

ADMINISTRATION Promoted but duties stay same

STAFF CORRESPONDENT

They got promotions and will draw salaries at a higher scale, but the duties of some newly promoted deputy secretaries and joint secretaries will remain the same.

Days after the promotions, the public administration ministry yesterday issued separate circulars in this regard.

In one of them, the ministry asked 13 deputy commissioners, who became joint secretaries on Wednesday, to continue with their current responsibilities.

In another, 47 newly promoted deputy secretaries are made in-situ officials, who hold the same office and discharge the same duty even after promotion.

On Tuesday, 259 senior assistant secretaries were elevated to deputy secretaries. The following day, 175 deputy secretaries were made joint secretaries.

Sources said the promotions of 175 joint secretaries and 259 deputy secretaries have further fattened the top tier of the administration.

According to the statistics of Civil Officers and Staff 2021, there are 1,061 posts for deputy secretaries. With the recent promotions, the number of deputy secretaries stands at 1,893.

There are 888 joint secretaries against 427 posts as of November 3, according to the public administration ministry.

The scenario is the same for the additional secretaries. Against 105 posts, there are 414 additional secretaries.

The number of in-situ officials has risen because wholesale promotions were given to top tier administration officials, and new posts were not created to accommodate those promoted, said officials.

This practice gives a negative message to officials of other cadres, said an official of the Department of Agricultural Extension.



Dust and dirt fill the air as vehicles ply a road in Khulna's Zero Point area. The lack of tarmacked roads in many districts has been worsening the air pollution of the country. With our air quality falling sharply every year, people have been suffering from many pollution-related illnesses such as allergies and respiratory diseases. The photo was taken yesterday.

PHOTO: HABIBUR RAHMAN

Grain deal extension uncertain

Zaporizhzhia nuclear plant off-grid again as Moscow strikes Ukraine infrastructure

AGENCIES

Grain ships left Ukraine's ports yesterday, a day after Russia rejoined an international agreement to guarantee their safe passage through the Black Sea.

But Russia said it had yet to decide whether to extend the grain deal beyond November 19 -- the renewal date set in the agreement.

"Before making a decision on an extension, we will need to give an overall assessment of the effectiveness of the deal," President Vladimir Putin's spokesman Dmitry Peskov said.

Russia on Saturday temporarily pulled out of the deal, accusing Ukraine of using a drone attack on its Black Sea fleet.

Ukraine has denied this, accusing Russia of using a "false pretext" to quit

the deal. Moscow's move drew global condemnation.

The United Nations emphasised the importance of the deal for global food security, particularly for countries in the developing world dependent on Ukrainian food imports.

The UN's coordination centre for the grain deal said seven vessels carrying a total of 290,102 metric tonnes of grain and food products were transiting through the shipping corridor yesterday.

Ukraine is one of the world's biggest grain producers and the Russian invasion had blocked 20 million tonnes of grain in its ports until the UN and Turkey brokered the agreement.

Meanwhile, Russian shelling and missile strikes have again hit energy infrastructure across Ukraine and

knocked out electricity supplies to Europe's largest nuclear plant, Ukrainian officials said yesterday.

The Zaporizhzhia nuclear power plant in southern Ukraine has once more been disconnected from the power grid after shelling damaged the remaining high voltage lines, leaving it with just diesel generators, Ukraine nuclear firm Energoatom said.

Russian strikes were also reported in Kriviy Rih, in central Ukraine, and in Sumy and Kharkiv, in the northeast. There was heavy fighting in the eastern regions of Luhansk and Donetsk.

On Wednesday, the UN Security Council rejected a resolution drafted by Russia calling for an investigation into its accusations of Washington's involvement in the alleged development of biological weapons in Ukraine.

A BPC concern robs state coffers

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Besides, as per Company Act, such transactions between sister companies are not allowed.

"This is a serious irregularity," the CAG said, while calling for legal action against AOCL for non-payment of dues.

Ahmed also took out Tk 86.7 crore from SAOCL's bank accounts for company purposes from fiscals 2011-12 to 2013-14 without furnishing any vouchers or invoices for the advances.

He also withdrew Tk 23.11 crore from fiscals 2012-12 to 2015-16 in advances thanks to no withdrawal ceiling for Ahmed. He never returned the sum.

When the CAG sought an explanation for the irregularity from the company, it said the amount was local expenses for lube base oil, additives and other raw material imports.

The answer was not satisfactory and the CAG called for action against those responsible.

Ahmed is being investigated by the Anti-Corruption Commission for the two incidents of misappropriation. His passport has been seized and he has been slapped with a travel ban.

With the money embezzled from SAOCL, Ahmed bought two flats in his wife's name in Dhaka's upscale

Gulshan Avenue for Tk 12.37 crore and six flats for Tk 10.31 crore in Dhaka's Lalmatia, North Kamalapur, Baridhara, Bashundhara and Chattogram's Halishahar, found ACC investigators.

He also withdrew Tk 38.85 crore from four bank accounts of SAOCL and deposited the sum in two of his accounts.

SAOCL has a hole of Tk 68.5 crore in its books due to missing 134,325 drums of bitumen that it had imported between fiscals 2013-14 and 2018-19.

The guard of the warehouse in Chattogram's Port Colony where the bitumen drums were stored acknowledged releasing goods against demand orders from AOCL to the CAG auditors. But the warehouse's owner denied the existence of any such documents.

The company did not have any stock reports. The auditors held the BPC responsible for such lax internal controls and called for an investigation on the matter to bring to book those responsible for the financial loss.

Another Tk 64.8 crore is missing from SAOCL's account in connection with lube base oil and bitumen imports from fiscals 2013-14 to 2019-20.

The company authority had issued non-account payee cheques in the

name of Gulf Petroleum PTE, Gulf Petroleum plc, United Oil Company and United Petrochemical as an expense related to the letters of credit.

The cheques were cashed and no voucher or invoice was found to support the expense. The signatures behind some of the cheques show that SAOCL executives had cashed the cheques, the report said, while holding Ahmed and Mohammed Shahed, a former general manager of the company, responsible for the irregularity.

The two also bought life insurance premiums for Tk 38.5 crore. The money came out of SAOCL's bank accounts.

Despite repeated requests, Ahmed could not be reached for comment, while Shahed died of Covid-19 in December 2020.

Contacted, Nasrul Hamid, the state minister for power, energy and mineral resources, said: "BPC is responsible for looking into the issue of SAOCL. If BPC finds any irregularity, then they can take action."

SAOCL's management is being changed and all activities of the organisation are being monitored regularly to bring transparency to its financial transactions, said BPC Chairman ABM Azad, who sits on the company's board.

Rape victim's character

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Termining the bill "historic and time befitting", the opposition MPs also said this long-standing demand of rights activists has finally been fulfilled.

While placing it, Anisul said there has been a trend of raising obnoxious questions about a victim's character.

"Now, no such question can be asked without the court's permission."

Rights activists have welcomed the move as the character of sexual violence victims can no longer be brought into question and digital evidence can be produced in courts.

They have long argued that defence lawyers attacking victims with demeaning and obscene questions during cross-examinations was a huge deterrent in the process of justice, which only contributed to normalising sexual violence.

According to the proposed law, digital record or electronic record means any record or information generated, prepared, sent, received or stored in magnetic, electro-magnetic, optical or micro films, computer memory, computer-generated microfiche including audio, video, DVD, CCTV footage, drone data and

records from cell phone, hardware, software or any other digital device as defined in Digital Security Act, 2018.

Besides, finger, palm and iris impressions, digital footprints, and signatures and certificates will also be admissible as evidence.

As online trials had to be conducted amid the Covid-19 pandemic, digital evidence and other such relevant documents began coming as well.

In the draft law, a provision was made to ensure the forensic examination of digital evidence if the court thinks it necessary.

However, if anyone tampers with evidence, the person concerned will be punished as per section 211 of the Penal Code or section 57 of the Digital Security Act.

Fauzia Moslem, president of Bangladesh Mahila Parishad, said, "We have long been calling for the removal of every discriminatory section of the existing laws and policies, including sub-section 155 (4) of the Evidence Act, 1872, which says that 'when a man is prosecuted for rape or an attempt to ravish, it may be shown that the prosecutrix was of generally immoral character'."

"The new law will definitely help

the rape victims, who are routinely blamed and shamed in courts about their character, social class, attire, past sexual history and lifestyle, and we are very happy about it."

She added, "However, based on our real-life experiences in dealing with the legal procedures, so many excellent laws have been passed, aimed at the protection of the rights of the victims. But in terms of implementation, we still have a long way to go."

Khushi Kabir, rights activist and also the coordinator of Nijera Kori, said there was no point in dragging the character of a victim in terms of any criminal offence.

"For example, if someone is a victim of physical assault, mugging, or attempted murder, their character does not come into play to get justice. Similarly, rape and sexual violence are criminal offences and the victims' character and past sexual life cannot be relevant in any way.

"Even though it's late, I appreciate that it has finally been addressed. At the same time, we [rights activists] demand the amendment of every law and section discriminatory to female victims and their constitutional rights."

Let Article 7 guide us in every way

FROM PAGE 1

of a Constitution that would give power to the people, and unite them in their desire to build a fair and just society where everyone would have the same opportunity to be themselves, whoever they were, and wherever they were from. We wanted every child to have access to education and every person to have access to health care, and to protect the rights of every person to a livelihood and to a secure shelter. Our hope was that the Constitution would ensure equality of all and justice for all, and eliminate discrimination based on characteristics such as sex, religion, caste, ethnicity. We also, of course, dreamed of a society where democratic rights and practices would be entrenched, given our own long struggles in the 1960s. We also wanted to ensure that there were enforceable legal rights and a robust system for justice and accountability, for those who had sacrificed their lives, or faced violence, arrest, threats and harassment in the decades of our independence struggle. We wanted justice for those martyred, their families, and women who suffered mass sexual violence in the Liberation War. Our history of discrimination, our struggle against authoritarianism, our long political mobilising against communalism and the abuse of religion, all contributed to our commitment to the values and principles which are reflected in the Constitution.

TDS: Have those dreams and expectations materialised?

Dr Kamal: Our dreams, which were woven into the constitutional demands, were those of a democratic political order in which power would truly belong to the people of Bangladesh, to be exercised through a sovereign parliament, composed of representatives elected on the basis of universal adult franchise. The dream was that this parliament would bring about social and economic transformation. Our expectation was that the representatives of the people would be totally committed to ending exploitation through implementing programmes for fundamental economic and social change. Therefore, looking at current parliamentary practices, it is difficult to assess whether those dreams and expectations have materialised. But at the same time, it is not possible to say that the constitution has fundamentally failed to serve the people.

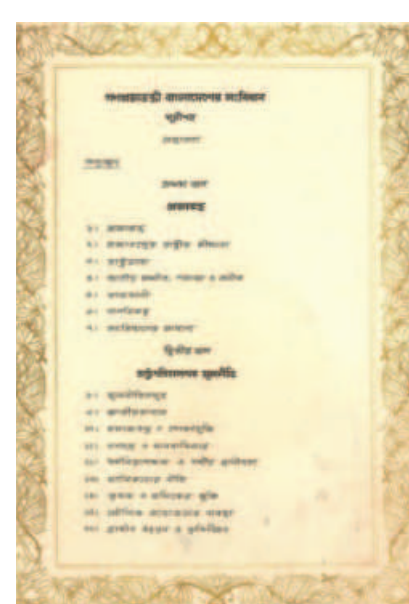
TDS: How has the Constitution been made to deviate from its original objectives over last 50 years?

Dr Kamal: Significant regressive deviations have been made from the original objectives of the Constitution in the past 50 years. In many cases these deviations were made by those

who seized power through illegal and violent means. However, we can derive satisfaction from the fact that the Constitution has somehow managed to survive these five decades. And that in some cases progressive changes have also been made to further include, or strengthen democratic structures. At this point we need to take stock of how well the goals of the Constitution have been met, and what remains to be done to ensure fulfilment of the key principles, and particularly of its promises of democracy, equality and social justice.

TDS: In what fundamental ways has our Constitution failed to serve the people?

Dr Kamal: Over these 50 years of struggle, we have had to contend against derogations of the Constitution's basic principles. Such derogations have resulted in constitutional crises



The image displays the first page of the original hand-written copy of the Constitution of Bangladesh in Bangla. It was created by a team of six artists led by Zainul Abedin and took three months to complete in both Bangla and English. It contains artistic depictions of Bangladesh's national heritage and culture, including a monogram of the national flower.

at various points. However, we have been fortunate that we could in many cases resolve these through sustained people's efforts, which made possible solutions through consensus.

TDS: Which amendments have done most damage to the original vision of our Constitution?

Dr Kamal: Secularism has been a fundamental principle of our constitution since its inception. I recall Bangabandhu himself saying, "Our

secularism is not against religion. Our secularism stands for harmony among members of all religions. Indeed, in the opening of the Holy Koran, Allah is described as Rabb'al-Alamin, the head of all creation and not of Rabb'al-Muslimeen, the head of only Muslims. This is the spirit which underlines our secularism." Several constitutional amendments have attempted to alter this position, and I believe these may have and should have been avoided.

TDS: How can the best use be made of the Constitution to ensure our fundamental rights?

Dr Kamal: We must ensure that the rule of law and the principle of Article 7 -- that power belongs to the people -- are strictly upheld. For our rights to be protected, our people need to know more about their rights and how these are guaranteed in the Constitution. Those who have responsibilities to protect rights must also be held to account by invoking the Constitution.

TDS: What are some of the most damaging laws that have been enacted recently that damaged our rights guaranteed by the Constitution?

Dr Kamal: A number of recent laws are alarming in terms of the threats they pose to people's constitutional rights. For example, the Digital Security Act, and before it the Information and Communication Technology Act gave police the power to arrest people without a warrant, at any time of day or night, simply for words that they were alleged to have said. Of course our Constitution recognises that there may be restrictions on the right to freedom of speech, for example for incitements to violence, or spreading hatred against anyone. But arresting and imprisoning people for months together simply for making comments about politics, or drawing cartoons or writing about allegations of corruption is completely wrong. This goes against what the Constitution says, and I hope the Supreme Court will look into the impact of these draconian laws on our fundamental rights.

TDS: What steps would you suggest be taken to ensure a greater rule of law in the country?

Dr Kamal: We must ensure that the judiciary at all levels enjoys the highest confidence of the people and can exercise its powers with full independence. For this purpose, there must be total separation of the judiciary from the executive. Judges must be able to serve without fear or favour, and upholding the rights of all those who seek justice, particularly the most vulnerable. At the same time, people must be free to speak, and to organise themselves. The realisation of Article 7 -- power belongs to the people -- must guide us in every way.

DIG Mizanur Rahman fired

STAR REPORT

The home ministry has fired Deputy Inspector General of Police Mizanur Rahman, now behind bars after being convicted of graft.

According to a notice issued by the ministry yesterday, his termination would be considered effective from February 23, the day the High Court sentenced him to three years in prison.

Mizanur was attached to the Police Headquarters in Dhaka after his suspension in June 2019 following the filing of a graft case.

The Anti-Corruption Commission on July 16 that year lodged the case against the former DIG and suspended ACC director Khandaker Enamul Basir with its Integrated District Office-1 of Dhaka under the Money Laundering Prevention Act.

Basir was sentenced to three years in prison for taking a bribe of Tk 40 lakh from Mizanur and another five years for laundering the amount.

Man hacked to death by brother

OUR CORRESPONDENT, Moulvibazar

A man was hacked to death by his elder brother over property-related dispute in Moulvibazar's Kamalganj upazila early yesterday.

Putul Singh, 60, of the upazila's Uttar Majhergaon village, had an argument with his elder brother Bipin Singh on Wednesday afternoon over their long-standing dispute regarding ancestral property.

Bipin and his son Nishi Singh allegedly ambushed Putul's house that night and attacked him and his wife Lakshmi with sharp weapons, and left them critically injured, said Sanjay Chakrabarty, officer-in-charge of Kamalganj Police Station.

Locals rushed them to Kamalganj Upazila Health Complex, where doctors declared Putul dead.

Lakshmi was referred to Sylhet MAG Osmani Medical College Hospital as her condition deteriorated.

Bipin and Nishi have been on the run since the incident.

A case is being filed in this regard, while a drive is on to arrest the culprits, the OC added.

Millions at risk of hunger in South Sudan: UN

AFP, Juba

Almost eight million people in South Sudan, or two thirds of the population in the deeply-troubled country, are at risk of hunger, the United Nations warned in a report yesterday.

One of the world's poorest nations, South Sudan has spent more than half of its life as a nation at war, with nearly 400,000 people dying during a five-year civil war that ended in 2018.