

## Caretaker govt

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confidence in justices who are not controversial and have no political affiliation whatsoever," a senior Awami League (AL) leader told The Daily Star.

"Everything depends on the government's sincerity in efforts to break the deadlock amicably. We hope they will have no objection to Justice Mahmudul Amin Chowdhury as he has always kept aloof from controversy," added the opposition leader.

Another leader said, "Our demand is very much conforming to the constitution. We want a non-partisan person as the chief of the caretaker government as prescribed by the constitution."

He noted, "Yes, we are now at the number five option of the constitution regarding appointment of the chief adviser, but we may still get back to the second option."

As per section 58C (3), the president will appoint the immediate past chief justice as the chief adviser taking this as the first option. But if such retired chief justice is not available or not willing to hold the office, the president will appoint as chief adviser the person who among the retired chief justices retired next before the last one.

Of the retired chief justices, Justice Mainur Reza Chowdhury had retired before Justice KM Hasan. But as he died in June 2004, Justice Mahmudul Amin Chowdhury turns up as the next immediate past chief justice.

The opposition has been complaining about KM Hasan since the government increased the retirement ages of the Supreme Court judges apparently to pave the way for him to be appointed as the chief of the non-party interim government.

The 14-party alliance firmly believes that the coalition government had extended the age limit of the judges precisely to have Hasan as the chief adviser.

"This would not have been an issue, had the government not raised the retirement age," said a top legal expert.

He said if the retirement ages were not extended, the incumbent Chief Justice Syed JR Mudassar Husain would be the chief of the next caretaker government. He said according to the previous rules of retirement, Justice Mudassar was supposed to retire on March 1, 2005.

Justice Mahmudul Amin

Choudhury took oath as the chief justice in March 2001 and retired in June 2002. Then justice Mainur Reza Chowdhury retired in June 2003 and the immediate past chief justice, KM Hasan, retired on January 2004.

A senior lawyer said Justice Hasan will have to decline to take the post at first, and it is possible if the major political parties are agreed on an alternative.

The jurist, however, pointed to the constitution and said finding Justice Mahmudul Amin Chowdhury as the chief adviser might be complicated, as the constitution does not clarify whether he (Justice Mahmudul Amin Chowdhury) should be considered or not.

The second option in this regard is not clear as well, he added.

Citing section 58C(3) of the constitution, he said that if the last retired chief justice is not available or is not willing to hold the office of chief adviser, the president will appoint as chief adviser the person who among the former chief justices went into retirement next before the last retired chief justice.

"Here, it is not clear whether the president will consider appointing from the other former chief justices if the second immediate past chief justice is not found or is unwilling to accept the job," he said.

"It depends on the either side's sincerity in discussion to work out a solution and the constitutional provisions should be interpreted positively, not to create chaos," the lawyer suggested.

The next option enshrined in the constitution said if no retired chief justice is available or willing to hold the office of chief adviser, the president shall appoint to the post the person who among the retired judges of the Appellate Division retired last.

Provided that if such retired judge is not available or is not willing to hold the office, the president shall appoint as chief adviser the one who among the retired judges of the Appellate Division retired next before the last such retired judge.

## Attack on Aftab

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Police, however, have yet to determine the motive behind the attack.

On Saturday, three unidentified assailants shot and severely wounded Prof Aftab, former Vice Chancellor of the National University and a senior professor of political science at Dhaka University (DU), after entering his residence on Fuller Road adjacent to the British Council on the DU campus.

He was rushed to Samorita Hospital with two bullet wounds – one in the chest and the other in the hip. He was later transferred to Combined Military Hospital (CMH) as his condition worsened.

Doctors at CMH yesterday confirmed that Prof Aftab's condition has improved and he is now out of the wounds.

The investigators said they intend to speak to the professor once his health condition improves.

Meanwhile, VC Prof SMA Faiz chaired an urgent meeting of DU authorities yesterday to discuss campus security issues.

To ensure teachers' and students' security on the campus, the authorities decided to set up checkpoints on different entry points to the campus, deploy more security personnel and ensure constant vigilance.

The meeting also decided to advise the students not to hang out after evening hours at different places on campus except at the Teacher-Student Centre (TSC), sources said.

Dhaka University Teachers' Association (Duta) observed a two-hour strike protesting the murder attempt on Prof Aftab.

Duta condemned the attack and demanded immediate arrest and punishment of the offenders. It also urged the university authorities to ensure security for all on the campus.

## Musharraf

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spread like wildfire across Pakistan by text message and telephone on Sunday, with General Musharraf, who himself grabbed power from a civilian government in 1999, being out of the country.

"These reports are absolute nonsense and thank God we are not a banana republic," Musharraf was quoted as telling reporters in New York by the state-run Associated Press Of Pakistan.

"We are a normal, stable country," he added.

## Commuters suffer

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A group of madrasa students yesterday took to Maghbazar road at about noon and demonstrated in a bid to submit a memorandum to the speaker. Then they went to Bangla Motor crossing, which obstructed traffic movement for some time, said the DMP joint commissioner.

Police later took their representatives to submit the memorandum, and made them move away.

Besides, garment workers demonstrated on Rokeya Sarani at about 1:00pm and sat on the road for half an hour blocking traffic.

Members of Crime Reporters Association, Bangladesh (CRAB) demonstrated in front of the Jatiya Press Club protesting police assault on three CRAB members on Sunday.

In addition to these, repair of the roads from Bangla Motor to Sonargaon crossing and Saltrata to Mohakhali led to yesterday's traffic disorder, the DMP official said.

He also blamed the increasing number of high-rise buildings in the city for obstructing vehicular movement. The buildings go upward, but more and more vehicles come to those for business and other purposes, he explained.

Many rural labourers come to the city this season to pull rickshaws to make some extra earning, and this also a reason for increased traffic jam, said another traffic official of the DMP.

## Opposition

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"We are planning a technical audit to review the activities regarding the plants set-up," he observed.

Earlier Rahmat Ali, Awami League (AL) lawmaker from Gazipur, said his constituency suffers load shedding for up to 14 hours a day. In reply, the state minister said he will look into the complaint.

When AL lawmaker Shahjahan Khan asked him about the killings in Kaptai and Narsingdi, Anwarul Kabir said, "I believe the home ministry will take necessary steps to that end."

"Some 20 power plants have ceased functioning because of poor maintenance," Col (retired) Farukh Khan told the House.

The minister said that the power ministry is already working towards having a few damaged units repaired and the rest of the plants to be overhauled shortly.

"About five percent people in this sector are involved in corruption," Anwarul said when ruling party member SA Sultan Titu asked him about the state of corruption.

Besides, ruling BNP lawmakers Shah Abu Zafar, Helen Zerin Khan, and Syed Mehedi Ahmed Rumi drew the state minister's attention to shortfall in power supplies to their areas.

## British envoy

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adding that there still remains an imbalance.

The British government, with the responsibility to tackle discrimination during the past few decades, has removed the bars to equal participation of all culture in British society which itself has changed rapidly in its attitudes towards the inclusion of different cultures.

He, however, said people in Britain, regardless of religion, race or country of ancestral origin, are as free as anywhere else in the world.

The British people with Bangladeshi origin also have responsibilities to look onwards to the opportunities that already exist and they should not retreat into a cocoon cutting themselves off from the rest of the British society, he said.

He termed the Bangladesh-origin diaspora in the UK an asset to the country's development, but expressed his disappointment that they are not fairly portrayed in the media.

"Too often we hear only about a narrow section of the British Bangladeshi community who should not be made synonymous with just one or two issues or areas which are easy to access for the media," Anwar said.

If the focus is only on those who feel they have not prospered or integrated into mainstream British society, there is a danger of creating a negative and self-fulfilling prophecy, he noted.

He said the media should focus on the British Bangladeshis in UK who are doing very well. "Please stop representing the British Bangladeshis as victims. It's easy,

it's lazy and it's wrong," he added.

Tasneem Siddiqui of RMMRU said the media plays a crucial role in linking the diaspora in UK, USA and elsewhere in the world, but lack of sharing information has been a setback in this regard. She urged the journalists to focus on the issues and thus reaping mutual benefits from it.

Journalists Nazrul Islam of New Age, Tanvir Sohail of Prothom Alo, Rabius Shams of JaiJaiDin, Porimol Palma of The Daily Star also spoke on the occasion and suggested journalists' training, appointing overseas correspondents, formation of a media forum on migration and development.

British Council Deputy Director Richard Sunderland also spoke at the dialogue moderated by Dhaka University Prof CR Abrar.

## 70 killed

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It said the Tigers were transporting supplies to their cadres further south along the Batticaloa border when their flotilla was intercepted.

The military leader says that he decided to make the revelations to counter claims that Pakistan had not done enough to combat Al-Qaeda in the war on terror.

## Minority people

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nalist belonging to the minority community severely tortured along with his family members by robbers.

Speaker Jamiruddin Sircar in his ruling said: "You can go to the court to seek legal action."

## 3 outlaws killed

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shootout". Both were declared dead by the doctors at around 3:30am after Rab took them to Pabna General Hospital, claimed Rab.

Three Rab personnel were also injured during the 'shootout', said the press release.

Rab recovered a revolver, a shutter gun, five bullets and a number of sharp weapons from the spot. Bellal was accused in seven murder and robbery cases while Moznu in six.

A total of four outlaws have been killed in the second consecutive raid by Rab in the last three days in Pabna.

Meanwhile, our Kushtia correspondent says, another leader of PBCP Janajuddho faction was killed in a 'shootout' between Rab and his accomplices at Sarishabari Sadar upazila in Chuadanga early yesterday.

The killed is Rahul Raj alias Kabir Hossain alias Dulal, 36, son of Ajar Ali Akhand of Dighighat under Mothbaria upazila in Pirojpur.

Rahul was arrested on Friday along with PBCP operations commander Abid Hasan at an under construction house at Guakhola village under Abhoyanagar upazila of Jessore district, said a Rab state-

ment.

Abid was also killed in 'crossfire' between the police and his accomplices on Sunday.

Rahul was quizzed under Rab custody in Chuadanga for the last two days before he confessed to having PBCP ties and possessing illegal firearms hidden around Chuadanga.

A Rab team took Rahul along and headed for Chatian village under sadar upazila to arrest his accomplices and recover the hidden firearms.

The Rab team came under PBCP firing when they reached Sarishabari village at around 4:00am prompting Rab to retaliate.

Rahul was caught in 'crossfire' at this stage and died on the spot as he tried to flee Rab custody, Rab claimed.

Rab recovered a revolver and six bullets from the spot.

Chuadanga police said Rahul was accused in 23 cases filed with different police stations of the district that include twelve murder cases.

## JS passes labour bill

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main opposition. State Minister for Labour and Employment Aman Ullah Aman placed the bill.

The parliament also passed a bill for establishing Asian University for Women in Chittagong, in absence of the main opposition yesterday.

Denying the allegations brought by the opposition, Speaker Jamir Uddin Sircar told the House that he did not get any written note of dissent. He however said, "If the opposition member had submitted his written note of dissent then it would be included in the committee report."

Criticising the bill, Leader of the Opposition in Parliament Sheikh Hasina told reporters after the walkout, "The government violated the ILO convention in preparing the bill which is absolutely contrary to the labour's interest."

"The bill and the report were placed in the House by violating the rules of procedure so we boycotted the session," she said.

"They (ruling party lawmakers) passed the bill containing 169 pages within a minute," she added.

Earlier, AL Lawmaker Shahjahan Khan, also a member of the standing committee on labour and employment ministry, alleged that the committee chairman placed the report on the bill excluding his note of dissent and without mentioning his subsequent walkout from a committee meeting.

"It's a violation of rules of procedure and the government should withdraw the incomplete report on the bill," he said.

Senior opposition parliamentarian Suranjit Sen Gupta told the speaker in the parliament, "The standing committee is considered a mini parliament. A member staged a walkout and voiced a note of dissent, so it should be part of the committee report but it was dropped from the report."

"If the report does not come with the note of dissent then we will walk out," he told the House.

## Saifur

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between the two.

The minister clearly told the envoy that it is good that they give aid for many projects of the country but the ownership of those projects belongs to Bangladesh.

"It is our headache how we implement the projects, not yours," said Saifur, who returned home a few days back from the Singapore meetings of the World Bank and the International Monetary Fund (IMF).

The finance and planning minister said the donor countries and agencies actually forget about the objectives of the projects when they raise their voice about corruption.

The minister and the Danish envoy discussed matters of agriculture, fertilizer, water and other related fields wherein the Danish government is assisting Bangladesh.

Replying to a question, Saifur said he does not see anything serious to interrupt the coming general election. "Election will be held in time-it is inevitable," he said, dismissing any dislocation due to the prevailing political deadlock.

## Court orders

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Rapid Action Battalion (Rab) Abdul Aziz Sarker, Dhaka Metropolitan Police (DMP) Commissioner SM Mizanur Rahman and Deputy Commissioner (DC) of Tejgaon Kohinur Miah.

The other accused are five additional IGs of different departments, two DIGs, six DCs, 11 ADCs, 33 ACs, 17 officers-in-charge (OCs) of different police stations, 12 inspectors, 20 sub-inspectors (SIs) and six hundred police members of different status.

A team of police led by DC Aurangzeb Mahub attacked a Jubo Mahila League procession at the Bangla Motor Crossing and its neighbourhood from 1:00pm to 2:00pm on September 12. Nazma Akhter said in her complaint.

The accused mercilessly beat up Jubo Mahila League leader Ayesha Khanam Asha and tore her clothes, Nazma Akhter added. They also attacked processions that left Awami League (AL) lawmaker Asaduzzaman Noor, the complainant and a large number of leaders and activists injured.

Apu Ukil in her case said a police team led by the OC of Dhanmondi Police Station attacked an opposition procession in front of Raza Plaza on Road No 27 in Dhanmondi at almost the same time that day.

The attack left AL lawmaker former home minister Mohammad Nasim, the complainant and a large number of leaders and activists injured.

The complainants came to know from reliable sources that on the day before the incidents, at a meeting at the police headquarters where the IGP presided, Kohinur and DB Joint Commissioner Shahidul Islam proposed to cripple the leaders and activists who would join the programme.

Advocate Nazmul Haq Shah Chowdhury, executive director of Bangladesh Institute of Human Rights, moved the cases on behalf of the complainants.

## Customs seizes

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opened a Letter of Credit (LC) on June 22 to import reconditioned engines of motor vehicles.

A customs official said the company managed a CRF (Clean Report Finding) from the Singapore customs to dodge the eyes of local customs.

He said the Singapore customs issued the CRF certifying that the container does not have any illegal goods. "Sometimes we do not check containers having CRF," the official said seeking anonymity.

Customs officials said an investigation is going on to identify the people involved in the import of the illegal goods.

## 6 more bodies

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[west] held the press conference where he said the Coastguard would accompany the Navy until they stop searching for the missing commander.

At least 19 vessels of Bangladesh Navy and the Coast Guard and a helicopter are searching for missing fishermen and the Navy commander. Relatives of the missing fishermen are also searching for their dear ones at their own initiative.

According to sources, about 1,000 fishermen are still missing.

Meanwhile, the depression over West Bengal and its adjoining areas moved northwards and weakened to a well-marked low over Bihar yesterday morning. The met office said it would not affect Bangladesh anymore.

Maritime ports of Chittagong, Cox's Bazar and Mongla have been advised to lower their signals. All fishing boats and trawlers at the Bay have been advised to proceed with caution.

The bodies recovered at Patuakhali were discovered in Kuakata and Galachipa region yesterday, our Patuakhali correspondent reports.

In Patuakhali alone, 35 bodies have been recovered so far while more than 100 fishermen and 50 boats are still missing.

Of the six bodies, five were found at Kuakata beach and the other at Char Kalagachia in Galachipa upazila, sources said.

Hundreds of relatives of the missing fishermen are still waiting for news of their loved ones on the Kuakata beach.

Secretary of Trawler Owners Association Nimai Chandra said they sent a three-trawler search party to the Bay early yesterday to look for survivors and recover bodies. He said the search team would return after two to three days.

## Circular waterway

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project has been delayed till the next meeting, chances are slim for it to get the nod within the tenure of the present government.

Setting up a circular waterway after retrieving the illegally grabbed rivers and canals is a must for the city to be rid of the severe waterlogging, noted the evaluation report placed at the last meeting of Ecneec, the highest government body that examines, appraises and approves the development projects and programmes.

The report was prepared by a four-member evaluation team that was headed by Subhas Chandra Ghosh, chief of the Implementation, Monitoring and Evaluation Department (IMED) of the planning ministry.

It said the second phase of the circular waterway project needs to be done for reaping the benefits of the first phase work.

The report said many portions of the Turag and Balu and canals like Tongi and Rampura have been grabbed illegally and it is one of the main reasons for waterlogging in Dhaka during the monsoon.

The encroachers have built residential plots and commercial establishments on the river and canal banks, barring the rain and floodwater from draining away, pointed out the report.

"The second phase if completed will help rainwater flow out of the city. And the upshot will be that the city dwellers won't have to experience long traffic jams," a member of the evaluation committee said.

Asked about the reasons for delaying the project, a source in the shipping ministry said it requires the government to free the grabbed parts of the rivers and canals from the illegal encroachers who in most cases are very influential individuals and groups. "This might account for the government's not okaying the work," the source added.

The evaluation report, however, hinted at a number of irregularities in the work of building the waterway from Sadarghat to Ashulia. It points particularly at some unnecessary landing stations along the 29.50-kilometre path.

It said the low bridge over the Turag at Ashulia point is another obstacle to completing the circular water channel.

The report recommended building landing stations with approach roads so that people could easily reach there.

For the three-year second phase

work, Japan will commit Tk 30 crore from its debt cancellation funds while the government will have to manage the rest Tk 73 crore in three years meaning about Tk 24 crore a year.

"But in the last fiscal, the government has failed to utilise around Tk 700 crore that was granted by Japan," a finance ministry official said.

The circular waterway project was undertaken in 1999 in line with the master plan for the Dhaka City. The first phase work began in 2001 and the prime minister opened the waterway in early 2005.

At the inauguration ceremony, she directed the authorities concerned to start the second-round work immediately as it was among the priority-based projects of the alliance government.

Referring to a government estimate that said the yearly loss due to traffic jam stands at around Tk 1000 crore, a high official of the planning ministry said, "If the waterway is introduced properly it will for sure reduce the pressure on the city streets and thus ease the traffic congestion."

## Aug 17 blasts

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charges against the four in connection with a bomb blast near Zia International Airport concourse hall around 11:25am on August 17, 2005.

Reza had given a confessional statement to a magistrate, naming the JMB militants involved in the blasts.

The court recorded statements of 47 prosecution witnesses in the case filed with Tejgaon Police Station.

Investigation officer (IO) of the case, DB Inspector Mohammad Fazul Haq, submitted the charge sheet to the Court of Chief Metropolitan Magistrate, Dhaka.

In the charge sheet, the IO however dropped the names of former Islamic Foundation director Maulana Fariduddin Masud, Iraq Ahmad Saraji, accounts officer of Masud's Islahul Muslimeen Parishad of Bangladesh, and Sayeed Nizami, coordinator of the Parishad.

Assistant Public Prosecutor Shahidul Islam appeared for the state while state appointed lawyer Abdul Hannan defended the accused.

## JMB leaders

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the death warrants. "They can be executed not before three weeks and not after four weeks," said the IG Prisons.

The situation remains that if the condemned do not appeal against the verdict by Friday or Saturday, the prison authorities can execute them on any of the seven days between October 22 and 28.

"Since there is a bar on executing the condemned during Ramadan that will end on October 23 or 24, they can be executed on any of the four or five days till October 28, said the IG Prisons.

There is no provision that bars executions on holidays or weekends, he added.

Coincidentally, the present government hands over power on October 28.

Amid demands and pressures from a cross section of people at home and abroad for punishment for Jama'atul Mujahideen Bangladesh (JMB) militants, who spread a chill of horror by holding countrywide near-simultaneous

bomb attacks on August 17 last year and subsequent suicide bomb attacks, the government initiated the process of quickening the trial of some militant cases including the one filed for judges killing in Jhalakathi.

After the trial court handed seven including JMB kingpins Abdur Rahman, Bangla Bhai, Ataur Rahman Sunny, Awal, Saifulah, Mamun and absconding Arifur Rahman on May 29, the government ordered for quickly preparing the paperbook (history of the case) and moved for holding hearing death reference on priority basis. The High Court, on August 31, confirmed the death sentence for the seven.

In the last few months, the government expressed the determination of executing the verdict before its tenure ends. But all of a sudden, the law minister said yesterday the government do not want to execute the verdict during the Ramadan.

## Tengratila blowout

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lawyers of the country – thus weakening the legal strength of the country, observed an energy ministry official.

"For instance Niko Resources hired Law Minister Barrister Moudud Ahmed's law firm as its legal adviser for some time," he noted, "After Moudud became the law minister, he withdrew his name as Niko's legal adviser. But such an association makes it difficult for a lawyer to oppose its former client."