

The Daily Star

FOUNDER EDITOR: LATE S. M. ALI

## Power sector is corrupt to the core

How long will we have to bear the burden of financial irregularities?

**E**NERGY crisis. Foreign exchange crisis. Cost of living crisis. Over the past few weeks, these terms have become part and parcel of our regular vocabulary. One thing that connects all these crises – besides the massive suffering of ordinary people – is how those were made inevitable by corruption and mismanagement. A big part of the blame goes to the energy sector, of course, which remains unaccountable. Interestingly, while trying to justify the recent record hikes in fuel prices, the government cited the need for adjustment with global prices but also the burden of subsidies given to the sector for the sake of citizens. But according to a recent research paper, which analysed the prices of electricity bought from 58 private plants between 2004 and 2017, these subsidies have not been used for the benefit of citizens, but rather for corporations.

In fact, uncompetitive deals and collusive investing from politically connected investors have cost the taxpayers an estimated USD 1 billion a year in subsidies. The extent of irregularities revealed by the study is truly upsetting, especially when one considers the current state of the economy and where it would stand had those irregularities not been allowed. Reportedly, Bangladesh Power Development Board bought electricity from some power plants at a price 25 percent higher than that of identical plants! Leasing of government land in the form of subsidy to some plants led to a 15 percent rise in power prices. Also, the more expensive plants received orders before their lower cost counterparts, and received gas as a priority too.

And the cherry on top of this rotting cake? The government set up contracts with the high-cost rental power plants in such a way that if they were not given orders, they would still be paid for 60 percent of the power they could have produced (capacity charge), meaning these plants would actually end up making more profits if they did not generate power.

This highlights the need for competitive bidding which, experts say, would reduce plant-level prices by as much as 26 percent. But we must ask: Can we trust the relevant authorities to take effective action to prevent irregularities when, for so long, the energy sector has been simply a playground for the politically connected individuals and firms to increase their wealth? Can a corrupt system deal with corruption? Unfortunately, the rot has spread so far and wide that the Parliamentary Standing Committee on Public Undertakings recently expressed “shock” at the extent of financial irregularities at the Bangladesh Petroleum Corporation, another agency under the same ministry. The failure to rid these vital state institutions of corruption and mismanagement is totally unacceptable.

The higher authorities must accept responsibility for this chronic failure, and must establish accountability in the power sector. Those in charge cannot continue to ignore people's plight while the corrupt exploit systemic loopholes to advance their own interests.

## Tribute to Mahbub Talukdar

He will be remembered for his fierce advocacy for fair elections

**W**E are deeply saddened by the passing of former Election Commissioner Mahbub Talukdar (80). With his death, we have lost one of the most rebellious voices in the history of electoral politics in Bangladesh. A freedom fighter who taught Bangla at Chatogram University before the war, Talukdar joined civil service in 1971, and since then, served in various capacities till his retirement. Perhaps his most remarkable time as a bureaucrat was when he was at the Election Commission (2017-2022), where he emerged as a lone crusader against the ills of our electoral system. He never hesitated to speak up or criticise the commission's own decisions that he believed went against the interests of citizens.

Mahbub Talukdar will thus be remembered as a fierce advocate for fair and inclusive elections, the importance of ensuring a level playing field for all parties and candidates, and of course, people's right to vote. As a commissioner, he set inspiring examples of righteousness and boldness, sometimes by walking out of EC meetings or issuing notes of dissent, all aimed at making the country's electoral system acceptable to the people. He believed it was the EC's sacred responsibility to organise free and fair elections, saying: “I will fight for fair elections till the end of my tenure.” This he did, as faithfully and honestly as possible. One particular aspect of his fight was his position against the use of EVMs without the consent of all parties – something that the present commission can learn from.

We remember how, in a bid to make city corporation polls fair, he protested against MPs' engagement in electioneering during such polls. He untiringly protested against voter suppression and other electoral irregularities, including ballot-stuffing the night before the controversial 2018 national election, which he said “gave us nothing but the shame of failure.” At the same time, he spoke for reforms in the overall electoral system to avoid such interventions. His integrity, honesty and patriotism were unparalleled.

Mahbub Talukdar was also a multi-talented personality. A man with a golden pen, he was a well-known poet, a short story writer and a novelist. He had 44 books to his credit, mainly on poetry and fiction. He received the prestigious Bangla Academy Literary Award for his contribution to children's literature. A family man, he believed in the traditional culture of the land.

But it is his legacy as a revolutionary election commissioner that we cherish the most today. Will we have another one like him, who will defend the interests of citizens with such courage?

### BANGLADESH PRESS COUNCIL

# Is the protector turning into a ‘predator’?



#### THE THIRD VIEW

Mahfuz Anam is the editor and publisher of The Daily Star.

MAHFUZ ANAM

**I**T was on June 20, 2022 – thanks to a press briefing of Cabinet Secretary Khandker Anwarul Islam – that we were rudely awakened to the reality that the Press Council (Amendment) Act had been placed before the cabinet. The cabinet, in a preliminary consideration, had struck out the provision of fines up to Tk 10 lakhs for compromising state security, harming public harmony, and unethical journalism. The draft also proposed a fine of Tk 5 lakhs for violating Article 12 whose contents, like the rest of the draft Act, are unknown not only to the media but also to the Press Council itself. Does the body, meant to protect journalists, now want to punish them?

According to Khandker Anwarul Islam, the cabinet removed the fine amount and left it to the discretion of the Council. He added that the proposed draft empowers the Council to take cognisance, on its own, of any offence related to news, articles or cartoons committed by a newspaper or news agency that goes against the Council's code of conduct and also that compromises security, independence and sovereignty of the country. The Act will be applicable to print and digital media houses.

“Only preliminary approval has been given. It will be placed before the cabinet again for final approval,” Islam said.

So here we go again: another law being prepared to throttle press freedom and the freedom of expression. Again, vague terms like “harming public harmony” and “state security” are being inserted into a law to be interpreted subjectively, and used recklessly, only to harass and intimidate journalists and punish dissenting voices.

There are now nine laws that directly or indirectly affect the media. An additional three are in draft form. The fourth, the Press Council Act, is in the offing. All in all, it makes for a total of 13 laws. Here is the list for a quick perusal: i) The Penal Code, 1860 (Section 499-Defamation); ii) The Code of Criminal Procedure, 1898 (Sections 99, 108, 144); iii) The Official Secrets Act, 1923; iv) The Contempt of Court Act, 2013; v) The Printing Presses and Publications (Declaration and Registration) Act, 1973; vi) The Press Council Act, 1974; vii) The Newspaper Employees (Conditions of Service) Act, 1974; viii) Information and Communication Technology



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Act, 2006; ix) The Digital Security Act, 2018; x) The (Draft) Bangladesh Telecommunication Regulatory Commission (BTRC) Regulation for Digital, Social Media and OTT Platforms, 2021; xi) The (Draft) Over-the-Top (OTT) Content-Based Service Providing and Operation Policy, 2021 (by ICT Division); and xii) The (Draft) Mass Media Employees (Services Conditions) Act, 2022.

It may not be wrong to surmise that, in today's Bangladesh, there are more laws to restrict journalism and free speech than there are laws to restrict terrorism, smuggling, money laundering, food adulteration, selling fake medicine, etc. Perfect prioritisation indeed!

The truth is, it is the journalist community that fought for and established the Press Council as they wanted a quasi-judicial body for strengthening press freedom, ensuring stricter adherence to professional ethics as well as addressing public grievances against shoddy journalism. The idea was that a body, headed by a senior judge, and a general body comprising members of the profession – editors, journalists, press workers, etc. – as well as renowned civil society members and parliamentarians would act as a protective shield against attempts to muzzle the media by upholding the principles of the

Constitution, which clearly provides for press freedom subject to reasonable restrictions.

What was initiated by the media leaders to improve journalism has now been turned into a weapon to punish them.

The present controversy is not over the process – that started in 2005 – but over how the final draft was

made for the original draft, the reply was that the office did not have a copy. Whatever may be the shortcomings of our bureaucracy, losing a file or not finding a copy of the official draft of an Act is not one of them. (The Press Council's secretariat is headed by an officer of the level of additional secretary).

So why this secrecy? I have asked

agreed upon, and whether journalists and editors who participated in the discussions were kept abreast of the latest versions as they evolved in the closed corridors of bureaucracy. What has happened – as it does in most cases of drafting a new law, especially one that curbs freedom of expression – is that discussions with stakeholders are held but the process of drafting the law is kept out of sight. There is no way of knowing whether the proposed law actually reflects what was discussed, as the draft is never shown. The Press Council claims that the draft was put up on the website of the information ministry on September 18, 2019, and is still visible on that site. This is not borne out by facts, as we searched for it at the time of writing this column.

The draft that the cabinet secretary referred to in his June 20 briefing was never shown to the stakeholders, especially the media bodies and journalist unions.

What is of serious concern for us is the secrecy with which the Press Council has dealt with the matter. The Sampadak Parishad approached the Council to get a copy of the draft that the cabinet deliberated on. Two meetings were held, and neither bore any fruit. The reply was that the draft sent by the Council was amended several times and the latest draft was not in its possession. When a request

most of the current journalists and editors representing us in the Council; none of them have seen the draft which will be finalised in a cabinet meeting in the near future.

So who owns this draft? The chairman said that it was done by the previous committee. The present Council members have not been shown, and know very little of, what its provisions are. Stakeholders may have been consulted in the past in one form or another but were not shown the contents of the crucial draft now under consideration at the cabinet. So who is actually the author(s) of this draft? We're afraid it is not the representatives of the profession, but bureaucrats who never lose any opportunity to curb the free press.

We, in the media, most humbly, sincerely but emphatically urge the government not to finalise this draft without consulting the media bodies and journalist unions. We believe that the Press Council can be turned into an effective institution that can both guarantee the freedom of the press and serve public interest if an appropriate law is framed respecting our Constitution, the need for a free and independent media, freedom of speech, and upholding public interest.

Let us start this process by immediately sharing the draft Press Council Act.

## Making migrant worker recruitment ethical



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TASNEEM SIDDIQUI

**A**T the ninth meeting of the Thematic Area Working Group of the Colombo Process on ethical recruitment this week, regularisation of sub-agents in origin countries was an important part of discussions. In 2017, the Refugee and Migratory Movements Research Unit (RMMRU) identified 17 types of sub-agents' services that are informally procured by recruiting agencies (RA). This allows for fraud, and as much as Tk 2706 crore is estimated to be lost annually. To tackle this, a model for their functions' institutionalisation was submitted to the Group by RMMRU, with the guidance of the Parliamentary Standing Committee on the Expatriates' Welfare and Overseas Employment, and in collaboration with the Parliamentary Caucus on Migration and Development and Bangladesh Civil Society for Migrants.

#### Directives of the PM

In 2019, the prime minister directed the Ministry of Expatriates' Welfare and Overseas Employment (MEWOE) to provide ID cards to sub-agents involved in international labour migration. On the basis of recommendations of a

government committee, the Bureau of Manpower Employment and Training (BMET) instructed each RA to provide the names of 20 sub-agents from whom they would be allowed to recruit workers. But over the last two years, we found that this system does not work in practice. RAs recruit workers from all over the country, and only 20 sub-agents cannot serve this purpose, especially when the recruitment is done in remote areas.

#### RMMRU model

In Bangladesh, BMET is the line agency that regulates overseas employment. The RMMRU model suggests that BMET can register sub-agents on the basis of nominations from RAs, but without restricting the number of sub-agents per recruiting agency. A cell needs to be established in the BMET office for this. It should set the criteria for enlistment of sub-agents, prepare guidelines to lawfully conduct recruitment, and train RAs, sub-agents and BMET staff on the procedure of registration. Registration should be done after a systematic verification. As per the model, the sub-agent will be given a registration card with a

unique ID number. BMET clearance forms would then have the provision to mention the sub-agent's name and registration number along with the licence number of the recruiting agency. If the recruiting agency takes the help of a sub-agent, then their liability will be a joint one. The list of sub-agents should be annually updated and posted online.

#### Dispute resolution

If any migrant or potential migrant has a complaint against any sub-agent and recruiting agency, then they should be able to go to BMET for arbitration. The current system of BMET investigations has to be strengthened. Along with DEMO officials, NGO representatives with legal knowledge can be made part of the investigation team. The persons engaged by BMET in arbitration should possess a legal degree. The MEWOE should have a system of evaluation of the arbitration system. Each migrant worker should fill up a confidential evaluation form. Provisions may be made to have representatives of aggrieved migrants assigned to the arbitration process under BMET.

#### Cancellation of registration when found guilty

Under sections 31, 32, 33, 34, 35 and 36 of the Overseas Employment and Migrants Act 2013, the punishments that have been prescribed, including compensation for recruiting agents, will also be equally applicable for sub-agents. Recruiting agencies and sub-agents should also have the right to appeal to higher authorities against any

decision.

#### Administrative structure

The separate department created at BMET under the director of immigration/arbitration for registering sub-agents would require at least three staff members. One administrative officer will manage the office and its account, prepare quarterly reports, disburse salary, etc. The programme officer will receive all the applications, both in person and online, and will also act as the investigating officer to conduct the background check on applicants based on criteria set by BMET.

IT personnel will maintain the online list of sub-agents who have been registered. The investigating officer will also conduct a yearly survey with the recruiting agencies to inquire if they want to continue with the sub-agents from last year or not. The same survey should also inquire if they would like to enlist more names of sub-agents for registration for the following year. On the basis of the survey findings, the higher authority will accept the new names and provide registration with ID numbers. An IT officer will annually update the list.

The Parliamentary Standing Committee, the Parliamentary Caucus on Migration and Development, BCSM member organisations and RMMRU strongly demand that the government commits to establish the above model, with necessary additions and alterations, to regularise sub-agents as part of its commitment to ethical recruitment.