

PUBLIC SERVANTS' ARREST Govt now can appeal against HC verdict

STAFF CORRESPONDENT

The Appellate Division of the Supreme Court yesterday allowed the government to move an appeal against a High Court verdict that cleared the way for law enforcers to arrest government employees in criminal cases without permission from the authorities concerned.

The apex court also extended its stay order on the effectiveness of the HC judgment until further directives.

A full bench of the Appellate Division, headed by Chief Justice Hasan Foez Siddique, passed the order after a leave to appeal petition was filed by the government challenging the HC verdict.

Other judges of the bench were Justice Md Nuruzzaman, Justice Obaidul Hassan, Justice Borhanuddin and Justice M Enayetur Rahim.

The apex court delivered the order after Attorney General AM Amin Uddin told the court that the parliament passed the Government Service Act 2018 to protect public servants considering them a “different class of people”.

Section 41 (I) of the act applies only when an employee is on duty and therefore, law enforcers need permission from the authorities concerned to arrest a public servant when they are on office duty, he argued.

On September 1, the Appellate Division stayed the HC verdict till yesterday, asking the government to file a leave to appeal petition with this court.

After a writ petition was filed by Human Rights and Peace for Bangladesh, the HC on August 25 this year scrapped Section 41 (I) and also declared the provision contradictory to the fundamental rights and the constitution.

The Section stated that the law enforcers will have to take approval from the authorities concerned of the government for arresting public servants in connection with criminal cases before submitting a charge sheet.

Senior lawyer Manzill Murshid argued for the writ petitioner while senior lawyer Khurshid Alam Khan stood for the Anti Corruption Commission during the hearing of the leave to appeal petition yesterday.



PHOTO: MOSTAFA SHABUJ

People of the Santal community at a rally in Gobindaganj upazila of Gaibandha commemorating the three Santal men killed in an attack on the community by police, locals and Rangpur Sugar Mills employees on November 6, 2016. Related story on page 5.

8 killed in 4 road accidents

STAR REPORT

Four people, including a woman and her son, were killed and three others injured after a speeding bus hit a roadside tree in Faridpur early yesterday.

The accident occurred on the Dhaka-Barishal Highway in Bhanga upazila's Madhabpur area around 3:30am, police said.

The dead were identified as Merina Akhtar, 32, wife of Abdur Rahim of Pirojpur; her three-year old son Md Junayad; Humayan Kabir, 48, of Savar; and Abdul Rouf Hawladar, 50, of Jhalakathi.

Quoting locals, Toybur Rahman, officer-in-charge of Bhanga Highway Police Station, said, “The accident took place when the driver of the Barishal-bound Sakura Paribahan fell asleep and lost control of the steering.”

Merina and her son died on the spot, while five injured passengers were taken to Bhanga Upazila Health Complex. Doctors there declared Humayan and Rouf dead.

Abdur Rahim, 39, a passenger, said,

“After crossing the Padma bridge, the driver began speeding, though we repeatedly asked him to follow the speed limit.”

After the accident, police seized the vehicle, but the driver had managed to flee by then, the OC said.

Meanwhile, four more people were killed in three separate accidents in Kishoreganj, Narsingdi and Narayanganj.

In Kishoreganj's Kuliarchar upazila, two people, including the driver of a CNG-run auto-rickshaw, were killed and four others injured when the three-wheeler collided head on with a bus yesterday morning.

The accident took place in Choyshuti Naogaon Bridge area around 8:30am, said Mozammel Haque, OC of Bhairab Highway Police Station.

The dead were identified as Rifat, 37, driver of the CNG-run auto-rickshaw, and its passenger Johura Begum, 40, both from Kishoreganj Sadar upazila, police said.

On information, police and Fire Service officials rushed to the spot, recovered the bodies and rescued the injured.

Golam Mustafa, OC of Kuliarchar police, said, “Law enforcers seized the vehicles but the bus driver managed to flee. A case was filed in this connection.”

He also said the injured were sent to nearby health complex.

In Narsingdi, a man was killed on the spot as a Sylhet-bound bus ran over him near the district passport office on the Dhaka-Sylhet Highway around noon yesterday.

The dead, Tobarok Hossain Topu, 42, of Polash upazila, was a construction worker, said Rashed Monishi, sub-inspector of Narsingdi Police Station.

In Narayanganj, another man was killed after a covered van collided head on with a bus in Ariab area on the Dhaka-Sylhet Highway yesterday afternoon.

The dead, Md Hridoy, 20, was the driver of the covered van, said Oman Faruq, in-charge of Bhulta Highway Police Outpost. (Our correspondents from Faridpur, Mymensingh, Brahmanbaria and Narayanganj contributed to this report.)

Tigers exit

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eventually ended their dream of achieving the unthinkable at the Adelaide Oval yesterday.

Bangladesh, after posting a small total of 127 for eight, went on to face a five-wicket defeat as Pakistan qualified for the semifinals as the second team from group 2.

The end was in stark contrast to the beginning when Bangladesh made a flying start after electing to bat, with the team motoring to 70 for one at half-way stage, thanks to a 52-run second-wicket stand between Najmul Hossain Shanto and Soumya Sarkar.

After in-form Liton Das departed for just 10, it was Shanto and Soumya who steadied the ship and laid the platform for a competitive total. The momentum shifted when Soumya's 17-ball 20 came to an end. The turning point, though, came in the very next ball when Shakib was given leg-before against Shadab Khan's by the on-field umpire.

Although Shakib immediately went for a review and replays clearly showed the ball hitting the bat before going on to touch the pads, the third umpire surprisingly retained the decision. Shakib was furious with the decision and stood his ground for a while in disbelief and things only went downhill for Bangladesh.

The Tigers kept losing wickets at regular intervals and scored only 57 runs in last 10 overs, losing seven wickets.

Shanto was unable to cash in after reaching his fifty and was dismissed on 54 off 48 balls while Afif Hossain remained unbeaten on 24 runs.

Pakistan did not face much trouble chasing the target and eventually reached home with eleven balls to spare and five wickets in hand.

Although Shakib's dismissal was not the only reason for the Tigers' defeat as their performance was not up to the mark, fans back home were left wondering why Bangladesh always fall victim to such decisions.

Woman hacked to death over family feud

OUR CORRESPONDENT, Narsingdi

A woman was hacked to death allegedly by her husband over a family feud in Narsingdi's Raipura upazila early yesterday.

Lavly Akter, 30, died on the spot because of excessive bleeding, said Aminul Islam, sub-inspector of Raipura Police Station.

Police are trying to detain the victim's husband Sojun Mia, 35. However, he and his mother went into hiding, the police officer added.

PM steps in to ensure smooth food supply

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Hasina has also ordered strict monitoring of the social safety net programmes to ensure that poor people are not deprived, The Daily Star has learnt from people familiar with the discussions, who requested anonymity to disclose sensitive deliberations.

She also said the government would continue to subsidise agricultural inputs while cutting back the subsidies on LNG and electricity.

At the meeting, Commerce Secretary Tapan Kanti Ghosh said the Trading Corporation of Bangladesh would need Tk 5,280 crore a year to continue selling essential goods at lower prices to one crore low-income families across the country.

In response, the PM said funds would be made available to continue the operation.

Ghosh informed the PM that the waiver of tax, value-added tax and supplementary duties on some food items had helped reduce the prices of those items.

The PM then ordered examining whether such measures can be taken on more food items.

On October 26, the PM met with importers and asked them to ensure that food items are available to consumers at fair prices and

urged them not to make excessive profits. The importers requested her to withdraw the VAT on imported essential commodities.

At that meeting, the importers told the PM that some private banks were reluctant to open LCs saying that they did not have enough dollars. Hasina then said she would sit with finance ministry higher-ups and the BB governor to solve the problem.

Also at yesterday's meeting, the PM asked the authorities concerned to reduce the gap between export earnings and import payments.

In September, imports stood at about \$7 billion, exports \$3.9 billion and remittance \$1.5 billion.

Subsequently, the current account balance sank further in the red, heaving pressure on the exchange rate that is trading at record lows against the US dollar.

The current account records a country's transactions with the rest of the world, specifically its net trade in goods and services.

At the end of September, the current account was \$3.6 billion in deficit in contrast to a shortfall of \$2.5 billion a year earlier.

As a result, the supply of dollars is constricting. On November 3, each dollar traded for Tk 105.7, up 23 percent from a year earlier.

At yesterday's meeting, Bangladesh Bank Governor Abdur Rouf Talukder said fewer LCs were being opened at the banks and its benefit to the economy will be felt by January.

As the PM wanted to know about remittance flow, Talukder said the flow through banks had declined because of hundi, an illegal cross-border financial transaction.

In October, the official remittance inflows dropped for the second consecutive month.

Hasina then ordered the authorities concerned to find out the beneficiaries of the hundi cartel.

She also asked the commerce ministry to increase the import tariffs on 40 luxury goods.

The PM also ordered expanding the list of less essential products imported from abroad.

The commerce ministry recently sent a list of 340 less essential items to the National Board of Revenue, which would take measures to discourage their imports.

Ahmad Kaikaus, the PM's principal secretary; Fatima Yasmin, finance secretary; Habibur Rahman, power secretary; Ismiel Hossain, food secretary; and Zakia Sultana, industries secretary, were present among others at the meeting.

under the ministry of petroleum and natural gas.

“This is how the fuel prices are set in the rest of the world – there will be no criticism of the government when the price goes up,” said Ahsan H Mansur, executive director of the Policy Research Institute of Bangladesh.

At present, there are similar pricing mechanisms in place for gold and liquefied petroleum gas: their prices are adjusted frequently in line with the movements in the international market.

The government's subsidy expenditure will be stable and the budget's predictability will be better, Mansur added.

Were the dynamic pricing mechanism introduced before, the common people would have been able to enjoy low prices between 2014 and 2021, said Zahid Hussain, a former lead economist of the World Bank's Dhaka office.

“Consumers will get to pay the actual price of fuel. The economy will be benefitted too,” he said,

adding that the BPC's losses would be narrowed too.

However, there is a caveat: how beneficial the system will be depends on how frequently the prices will be adjusted, Hussain added.

If there are lags between adjustments, there can be price shocks for the consumers and it can lead to speculative behaviour.

Meanwhile, the IMF mission held a meeting with the BERC yesterday.

The ten-member delegation wanted to know how the BERC decides on the subsidy amount and fixes the tariffs and whether they would be able to frequently change the tariffs.

Thanks to a 2020 amendment to a law, frequent price setting is now possible.

“We had a positive discussion,” said Mohammad Abu Faruque, acting chairman of BERC.

Asked if BERC would be able to carry out the automated fuel mechanism, he said: “We can – but we need more manpower.”

US resolution a new journey

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that for Bangladesh, this is a historic event, a result of the active movement of civil society groups, individual researchers, and activists throughout the years.

Their relentless campaigns have already succeeded in getting recognition from the US-based Lemkin Institute and Genocide Watch on December 31 last and February 3 this year.

Bangladesh had asked the UN to recognise the genocide but has yet to see any progress.

The US recognition could serve as a catalyst for the UN recognition, opined researchers.

“Various organisations have over the years come to the conclusion that the events of 1971 constituted genocide. The US congressmen also very rightly presented the facts in the resolution,” Mofidul Hoque said.

The resolution described how West Pakistani elites treated the Bangladeshis as their lessers and denied them economic, social, and political rights, as well as the March 25, 1971 massacre, the three million deaths, the rape of 200,000 women during the nine-month war and the fleeing of 10 million people to India.

Speaking on the matter, Steve Chabot said the genocide of 1971 must not be forgotten and the memories of millions massacred must not be erased.

“Recognising the genocide strengthens the historical record, educates our fellow Americans, and lets would be perpetrators know such crimes will not be tolerated or forgotten,” he said.

Haroon Habib, Liberation War researcher and freedom fighter, said because of global politics, the genocide of 1971 went unrecognised.

“Since Pakistan was a close ally of the US, it didn't want to ruffle any feathers. The situation is now shifting as genocide researchers from all over the world are acknowledging it and the US is strengthening ties with Bangladesh, a key nation in the Indo-Pacific.”

Haroon Habib added that the perpetrators, including the 195 Pakistanis who were identified as war criminals, were not tried.

“Pakistan hasn't even formally apologised for the genocide or the rape of Bangalee women.”

Japan had offered public apologies to China and Korea and the Netherlands to Indonesia for similar crimes during World War II.

“Therefore, the US faces a new test as to whether it will continue to support its previous mistake or choose the way

of justice and truth,” he said.

The US acknowledged the crimes against the Rohingya people earlier this year, and so researchers hope that it will also recognise the 1971 genocide.

“As the resolution has now been introduced, Congress may decide to order an investigation,” said Priya Saha, executive director of the Human Rights Congress for Bangladesh Minorities (HRCBM), which advocated for the resolution.

The investigation may include trips to Bangladesh and collecting witness testimonies from the victims, she added.

Voting in the House of Representatives will take place later. If approved by the majority, it must again be approved by the 100-member Senate and signed by the US president.

“Congressmen can endorse the resolution before it is put to a vote. As such, we are currently trying to get the resolution co-sponsored and signed by the congressmen,” Priya Saha told this correspondent from the US.

She said because it is a bipartisan resolution, there is a good chance it will pass.

Once the resolution has been approved by the President's signature, the US government can use the Global Magnitsky Act of 2016 to make sure that the Pakistani military, which killed millions of Bangladeshis, is held accountable. In addition, the US can apply pressure to have the guilty parties punished.

“The perpetrators, whoever they may be, must answer for their actions. Otherwise, atrocities like genocide and ethnic or religious cleansing will continue,” Priya Saha warned.

She said Bangladeshi expatriates and other human rights activists should target all 435 congressional districts to persuade them to support the resolution.

Foreign Minister AK Abdul Momen praised Congressmen Ro Khanna and Steve Chabot and stated that the government will do everything possible to get the resolution passed.

BNP leader

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Meanwhile, protesting the incident, a group of BNP and JCD men brought out a procession around 11:30pm and vandalised shops and some vehicles.

When they reached Rikabibazar area, a chase and counter chase took place between the demonstrators and BCL men, said police.

DC Azbahar said the protesters torched vehicles in different areas, but police controlled the situation.

Farmer dies after being trampled by elephants

OUR CORRESPONDENT, Mymensingh

A farmer died after being trampled by a herd of wild elephants in Kangsa union of Sherpur's Jhenaigati upazila on Saturday night.

The deceased is Robijol Haque, 55, of Tilapara area of the union, said Monirul Alam Bhuiyan, officer-in-charge of Jhenaigati Police Station.

Quoting locals and family members, the OC said a herd of elephants numbering around 30 entered the area from the hills of Tawakucha, near the border, in search of food.

Locals tried to direct the elephants away from their paddy fields. At one stage the elephants rushed towards them and Robijol sustained critical injuries during the attack, said the OC.

Locals took him to Jhenaigati Upazila Health Complex where the doctors declared him dead.

Police handed his body over to family members at noon yesterday.

Slit-throat body recovered in Khulna

OUR CORRESPONDENT, Khulna

Police recovered the slit-throat body of an unidentified woman at a flat in Khulna city's KDA Avenue yesterday.

The reason behind the murder could not be known immediately, said Momtazul Haque, officer-in-charge of Sonadanga Police Station.

Abu Bakar, owner of the flat, could not be found, he said, adding that policemen were suspecting his involvement in the killing.

The victim, aged around 27, might have been murdered early yesterday, he further said, adding that police collected some important evidence from the spot.

No case was filed in connection with the murder as of 8:24pm.

2 men sent to jail over rape

OUR CORRESPONDENT, Pabna

A Pabna court yesterday sent two men to jail on charges of raping a female worker of a readymade garments factory.

Both accused – Shah Alam, and Sabbir Hossain – are employees of a local food and beverage company, said police.

The victim was returning home from work on Friday night. On her way, Shah Alam and some seven to eight unidentified men forcibly took her to an isolated place and gang raped her, said Aminul Islam, officer-in-charge of Pabna Sadar Police Station.

The victim filed a case against them yesterday, he said, adding that police arrested the duo early yesterday and placed them before the court.