

## Help implement Delta Plan

### PM urges ADB

UNB, Dhaka

Prime Minister Sheikh Hasina has sought support from the Asian Development Bank to implement Delta Plan 2100.

"This Delta Plan is very important for Bangladesh," she told ADB Vice President (operations-I) Shixin Chen when he called on her at the Gono Bhavan yesterday.

In 2018, the government launched the Delta Plan 2100 to secure the future use of the country's water resources and mitigate the impact of climate change and natural calamities.

Briefing reporters after the meeting, PM's Press Secretary Ihsanul Karim said the premier urged the ADB to help Bangladesh foster regional cooperation, particularly in the areas of connectivity, trade facilitation and energy cooperation.

Hasina said the Covid situation in Bangladesh is under control now and after two years the people freely celebrated the Eid festival last week.

She highly appreciated the help of the Manila-based multilateral donor during the pandemic.

Regarding the transition period of Bangladesh's graduation to a developing economy, the PM said her government has undertaken various programmes to face it.

Talking about food shortage due to the Russia-Ukraine war, Hasina said her government has undertaken programmes to grow more food.

Regarding the regional connectivity for development, the PM said Bangladesh has opened the door for improving connectivity. The routes which were closed after the 1965 war (between India and Pakistan) have been reopened, she added.

The premier sought participation of senior Bangladeshi officials in the ADB's top management and administration.

Shixin Chen appreciated Bangladesh's economic development despite the pandemic under Hasina's excellent leadership.

He said the ADB will always stand by Bangladesh and help its development as it has strong ties with the country.

Talking about Bangladesh's graduation from the LDC group to a developing country, the ADB official said it is usually critical and the country is doing well.

He expressed ADB's interest in helping Bangladesh in the social protection programmes.

Ambassador-at-large M Ziauddin, PM's Principal Secretary Ahmad Kaikaus, Economic Relations Division Secretary Fatima Yasmin, ADB Deputy Director General (South Asian Department) Mammoona Parkash and its Country Director Edmon Ginting were present.



Men, including a labourer carrying a board, cross the capital's Kazi Nazrul Islam Avenue amid an onrush of traffic. As the metro rail work from Shahbagh to Farmgate has been completed, barricades there have been removed. In the absence of barriers, people have stopped using the nearby footbridges and been crossing roads in a way that could result in tragic accidents. The photo was taken yesterday.

PHOTO: ANISUR RAHMAN

## Don't ask govt to absorb contractual staffers

SC orders all courts about regularisation of project employees

ASHUTOSH SARKAR

The Supreme Court has prohibited all courts from directing the government to absorb contractual employees or officers of projects as permanent employees unless there is a statutory provision to this effect.

In the full text of an order, the SC's Appellate Division has observed that "No court can direct the government or its instrumentalities to regularise the service of the officers and employees of development projects into the revenue budget in the cases where statutory requirements have not been fulfilled. Regularisation cannot be claimed as a matter of right."

"It is a statutory requirement that opportunity shall be given to eligible persons by public notification and recruitment should be according to the valid procedure and appointment should be of the qualified persons found fit for appointments to a post or an office under the government."

A three-member bench of the Appellate Division headed by Chief Justice Hasan Foez Siddique came up

with the observation in the 18 page full text of the order released recently.

On March 6 this year, the SC bench delivered the short order on this issue after the government filed 62 leave to appeal petitions challenging several High Court verdicts.

The judgements, from 2017 to 2021, directed the government to regularise, absorb the writ petitioners (employees) of a project under the health ministry as the tenure of their contractual services expired.

According to the full text, Md Kamal Hossain and several others had joined a development project titled "Revitalisation of Community Health Care Initiatives in Bangladesh (RCHCIB) as Community Health Care Provider (CHCP)" at different times since 2009 after being selected through proper procedures.

On February 7, 2012, the RCHCIB project director sent a letter to the health ministry, recommending that the project employees be absorbed into the revenue budget. Till date no progress has been made, though the tenure of their contractual services expired.

And by operation of the said law, services of the RCHCIB project employees have already been placed under the trust and as such the writ petitioners are now its employees, he argued.

In the full text, the SC said, "The officers and employees of 'Revitalisation of Community Health Care Initiatives in Bangladesh' and 'Community Based Health Care' projects who worked until 30 June, 2015, are now the officers and employees of the trust, automatically."

The government is directed to consider the case of the writ petitioners in the light of the provisions in the "Community Clinic Health Assistance Trust Act, 2018".

During the hearing of the petitions, Attorney General AM Amin Uddin informed the SC that the government in the meantime has formulated the Community Clinic Health Assistance Trust Act, 2018, for the officers and employees who were appointed in RCHCIB and the "Community Based Health Care" projects.

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## Languishing in legal web for 24 years

FROM PAGE 1  
would sell those at his tiny shop in the village.

He reached the Gabtoli Bus Terminal around 7:00pm, bought a bus ticket and kept waiting.

Out of nowhere, a police team from the terminal outpost arrived and found a packet, a few feet from where he was sitting. They searched it and said it contained heroin. They immediately turned to him, asking whether it was his.

Ahad replied in the negative, but the policemen were not convinced. They kept insisting that the packet was in his possession. He told the police why he came to Dhaka and requested them to speak to his mohajon (wholesaler) from whom he bought the footwear.

The policemen went to a telephone shop nearby and came back to say they could not reach the wholesaler over the phone. "The police kept accusing me. I repeatedly told them the packet was not mine but they would not listen," Ahad said.

After he was hauled up to the bus terminal's police outpost, Ahad said, the police demanded he pay them Tk 5,000.

"Give us the money and we will let you go," one of them said. But I told them that I have Tk 500 to Tk 600 left after buying the products and I have to go home. There was no cellphone with me to communicate with my family."

From the outpost, he was taken to Mirpur Police Station.

"I had nobody to help me out..." said Ahad, heaving a deep sigh while recalling the nightmares he had gone through.

The Daily Star tried to verify Ahad's version but no policemen involved in the arrest were found for comment. These correspondents also could not contact the then officer-in-charge of Mirpur Police Station.

Mostazirul Rahman, current officer-in-charge of the police station, said he was not aware of anything about the case.

"We don't know where the policemen involved with the case are – whether they are still in the service or went on retirement. There is no such record with us," he said.

**THE CASE**

Abdus Salam, a constable of Gabtoli Bus Terminal's police outpost, lodged a first information report with Mirpur Police Station on March 28, 1998.

In the complaint, he stated that he along with four constables – Jafar Ahmed, Abdur Rashid, Haider Ali and Morsed – searched the accused's black bag after a tip-off.

They found "heroin weighing around 100 grams in a small polythene bag in presence of two eyewitnesses – Bidhan Kumar Sarkar and Sheikh Abul Kashem".

Apart from Bidhan and Kashem, seven policemen

and a government-appointed chemical examiner were also made prosecution witnesses.

A sample of the drug – 200 milligram – was sent for chemical examination, which "found it to be heroin".

The case, filed under Narcotics Control Act 1990, was transferred to the Court of Chief Metropolitan Magistrate (CMM) of Dhaka the next day. Ahad came out on bail a few weeks later.

According to the Act, people in possession of less than 25 grams of heroin could be punished with two to 10 years' imprisonment. Possession of more than 25 grams is punishable by life imprisonment or even death.

On September 17, 1998, Nasir Uddin Khan, then officer-in-charge of Mirpur Police Station, submitted the charge sheet. Charges were framed a year later, the beginning of the trial proceedings that now seem an endless legal battle.

**FIRST WITNESS TURNS UP AFTER 24 YEARS**

After the charge sheet was accepted, the case was transferred to Metropolitan Sessions Judge's Court in March 1999, and to Second Additional Metropolitan Sessions Judge's Court several years later.

In April 2011, the case was sent to Special Judge's Court-2, where at least 40 hearings took place in the last 11 years, according to court documents.

"No" replied Ahad, posing a counter question, "Do you?"

"I have never seen you in my life, let alone knowing you," said Kashem.

Kashem, who has been

date would come in six months' intervals, but lately it has come down to three to four months.

Police and prosecution failed to produce any of the 10 witnesses in all those years, said court sources and Ahad's lawyer.

The court in its orders said since the quantity of drugs seized from the accused is large, it should not be proper to dispose of the case without hearing the testimony of the witnesses. The court kept on giving new dates.

On February 8 this year, a witness, Abul Kashem, appeared before this court for the first time.

He told the court: "I was working in the bus counter in Gabtoli on that day when police came to me and wrote down my name and address. They told me that they took my particulars for a case."

As the judge asked him why he gave his particulars to police without knowing the details, Kashem said, "Sir, what else could I have done since they are policemen?"

These correspondents were present at the hearing.

After the testimony, Kashem approached Ahad and asked, "Do you know me?"

"No" replied Ahad,

posing a counter question,

"Do you?"

"I have never seen you in my life, let alone knowing you," said Kashem.

Kashem, who has been

living in his village home

in Faridpur for around 15 years now, told The Daily Star that he used to work in the Jaker Paribahan bus counter at Gabtoli in 1998.

He left the job around 15 years ago and settled in his village.

About 10 days before the hearing date, he received a summons through the local police asking him to appear before the court to testify in this case on February 8.

"I was surprised. Until today, I had no idea what the case was, who was the plaintiff and who was accused. I came to know about it after coming to the court this morning," Kashem said on the day of his testimony.

"I was surprised to hear that a person could be tangled in a case for so long."

**'CANNOT RECALL'**

The Daily Star contacted Bidhan Kumar Sarkar, another civilian witness whose name comes second among the 10 witnesses.

He was surprised to hear the details of the case and said he "cannot recall" any such event or the fact that he was made witness in any such case.

"I cannot recall. I am hearing it from you. Neither did I receive any papers in this regard," he said over the phone.

Bidhan, now 62, worked as a counter master of Sohel Paribahan in Gabtoli

terminal from 1994 to 2014.

He now lives in Gopalganj.

Sanjib Mondal, who has been

living in his village home

last several years, said they filed discharge petitions several times since no witness could be produced. But the case lingers on.

The testimony of the first-ever witness also made things clear, he said, adding that, "I hope the court will dispose of the case soon."

Contacted, Public Prosecutor Farid Ahmed said it was not his duty to produce witnesses. "The defence lawyer has to tell the court that the case should be disposed of since no witness has been appearing to testify."

When shared the details of the case, Barrister Jyotirmoy Barua, a leading human rights lawyer, said there should not be any logical grounds for dragging this case for 24 years.

"It's a comparatively serious case as the punishment of possessing more than 25 grams of heroin could be death. When the gravity of the offence is so high and a witness gives such testimony, you can imagine who is at fault."

It is the state's responsibility to file a case, investigate it, produce the witnesses before the court through the public prosecutor, and present all the evidence before the court through its different apparatus, he said.

"If there is anyone's negligence in this case, it is the state. The state failed to ensure justice."

Our staff correspondent

## Man killed over land dispute

OUR CORRESPONDENT, Tangail

A man was killed after being caught in a dispute over land between two stepbrothers in Tangail's Nagarpur upazila yesterday.

The victim is Sumon Miah, 27, of Dakatmara village.

Quoting witnesses, Sarkar Abdulla Al Mamun, officer-in-charge of Nagarpur Police Station, said there was an ongoing land dispute between stepbrothers Rashid and Atoar of the village.

In the morning, Atoar picked up Rashid's 13-year-old grandson and confined him to his house. Rashid along with Sumon and one Sujon then went to Atoar's house, where he attacked them with a sharp weapon, injuring the three seriously.

Sumon died on the way to Mirzapur Kumudini Hospital.

The OC added that they detained three people and filing of a case was underway.

## Eight arrested for raping garment worker

OUR CORRESPONDENT, Bagerhat

A team of Rab 6 yesterday arrested eight people over the gang rape of a female garment worker in Bagerhat's Rampal upazila.

Rab-6 Khulna Assistant Director (media) Bazlur Rashid said the eight were arrested around 12:50am.

Shamsuddin, OC of Rampal Police Station, said the victim yesterday filed a case with the police station accusing nine, including the eight arrestees.

The arrestees are Abul Kalam Azad, 24, Aslam Sheikh, 22, Jony Sheikh, 18, Maruf Billu, 22, Hasan Sheikh, 20, Russell Sheikh, 22, Hossain Gazi, 18, and Raju Sheikh, 24.

Rab said the garment worker was returning to Rampal from Mongla, where the garment factory is located, around 7:30pm on Sunday.

While the victim was walking towards chairman's intersection in Rampal, the arrestees forcibly took her to an abandoned madrasa field and raped her.

## Supreme Court stays Golden Monir's bail

STAFF CORRESPONDENT

The Supreme Court's