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20 PAGES PLUS TOGGLE: Tk 15.00



**P5** Padma fishers fall victim to 'extortion'



**P7** Half of China hit by drought



**P11** Booters leave Jibon out



**B4** Grape farming catching on

## ARREST OF PUBLIC SERVANTS No prior nod needed: HC

STAFF CORRESPONDENT

Law enforcers can now arrest government employees in criminal cases without needing to get permission from the authorities concerned.

In a watershed verdict, the High Court yesterday cleared the way for the law enforcers. It declared that section 41 (f) of the Government Service Act 2018 went against fundamental rights and the constitution.

The section made it mandatory for the law enforcers to get prior approval if they wanted to detain public servants in criminal cases before a charge sheet was filed.

"Everyone is equal before the law. From now on, government officials will not get the protection," Anti-Corruption Commission Commissioner Jahurul Haque told The Daily Star.

The HC observed that the section had given protection to a particular segment of the populace and it is contradictory to articles 26, 27 and 31 of the constitution.

Article 26 says that laws inconsistent with the fundamental rights are to be void, and articles 27 and 31 guarantee equality before the law and the right to protection of the law.

The High Court had earlier scrapped section 32 (Ka) of the Anti Corruption Commission Act, 2004, for giving similar protection to public servants. The government did not appeal and therefore, there is no scope for the formulation of such a law, the HC observed.

The HC bench of Justice Md Mozibur Rahman Miah and Justice Kazi Md Ejarul Haque Akondo delivered the verdict following a writ petition filed by Human Rights and Peace for Bangladesh, a right organisation, challenging the legality of the Government Service Act 2018 section.

The HC is yet to release the full text of the verdict, which is expected to have details and observations.

Writ petitioner's lawyer Manzill Murshid told The Daily Star that arrest warrants issued by judges for government employees could not be executed because of the section and it hindered judicial independence.

Replying to a question, the lawyer said the section was not exercised in any case, as the writ petition was filed and a rule was issued immediately after the law was formulated.

Meanwhile, Attorney General AM Amin Uddin told reporters at his office that the government would appeal before the Appellate Division challenging the HC verdict.

He claimed that section 41 (f) was included to protect government employees from the harassment of false cases.

During the hearing on the rule on Wednesday, Manzill told the HC that the section was discriminatory and contradictory to the constitution, as all citizens are equal in the eye of the law.

Deputy Attorney General Arobinda Kumar Roy told the court that the parliament passed the act to protect public servants considering them a separate class of people.

He said the section applies only when an employee is on duty. Transparency International Bangladesh (TIIB) Executive Director Iftekharuzzaman hopes the Appellate Division would uphold the HC verdict.

"If the public servant is given the protection for being a separate class of people, other sections of the society -- doctors and businessmen -- may also seek the same type of protection," he said, terming the provision discriminatory.

SEE PAGE 2 COL 5

**"Everyone is equal before the law. From now on, government officials will not get the protection."**

Anti-Corruption Commission Commissioner Jahurul Haque told The Daily Star.



A speaker addresses Rohingya refugees during a "Genocide Remembrance Day" rally, marking five years since fleeing from a brutal military offensive in Myanmar, at a refugee camp in Ukha yesterday.

PHOTO: AFP

**Rab probing 'false' case it drafted Families of the accused doubt they'll get justice**

STAFF CORRESPONDENT

The Rab unit, whose members allegedly framed eight Mirpur teenagers for extortion, has now taken over the charge of investigation from Pallabi police.

Family members of the accused, including a 15-year-old son of an enforced disappearance victim, have expressed doubts about getting justice as Rab-4 itself is now tasked with the probe.

"They [Rab-4 officials] framed the boys and now they are investigating the case. How will we get justice then?" questioned Shahida Begum, mother of an accused.

Family members of the complainant, Nazmul Hossain Bappy, said they were under "huge pressure" from the elite force since it took charge of the probe.

SEE PAGE 6 COL 2

## A family forced into never-ending distress

Elder brother disappears; then his son and cousin falsely implicated by Rab-4; again younger brother held by same unit in case dismissed 3yrs back

SHAHEEN MOLLAH and MUNTAKIM SAAD

Four years ago, some plainclothesmen picked up Mohon Mia from his Mirpur house. He has never returned home again.

His father Jamsher Ali, a trader, has long insisted he has proof that Rab-4 members took his elder son away without giving any reason.

Mohon is one of the enforced disappearance victims listed by the United Nations, whose working group last year requested the government for information about at least 76 cases.

Fast forward to April 10 this year. Jamsher's younger son Raju Ahmed, 40, was allegedly taken away by Rab-4 members, from the same Mirpur 2 house late at night, barely two weeks after he fled home from Malaysia, where he worked for four years.

They claimed they had a warrant for his arrest in a narcotics case filed eight years ago. Rab handed him over to Mirpur police the next day.

The whole arrest episode fell apart after Raju was produced before the court. Court officials found that the case, filed with Shah Ali Police Station over smoking cannabis, was dismissed in 2019.

Just a month before picking up Raju, this Rab unit had included the names of Mohon's 15-year-old son and 17-year-old cousin in an extortion case.

Filed on March 10, the case falsely accuses the two and six others -- all school and college students -- of beating a local man and extorting money from him. The Daily Star ran a report on this last month.

Contacted on August 1, Rab-4 officials said they came to know about the extortion case from the report published on July 25, and that they will open an investigation.

"All allegations will be investigated. We will take action based on our findings," said Rab-4 Commanding Officer Mozammel Haque.

Contacted earlier to know their versions for the July 25 report, Rab-4 officials refuted this

SEE PAGE 6 COL 4



## Not EC's job to make all parties join the polls

Says Election Commissioner Md Alamgir

STAFF CORRESPONDENT

Election Commissioner Md Alamgir yesterday said the next general election would be conducted in line with the constitution even if some political parties choose not to participate.

Speaking to reporters at his office, he said it was not the commission's responsibility to ensure all political parties take part in the election.

"There are 39 registered political parties in the country, and nowhere is it written [in the constitution] that an election cannot be conducted if anyone [party] refuses to partake."

He made the comments when asked about the

SEE PAGE 2 COL 5



A child is receiving his first shot of Covid-19 vaccine, specially made by Pfizer, at Nilkhet High School in the capital. The campaign to inoculate five- to 11-year-olds began yesterday in 12 metropolitan areas.

PHOTO: PRABIR DAS

## JRC MINISTER-LEVEL MEET Draft finalised on Kushiya water sharing

STAFF CORRESPONDENT

The text of the MoU for interim water sharing of the Kushiya river was finalised at the 38th minister-level meeting of Bangladesh-India Joint Rivers Commission yesterday.

The Kushiya water-sharing agreement is likely to be signed during Prime Minister Sheikh Hasina's visit to New Delhi on September 6-7, a member of the Bangladesh side, who was present at the meeting in New Delhi yesterday, told The Daily Star last night.

Bangladesh brought up the issue of using water from the Kushiya to irrigate 5,000 hectares of farmland.

At the meeting, held after 12 long years, the Bangladesh delegation also expressed its concern over the delay in signing the Teesta water-sharing treaty.

Shri Gajendra Singh Shekhawat, India's water resources minister, assured that the issue is under their active consideration, said a press release issued by Bangladesh foreign ministry.

Zaheed Farooque, state minister for water resources, led the 17-member Bangladesh delegation, which included AKM Enamul Hoque Shameem, a lawmaker, and Kabir Bin Anwar, senior secretary of the ministry, among others.

The Indian delegation was led by Shri Gajendra, and Shri Pankaj Kumar, secretary of the water resources ministry, attended the meeting among others.

The two delegations also discussed preparing the drafts of the water-sharing frameworks for the Manu, Muhuri,

SEE PAGE 7 COL 5