

## Chamber Update



Growth in developing economies in the region to slow to 2.1 per cent in 2020, compared to estimated growth of 5.8 per cent in 2019.



## COVID – 19 to hit Growth in Asia and China

The World Bank in an economic update on 30.03.2020, said that the coronavirus pandemic is expected to sharply slow growth in developing economies in East Asia and the Pacific as well as China.

The bank stated that given the rapidly changing situations, precise growth forecasts were difficult, but its baseline now called for growth in developing economies in the region to slow to 2.1 per cent in 2020, and to -0.5per cent in a lower-case scenario, compared to estimated growth of 5.8 per cent in 2019.

In China, where the coronavirus outbreak originated in late December, growth was projected to slow to 2.3 per cent in the baseline scenario, or as low as 0.1 per cent in the lower-case scenario, compared to growth of 6.1 per cent in 2019.

The World Bank said, countries in the region should invest in healthcare capacity and ensure targeted fiscal measures like, providing subsidies for sick pay and healthcare for mitigating some of the immediate impacts of the pandemic.

The financial shock of the corona virus is also expected to have a severe impact on poverty, defined as income of \$5.50 a day. In case economic situation deteriorated even further, poverty could increase by about 11 million people. The Bank added that prior projections estimated that nearly 35 million people would escape poverty in the region in 2020, including over 25 million in China alone.

In addition to targeted fiscal measures, World Bank also suggested that countries should look to deeper international cooperation and new cross-border public-private partnerships to incline the production and supply of key medical supplies and services, and ensure financial stability in the aftermath of the crisis. Countries should also ease credit to help households smooth their consumption and help firms survive the immediate shock of the outbreak, it added.

At A.S & Associates, we're focused on the health and safety of our employees, their families and communities. And so, protection of our team and their family is of utmost importance to us and on par with the ongoing circumstances concerning COVID-19 virus, our team has been working from home since 22<sup>nd</sup> March.

Nonetheless, we are continuing to provide our clients with exceptional quality legal services and any required counselling.

We are also asking our team to work with customers through digital channels as much as possible.

For smoother functioning, the team of A.S & Associates meets through online video conferencing platform after each consecutive day, for work updates and next phase plantings.



# Legislative Update

## The Digital Security Rules, 2020

The Digital Security Rules 2020 (“DSR 2020”) has been published pursuant to section 60 of the Digital Security Act 2020. The Rules applies to issues arising from unauthorized access/use in any computer, computer system or computer system network or any other device that ends up hampering the service providence or alters information by unauthorized use of computer or computer resource network. The DSR 2020 provides Digital Security Agencies powers and authority for following activities: a) providing necessary information and directions in relation to cyber attach/crime against governmental and any non-governmental organizations; b) preparing guidelines for important data infrastructure forensic lab and information technology examination; c) ensuring the security, mitigation of risk, operation guidelines and security backbone, digital forensic lab, ensuring quality of hardware & software etc. of important data infrastructure.

It also outlines the duties of Digital Security Agency including prevention of crime committed through digital device and information and telecommunication technology, ensure digital security services and undertake research activities for assisting in overall development of digital security infrastructure. The DG must take necessary steps to address the threats based on information and communication technology promoting or providing guidance in the field of digital security activities of various companies and establishments monitoring the country's digital security system and formulation of policies and issuance of instructions in case of need of government.

National Computer Emergency Response Tam they will carry out the work of verifying the authenticity of digital attack and threats and prioritizing them, collecting information on incidents of crime under the law, deal with digital security incident and forecasting incident and preventing them and for

NSYNC analyzes training and providing technical advice to the officers and employees. In the event of any disruption of its digital security to any important infrastructure or a private organization or digital resource, the relevant important infrastructure or person shall transmit to the Emergency Response Team in a timely manner by the Agency on Digital Resources. The National Computer Emergency Response Team may request the relevant person to send the necessary information and, if requested, the person concerned will be obliged to provide it. The Emergency Response Team will take reasonable steps to protect the confidentiality of information and may not publish it without written permission. In order to address security threats and create awareness, they may publish in public the manner prescribed by the agency. The Emergency Response Team will be on a regular basis for 24 hours throughout the year, including government and other holidays. The Emergency Response Team will conduct purposeful monitoring of important networks or systems, compromise management, unauthorized access, attack by malicious programs, server attack, intrusion, denial of service and attack on e-commerce and e-governance. In the field of declaration of important information infrastructure under Section 15 of the Digital Security Act 2018, there are some factors to be considered under Section 19 of the Rules.

In the event of a special situation, the assistance and advice of an experienced person, organization or expert on digital security will be accepted for control or performance, and if any such assistance, advice is verified, the person, organization or expert will be obliged to provide assistance or advice to the Director General.


**CASE LAW  
UPDATE**

## Election Commission vs Golam Mostafa 72 DLR (AD)

This appeal for leave is directed against the judgment of High Court Division that was passed on 4<sup>th</sup> January, 2011 in Writ Petition No. 2910 of 2011. In their judgment High Court division of the Supreme Court of Bangladesh has made the Rule absolute in part directing the writ respondents to absorb/regularize the service of the writ petitioners in revenue set up in accordance with law within 30 days from the date of receipt of a copy of the judgment.

### Issue before the Court

Whether the writ petitioners had legitimate expectation to be absorbed in revenue budget by the writ respondents?

### Held

The Appellate Division of the Supreme Court of Bangladesh held that the absorption of the officers and staffs of a project cannot be treated as valid ground to absorb the officers and staffs of another project in the revenue budget. Admittedly the writ petitioners joined in the service of the project in the months of August and September, 2004. It is also admitted that the project ended in June 2005. That is, they served only few months. They filed the writ petition in 2011. That is, after 6 years of the completion of project. In such view of the matter, the High Court Division has committed error of law in directing to absorb the writ petitioners in revenue budget upon making the Rule absolute in part.

**Reasoning:** In support of its decision the Appellate Division has cited the Halsbury's Laws of England, whereby it has been stated that a person may have a legitimate expectation of being treated in a certain way by an authority even though he has no legal rights in private law to receive such treatment. The expectation may arise either from a representation or a promise (implied or from consistent past practice) made by the authority. The Appellate Division has also cited the decision of Madras Wine Merchants' Association vs State of Tamil Nadu (1994) 5 SCC 209 in which case it has been provided the circumstances where such expectation may arise:

- i. If there is express promise by a public authority; or
- ii. Because of the existence of regular practice which the claimant can legitimately expect to continue;
- iii. Such an expectation must be reasonable.

In view of the facts and circumstances of this case, it is difficult to find that the writ petitioners' expectation to be absorbed has any foundation since there was no express promise or, assurance from the decision makers. Also, there was no evidence materials on record wherefrom to find any written or express assurance on behalf of the appointing authority of the project to the writ petitioners that after completion of the project the service of the writ petitioners would be absorbed in the revenue budget.