of an independent, democratic country?

Such questions may never be answered. But as citizens of this country, we can demand that the provisions of a law that ultimately oppresses ordinary citizens and muzzles freedom of speech and expression, that may lead to disproportionate punishment such as long imprisonment terms and denial of bail, and may lead to severe deterioration of physical health of the accused and or even death, must be done away with immediately.

## River grabbing seems unstoppable

*NRCC cannot stop it alone, others must join the battle*

ACCORDING to a report by *The Daily Star* on February 25, a road has been built right through the Ubdakhali river in the Bahadurkanda area of Netrokona's Kalmakanda upazila by the owners of a brick kiln called SRS Bricks. The road is essentially going to serve as a dam which will obstruct the river's water flow which will in turn create a shortage of irrigation water for growing crops in that area. When contacted, the executive engineer of the Water Development Board in Netrokona admitted that this would cause ecological destruction to the area, while the assistant director of the local Department of Environment office also revealed that the said brick kiln has been operating illegally even after its environmental clearance certificate was revoked on grounds of various rules violations. It is very disappointing to see the death of another natural asset right under the nose of our public officials.

The Brick Manufacturing and Brick Kilns Establishment (Control) Act, 2013 states that setting up brick kilns on government or privately owned forests, sanctuaries, agricultural land, gardens and wetland areas is a punishable offence. On July 1, 2019, the High Court released its 17-point judgment on river grabbing where it clearly stated that "killing a river is virtually a collective suicide for all". But the latest report published by the National River Conservation Commission (NRCC) on the current state of our rivers indicates that none of these regulations are having an impact on the number of river grabbing incidents. According to this report, the number of our rivers has come down from 700 (in pre-independence times) to only 405 at present. A total of 139 rivers in 64 districts have been encroached upon, among them 29 rivers severely polluted. Also, the four rivers surrounding Dhaka district have been already declared as biologically dead. The condition of the Turag river was in such a dire state that the High Court had to declare it as a "legal person" and "living entity" to prevent its doom.

Though the NRCC has been declared as the legal guardian of all rivers in our country by the highest judicial body, it alone cannot protect our rivers from being grabbed by the socially and politically influential figures if other government agencies like the Bangladesh Inland Water Transport Authority (BIWTA) and Bangladesh Water Development Board also do not come forward and join forces to carry out this vital duty. All these concerned authorities have to act collectively if any sustainable change to the trend of encroachment of waterbodies has to be brought.

# Our financial system is just broken

*Fixing it will require making the criminals pay, not the people who are innocent*

### THE OVERTON WINDOW



ERESH OMAR JAMAL

IT was good to hear the High Court blasting a section of Bangladesh Bank officials for their alleged connection with financial scams involving People's Leasing and Financial Services Ltd (PLFSL), a non-

bank financial institution (or NBF) that is now in the process of liquidation due largely to the infamous PK Halder and his associates. It was also encouraging to hear from the HC what the people have been saying all along: that the BB, the Anti-Corruption Commission and the Securities Exchange Commission have all failed to take proper actions against financial criminals in most cases.

The HC further alleged that a section of BB officials starting from general manager to deputy governor, who served the departments responsible for monitoring NBFs, remained silent over different irregularities having obtained undue benefits from scammers between 2002 and 2019. This, too, has been on everyone's mind for a long time, despite denials from government officials from time to time. It must be added that this habit of denying the obvious is another factor that has contributed to the financial sector now being in a shambles.

What's most disappointing is that many government officials still publicly deny that there are serious problems in our financial sector, especially when it comes to the performance of regulators. In 2018, the Centre for Policy Dialogue revealed that Bangladesh had lost Tk 22,502 crore during the previous 10 years through major scams, irregularities and heists. In 2020, Transparency International Bangladesh reported that around Tk 26,400 crore is laundered out of the country every year. Yet, these officials feel no shame about lying in front of the camera, day in and day out.

The banking sector in the country has been swamped with non-performing loans. And now, it is the NBFs that are struggling, and badly. Out of the 36 NBFs in the country, 10 are on the verge of collapse due to various financial scams that have occurred in recent years. A

number of these organisations are facing acute liquidity crisis and have requested the central bank to form a special refinancing scheme worth Tk 7,000 crore—similar to the "special" arrangements that were made for the banks that have been struggling because of various scams.

So what has changed? Let's refresh our memories a bit. What is the common sequence of events when it comes to frauds in the financial sector? First, scamsters steal money from financial

If they are so bad at their jobs, then why do they still have them? And why are the politicians and government officials busy trying to promote the narrative that the occurrence of such scams (over and over again) isn't that big a deal, instead of spending sleepless nights trying to recover the funds that are stolen? Isn't it their job to protect the interest of the public? If they, too, are so incompetent at their job, then who are the people supposed to turn to?

includes two high officials of the BB—the entire regulatory system somehow failed to detect and stop him. If one individual can pull the wool over the eyes of the entire regulatory system—even with help—then how can it be said that the current system is working?

As one expert has put it, in an environment where people can get away with committing such crimes with the help of patrons, criminals start "investing in building networks" that allows them

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ILLUSTRATION: COLLECTED

institutions with the help of insiders (or government officials). Somehow, the regulators never notice it as this happens. Not until it's too late. Second, the "robbers" (as a former finance minister put it) launder the money abroad, and later themselves, after which the regulators finally figure out what has happened. Once the crime has already been committed, and the main culprits have fled with the public's money, these institutions that have been allowed to be looted by its top managers/directors and due to a lack of oversight by regulators are propped back up by... "drum roll"... yes, you guessed it: more of the public's money! Is this supposed to make sense?

Where is the justice in all this? Why are the officials who failed to prevent this from happening never punished? Isn't it their job to prevent such crimes?

The answer so far has been no one. No regulator or government ministry has done enough to either prevent these crimes from happening or to recover the funds stolen from the public exchequer—instead, the public has been made to foot the bill for their incompetence each and every time. That is why the HC's remarks were even more heartening.

However, will that change anything? Most likely not—not until public officials are held accountable for their incompetence (or involvement).

If we look at the crimes committed by PK Halder and see the massive web of criminality that he managed to put together to pull off one scam after another, we can get a glimpse of how corrupt the entire sector has become. While one man reportedly managed to hollow out multiple NBFs with the help of around 100 people—which allegedly

to do exactly what PK Halder did. So what is the solution? The solution has to be to hold the regulators accountable for a change.

In that regard, while we appreciate the HC blasting the regulators, it's extremely important to take meaningful actions against them for their failures. People need to lose their jobs for incompetence, or go to jail for their involvement. Period.

Meanwhile, politicians and other government officials who blatantly deny the problem must be made answerable to the public. And finally, all of the focus must be shifted to recovering the funds that are stolen, instead of making the public—who are the only innocent party involved here—pay for it.

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## Mobile money (dis)order of Bangladesh Post Office

ABU SAEED KHAN

ENTITIES under the Ministry of Posts, Telecommunications and Information Technology are reputed for flouting the law. They allegedly ignore regulations, distort the market and obstruct reforms. It had been an exclusive to the public telecoms and IT outfits until Bangladesh Post Office joined the pack with a Mobile Financial Service (MFS) named Nagad.

### Rogue pedigree

Bangladesh Post Office is the least credible, yet most ubiquitous, centennial public service department in the country. It became irrelevant decades ago due to rampant mismanagement and delinquency. Uncertain delivery of articles is the hallmark of the postal department's infamy.

Post offices now best serve as landmarks for travel directions. Government agencies have also reduced, if not stopped entirely, using postal services. Dhaka Metropolitan Police, thankfully, uses private couriers to send citizens' verification reports.

But instead of treating the ingrained malpractices, the government seems to have generously pampered the postal department. The digitisation fad is its latest covert instrument to carry out overt embezzlement.

*Unregulated Nagad has stormed into the market with undue privileges. Its "DFS" customers could send Tk 50,000 in one transaction using mobile phone while the competing MFS customers could send only Tk 10,000, said The Daily Star.*



**'Bangladesh Post Office is a beleaguered organisation while Nagad is its rogue product. Neither could be trusted with the handling of people's money unless the central bank regulates it.'**

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Post Code 5409400000

The Tk 540,94,00,000 "Construction of ICT-Based Rural Post Offices Project" resonates dramatic notes of development. It promises video conference, emailing, e-commerce and other online services from 8,500 rural post e-centres. Nationwide disbursement of social safety net allowances has been also provisioned under this scheme.

But everything went wrong in this Tk 540.94 crore project. It began in 2012 and took four extra years only to incur 20 percent budget overrun for a piecemeal completion in June 2017. Postal services' transformation remains fictional, as most of the e-centres are dysfunctional. And the government's probe found "widespread corruption and embezzlement of money without fully implementing the project," as reported by *The Daily Star*.

The Parliamentary Standing committee on the Ministry of Posts, Telecommunications and Information Technology recommended the removal of Sudhangshu Shekhar Bhadra, the director general of Bangladesh Post Office. The

Anti-Corruption Commission also probed his alleged "embezzlement of hundreds of crores of taka without fully implementing the Post-e-Center for Rural Community project." Authorities sent Bhadra on forced leave, as primary investigation found evidence of graft against him.

### Bluffing with DFS

The postal department plunged into another debacle by partnering with Third Wave Technologies, a private company, to launch what it calls Digital Financial Service or DFS under the brand name of "Nagad" on March 26, 2019. The postal department plays no role either in board or management of Nagad but it theoretically receives 51 percent of profit.

DFS is nonexistent in banking or financial rulebooks. It is entirely a Mobile Financial Service (MFS), which the Bangladesh Bank regulates strictly. Unregulated Nagad has stormed into the market with undue privileges. Its "DFS" customers could send Tk 50,000 in one transaction using mobile phone while the competing MFS customers could send only Tk 10,000, said *The Daily Star*.

The postal department's perceived partnership made Nagad the government's preferred outlet of high-profile disbursements. The prime minister's special support for Covid-19 related assistance (one-off Tk 324.48 crore), the stipend of Primary and Mass Education (Tk 1,500 crore annually), and the Ministry of Social Welfare (Tk 4,000 crore annually) are some Nagad disbursements.

### Identity crisis of Nagad

Recently, a Bangla national business daily has exposed legal and regulatory risks in the postal department's partnership with Third Wave Technologies to operate Nagad MFS. It lacked legitimacy during the first year of its operation. The Ministry of Finance has asked the postal department to form a subsidiary which would own 51 percent of Nagad. But the latter has not complied. As a result, Nagad remains in legal limbo since inception.

Nevertheless, after one year, on March 15, 2020, the Bangladesh Bank gave the postal department a conditional interim permission to operate Nagad for six months. The central bank has further extended it until March 15, 2021 due to the postal department's chronic noncompliance with MFS regulations. The clock is ticking for Nagad unless the central bank, again, extends its threshold of uniquely preferential forbearance.

Meanwhile, a bizarre domestic dispute has erupted in Nagad. Third Wave Technologies Limited has renamed itself as "Nagad Limited" and claims to have transferred 51 percent shares to the postal department.

Minister Mustafa Jabbar, his ministry's secretary and the postal department's director general have vehemently denied the postal department's acquisition of any shareholding in Nagad Limited. They have also unequivocally condemned the conversion of Third Wave Technologies into Nagad. It profiles Nagad somewhere between an orphan and an urchin.

### Last words

Bangladesh Post Office is a beleaguered organisation while Nagad is its rogue product. Neither could be trusted with the handling of people's money unless the central bank regulates it. Complying with the competition law, the government should also cease subsidising Nagad by making it the preferred transporter of public funds. It's all about the rule of law.

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